



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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**Held at:**

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## II Appearances / Comparutions

Commission Lead Counsel / Procureure en chef de la commission	Shantona Chaudhury
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Commission Research Council / Conseil de la recherche de la commission	Geneviève Cartier Nomi Claire Lazar Lori Turnbull Leah West
Commission Senior Policy Advisors / Conseillers principaux en politiques de la commission	Paul Cavalluzzo Danielle Côté
Commission Staff / Personnel de la commission	Annie Desgagné Casper Donovan Michael Tansey

### III

## Appearances / Comparutions

Ukrainian Canadian Congress	Donald Bayne Jon Doody
Government of Canada	Gregory Tzemenakis Barney Brucker
Office of the Commissioner of Canada Elections	Christina Maheux Luc Boucher
Human Rights Coalition	Hannah Taylor Sarah Teich
Russian Canadian Democratic Alliance	Mark Power Guillaume Sirois
Michael Chan	John Chapman Andy Chan
Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland
Jenny Kwan	Sujit Choudhry Mani Kakkar
Media Coalition	Christian Leblanc Patricia Hénault
Centre for Free Expression	John Mather Michael Robson

## IV Appearances / Comparutions

Churchill Society	Malliha Wilson
The Pillar Society	Daniel Stanton
Democracy Watch	Wade Poziomka Nick Papageorge
Canada's NDP	No one appearing
Conservative Party of Canada	Michael Wilson Nando de Luca
Chinese Canadian Concern Group on The Chinese Communist Party's Human Rights Violations	Neil Chantler
Erin O'Toole	Thomas W. Jarmyn Preston Lim
Senator Yuen Pau Woo	Yuen Pau Woo

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Ottawa, Ontario

--- The hearing begins Friday, February 2, 2024 at 9:59 a.m.

**THE REGISTRAR:** Order, please.

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

**COMMISSIONER HOGUE:** So good morning, everyone.

...just that we make their work very hard when we speak too fast.

I would like just to remind everyone that it is important not to speak too fast. We are having excellent interpreters, but their job is much more difficult when someone speaks too fast, so I will make my best to remind you throughout the day to speak slowly.

**THE REGISTRAR:** Please indicate your name for the record.

**MR. DOMINIC LeBLANC:** Dominic LeBlanc.

**--- MR. DOMINIC LeBLANC, Sous affirmation**

**solennelle/Affirmed:**

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

**SHANTONA CHAUDHURY:**

**MS. SHANTONA CHAUDHURY:** Thank you, and hello, Mr. Minister. So please be seated. Thank you for being with us this morning.

So before we really get started, I will warn you that I'll be asking you my questions sometimes in French, sometimes in English, and of course you can answer in the

1 language of your choice.

2 **MR. DOMINIC LeBLANC:** It will be a pleasure.

3 **MS. SHANTONA CHAUDHURY:** So we will start  
4 with some practical questions to file your interview record.

5 So can the clerk present document WIT 2 to  
6 the witness, please.

7 So that is the French version of the summary  
8 of your interview with the Commission's lawyers.

9 Here it is.

10 So Minister, do you remember having taken  
11 part in this interview with the lawyers for the Commission on  
12 January 19th?

13 **MR. DOMINIC LeBLANC:** Yes, for sure. We were  
14 in Montreal.

15 **MS. SHANTONA CHAUDHURY:** And can you confirm  
16 that this document is, indeed, the summary of this interview?

17 **MR. DOMINIC LeBLANC:** Yes, absolutely. I  
18 read it, and it is the document.

19 **MS. SHANTONA CHAUDHURY:** And that its  
20 contents does represent what you said?

21 **MR. DOMINIC LeBLANC:** Absolutely.

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

23 You can leave the document up because we  
24 might refer to that document later.

25 **--- EXHIBIT No./PIÈCE No. WIT 2:**

26 Résumé d'entretien: Dominic LeBlanc  
27 (ministre de la Sécurité publique,  
28 des Institutions démocratiques et des



1 Affaires intergouvernementales

2 --- EXHIBIT No./PIÈCE No. WIT 1:

3 Interview Summary: Dominic LeBlanc  
4 (Minster of Public Safety, Democratic  
5 Institutions and Intergovernmental  
6 Affairs

7 **MS. SHANTONA CHAUDHURY:** So just to start  
8 with a bit of context, Minister, I would ask you to describe  
9 what your departmental portfolio is and what aspects it  
10 touches upon. And in your answers, I would ask you to be  
11 specific on two things: first of all, since when you were in  
12 those positions, and secondly, if you can explain the way  
13 that each of those portfolios is connected to national  
14 security as well as to confidentiality, to intelligence and  
15 essentially the issues we're discussing this week.

16 **MR. DOMINIC LeBLANC:** So I am the Minister  
17 with three functions, Public Safety, Democratic Institutions  
18 and Intergovernmental Affairs.

19 I am Minister for Intergovernmental Affairs  
20 since 2018. At some point I was sick. Mr. Morneau and then  
21 Mrs. Freeland replaced me temporarily during that period. I  
22 resumed my position as Intergovernmental Affairs Minister in  
23 2020.

24 This is the way our government interacts with  
25 our partners in the federation. Quite often, the Prime  
26 Ministers(sic) of the provinces are intergovernmental affairs  
27 in their government as well, so it's -- except for Quebec,  
28 and it's a way for our government to have a relationship with

1 provinces and territories on questions of shared  
2 jurisdiction.

3 So your question are there many elements of  
4 national safety, national security, protection of democratic  
5 institutions, not so much in that function. However, I  
6 remember, for example, when there was the question of those  
7 balloons that flew over Yukon the summer a year and a half.  
8 I believe the Prime Minister(sic) of Yukon called me.

9 I wasn't Public Safety Minister then. It's  
10 just because I was his contact point with the federal  
11 government. The two other functions touch much more on the  
12 work that you're doing in this Commission, but of course, I  
13 am Minister of Democratic Institutions since 2019 and with  
14 that function, I am responsible, for example, of the  
15 protection plan for democracy that we implemented before I  
16 came into that portfolio.

17 I, myself, improved or adjusted the plan  
18 before the elections of 2021. Through that portfolio, I am  
19 the Minister in charge of the *Electoral Act*, of the electoral  
20 boundaries following the census, but it is a function at  
21 Privy Council that aims to see how we can improve access to  
22 democracy, how we can encourage Canadians to go and vote.  
23 It's a function that exists as a separate portfolio before  
24 the Prime Minister combined it in my case.

25 Of course, the public safety department is a  
26 portfolio that exists since 2001, I believe. It is a  
27 department that gathers essentially five agencies that  
28 interact with national security for sure. There's Parole

1 Board, Correctional Services of Canada, the CBSA, Border  
2 Services Agency, but in your work I figure it's much more the  
3 security and intelligence services that concern you, so the  
4 CSIS and the RCMP. So it's those five agencies in the  
5 portfolio with this department that aims to coordinate policy  
6 issues between those five agencies.

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

8 So now let's go more into the substance.  
9 During your testimony, Mr. Minister, I would like to present  
10 several issues that were presented this week through the  
11 different conversations that the Commission had with experts  
12 or with some experts from the public service who testified  
13 yesterday and specifically very useful comments that we  
14 received from participants either in the room or remotely.

15 So let's start with some more general topics,  
16 and I'll switch to English.

17 So the first theme, I'll put it to you that  
18 way, that we're going to discuss is transparency in the  
19 context of foreign interference, and I would say that it's  
20 been the overarching theme of the week. That the tension, if  
21 I could put it that way, between, on the one hand, the public  
22 interest in transparency in the disclosure of information  
23 about foreign interference, and on the other hand, the public  
24 interest in ensuring that national security agencies can keep  
25 doing what they do to try and keep Canadians safe, which may  
26 involve protection of sources, methodologies, investigations,  
27 and the like.

28 So it's frequently been said, and certainly

1 this week, that there's an inherent tension, there's a  
2 contradiction there. So I'll just start by asking you for  
3 your comments on that.

4 **MR. DOMINIC LeBLANC:** I -- so I, I have  
5 obviously taken note of the hearings this week. This is a  
6 subject of discussion that I would have with the senior  
7 officials with whom I work.

8 I wouldn't describe it as a tension, it's a  
9 balance. And it's not a binary choice. I think the  
10 government has to do both, has to maximise -- in the area of  
11 foreign interference and democratic processes, you want to  
12 have as much as possible an informed citizenry, a resilient  
13 electorate. People need to understand the nature of foreign  
14 interference, that the threat is real, the threat evolves.  
15 We have been talking about this publicly for six or seven  
16 years, so have the security agencies as well, and CSIS for  
17 example in their report.

18 So on the one hand, we do absolutely accept  
19 the need to maximise public understanding of these issues.  
20 That is one of the best ways to detect and disrupt attempts  
21 to interfere in electoral processes. But as you noted in the  
22 question, there is also an obligation by law, imposed by  
23 statute, on the national security agencies to protect certain  
24 classified documents, certain classified information because,  
25 A, they have an important responsibility to protect Canadians  
26 and democratic institutions, and to do that they need to have  
27 access to intelligence products that come often from allies.

28 I am struck -- and come with caveats around

1 disclosure. The same way when we would share intelligence  
2 information with allies, we often put caveats around  
3 disclosure of the information to protect human sources,  
4 investigative methodologies. And I know the Director and  
5 others, who you heard from yesterday, can speak to the  
6 details of that more than I can. But I was struck when I  
7 became Minister of Public Safety the extent to which we're  
8 net importers of intelligence information, and some of this  
9 information is vital to protect the very security of our  
10 country in the case of anti-terrorism investigations.

11 So most modern democracies have intelligence  
12 services with legislated rules around protecting sources,  
13 protecting disclosure. That's essential for them to do the  
14 work that Parliament's asked them to do, but there exist,  
15 obviously in the case of getting that balance right, a number  
16 of oversight bodies that supervise the work of these  
17 agencies, a National Security and Intelligence Committee of  
18 Parliamentarians, the National Security Intelligence Review  
19 Agency, chaired by a former justice of the Supreme Court of  
20 Canada. So we have also built in, as one would want to, the  
21 appropriate mechanisms to ensure that they're doing this work  
22 according to law.

23 **MS. SHANTONA CHAUDHURY:** Okay. So there's a  
24 lot in that answer so I'm going to unpack it a little bit  
25 with you now.

26 I think you referred to, first, it's not a  
27 binary. That's something that we heard from Mr. Vigneault  
28 yesterday. So probably a little in the morning for

1 philosophy, but if you want ---

2 **MR. DOMINIC LeBLANC:** Maybe he borrowed a  
3 line of mine. I saw him say that, and I ---

4 **MS. SHANTONA CHAUDHURY:** You're never know.

5 **MR. DOMINIC LeBLANC:** Imitation is the  
6 greatest form of flattery.

7 **MS. SHANTONA CHAUDHURY:** You never know.

8 So would you agree with me, then, that  
9 transparency is something that's necessary to combat foreign  
10 interference? It's not a plus, it's not a bonus, it's  
11 fundamental to the enterprise?

12 **MR. DOMINIC LeBLANC:** Absolutely.

13 **MS. SHANTONA CHAUDHURY:** Okay. And I'll take  
14 you -- you know, I'll take you back to the net importer idea  
15 in a bit, but I did want to put to you something more  
16 specific right now, which is that I'm sure you're aware of --  
17 there's a letter from the Department of Justice to the  
18 Commission that was sent on December 15th, along with 13  
19 redacted documents that we'd asked the Department of Justice  
20 to provide.

21 There's a lot in that letter. There's no  
22 need to pull it up, I'm not going to refer to anything super  
23 specific. But the letter says a lot of things, but one of  
24 the messages, definitely, is the government's position that  
25 full public disclosure of all of the information to which the  
26 Commission becomes privy is, if I can put it this way, an  
27 unlikely outcome, given the highly classified nature of that  
28 information.

1                   So one -- at least one of the parties to the  
2                   hearings this week has described that as an inauspicious  
3                   start to the public Inquiry. So I'll ask you for your  
4                   response to that.

5                   **MR. DOMINIC LeBLANC:** The Inquiry was born  
6                   out of a -- the terms of reference that were agreed to by all  
7                   recognised parties in the House of Commons. Every line and  
8                   every word in those terms of reference was agreed to by all  
9                   recognised parties in the House of Commons. I personally  
10                  negotiated for many weeks with my counterparts in opposition  
11                  parties. And in those terms of reference, there are a number  
12                  of, I think, appropriate mechanisms contemplated to deal with  
13                  what we talked a moment ago, the appropriate balance in  
14                  allowing the Commission to do the work that Canadians want  
15                  the Commission to do.

16                  The government, of course, is ready to work  
17                  with the Commission, and I think officials said that  
18                  yesterday, to ensure that any information that the Commission  
19                  decides it wants to be made public can be done so in the  
20                  appropriate way, and the terms of reference contemplate, for  
21                  example, summaries of particular information. There can be  
22                  *in-camera* hearings with summaries produced. There are number  
23                  of ways the government will help its right to a release of  
24                  documents, and the independent special rapporteur had used  
25                  that mechanism a lot where officials will work with your  
26                  colleagues to ensure that documents and information can be  
27                  written in a way that can be released.

28                  And I won't repeat it, but for the reasons

1 that I said earlier are important to protect the agencies'  
2 ability, it's not that these security agencies want to keep  
3 the information private out of a -- just because on their own  
4 they want to do that, it's because as the Director and I have  
5 just said there are very, I think, understandable and lawful  
6 reasons why that has to be done. But the terms of reference  
7 deliberately, and these Part D hearings are also very much  
8 part of that effort so that Canadians can understand the  
9 balance in this space.

10 The Commission, of course, has access itself  
11 to all of the most classified documents in this area. I  
12 think that's important too. I think it's important that  
13 Canadians understand that as the Commission releases its  
14 reports, the Commission will have access to, obviously,  
15 unredacted documents and access to all the witnesses it  
16 thinks are appropriate to provide the information. But the  
17 public release of that information, for the reasons that have  
18 been communicated, is necessarily balanced by the need for  
19 these agencies to do the work. And of course, there are  
20 other mechanisms also inter-contemplated, in terms of if  
21 there isn't a satisfactory outcome, there are other appeal  
22 mechanisms that are obviously available at all moments.

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

24 And here I'll bring you back to what you said  
25 a few minutes ago, is that we spoke a lot this week of the  
26 limitations to the possibility of revealing to the public  
27 some classified documents. And I don't want to spend too  
28 much time on this, but there is one question I'd like to ask



1       you.

2                       So it's what you said as net importer of  
3 intelligence, you mentioned that -- and I don't know if it's  
4 only within the context of the Five Eyes partnership, but we  
5 heard the point of view of experts, we heard from public  
6 service witnesses, but for you as Minister, what is your  
7 point of view -- global point of view on the question?

8                       **MR. DOMINIC LeBLANC:** Well, once again, I've  
9 been Public Safety Minister for five or six months only and  
10 I'm always learning every week from the high representatives  
11 of agencies like Mr. Vigneault, who was here yesterday before  
12 you. But quite often in my conversations with him or when I  
13 authorize some elements such as the law for the mandates that  
14 the Minister has a role to play to approve the mandates for  
15 the intelligence community, but in the briefings that go with  
16 those decisions, I am aware of the importance for Canada to  
17 have relations of trust with partners and intelligence  
18 agencies.

19                       Of course, the Five Eyes, it's actually 10  
20 eyes because when there's the Ministers of the Five Eyes,  
21 there's actually 10 eyes, five pairs of eyes. But this  
22 alliance is essential. The countries we know very well share  
23 those -- the intelligence with us and us with them, but the  
24 capacity of the MI6, FBI, CIA to trust their intelligence  
25 it's important, not only in the context of protecting our  
26 democratic institutions, but in the context of anti-terrorism  
27 investigations.

28                       As we saw over the Christmas holidays, it's

1 important for Canada to have trusted relationships, and often  
2 those come with restrictions to divulgation. And we do that  
3 when we share.

4 And I think it's important to Canadians to  
5 understand that if we do not respect or if we divulge in an  
6 inappropriate way some information, the consequences could be  
7 great on our capacity in the future to protect Canadians and  
8 it could have consequences that could be very dramatic on the  
9 life of people who work not only with Canadian intelligence,  
10 but if you have people giving us intelligence through the CIA  
11 or other agencies and we divulge something that could get  
12 them identified to a hostile actor, they don't need to go to  
13 a legal procedure to know exactly who's responsible. If they  
14 decide amongst themselves it has to be that person, we can  
15 imagine the negative consequences and then to the capacity  
16 for Canada and our partners to protect our citizens.

17 **MS. SHANTONA CHAUDHURY:** Let's come back to  
18 transparency.

19 A question that was asked many times this  
20 week, and it's a fundamental question, it's a primordial  
21 issue, and it's the importance of disclosing and showing  
22 proof of transparency when it comes to foreign interference  
23 with regard to members of diaspora communities who are very  
24 vulnerable and targets of this interference.

25 What do you think about this topic? How does  
26 it play into the work of the Inquiry?

27 **MR. DOMINIC LeBLANC:** You are right, diaspora  
28 communities are usually targets. Often they are Canadian

1 citizens who are part of these communities and they are  
2 targets of foreign interference in the democratic context.

3 If we could maximize transparency, the  
4 resilience of citizens to understand the nature of the  
5 threats, understand what some countries are trying to do to  
6 destabilize major democracies in the world, this would surely  
7 help people recognize foreign interference that is  
8 inappropriate or illegal. And that is one of the best ways  
9 of having an electorate that is able to understand the  
10 threat, the tactics used by some foreign actors that are  
11 trying to interfere.

12 It's the same thing when we talk about  
13 disinformation. This also represents a significant threat in  
14 the management of democracies and the rights of citizens to  
15 freely choose their governments. That is why we established,  
16 and I'm sure you've heard about this, the democracy  
17 protection plan.

18 We were the first government to establish  
19 such a plan at various levels at the 2019 elections. It's  
20 Madam Gold who was the Minister of Democratic Institutions at  
21 the time. She's the one who did so. And following the 2019  
22 and 2021 elections, that plan was revised.

23 Former Deputy Minister Rosenberg revised some  
24 of the measures that were in place. The idea of having five  
25 senior officials during the electoral period with a mandate  
26 from the Council of Ministers, their non-partisan expertise.  
27 Deputy Minister of Foreign Affairs in a committee presided  
28 over by the Clerk of the Privy Council, all this was done

1 deliberately in cases where we could resort to their  
2 independent judgment to advise Canadians to publicly disclose  
3 such interference.

4 So as much as possible, we have tried to  
5 establish transparency measures specifically to build trust  
6 of Canadians towards our democratic institutions, build the  
7 resilience of citizens to recognize and counter interference  
8 as well, but we know that these measures can still be  
9 improved because the threats evolve. And that is why we, on  
10 several occasions, revised, adjusted the measures.

11 And the work of your Commission, Madam  
12 Commissioner, will be an essential element that will once  
13 again help us reinforce and adjust the measures that are in  
14 place while recognizing that the role of transparency, of  
15 understanding are some of the most important measures we can  
16 take.

17 **MS. SHANTONA CHAUDHURY:** I'm glad to hear you  
18 say that. That takes me to the next series of questions,  
19 which are specifically about the role of the public inquiry  
20 and transparency in the context that we've just been talking  
21 about.

22 So Mr. Clerk, if you could ask you to pull up  
23 the English version of the interview summary, which is WIT, a  
24 bunch of zeros, one? And just scroll down to around page 4.

25 So Mr. LeBlanc, I'm going to be by  
26 essentially citing your own words to you here. The LeBlanc  
27 Charette report, I believe it's called, countering foreign  
28 interference, an evolving threat. So just for the record,

1 the document number is MDC, bunch of zeros, two. It's in  
2 evidence, but we're just going to work from the witness  
3 summary there.

4 So around the middle of the page there you'll  
5 see it. It says, find further:

6 "...the Government including  
7 responsible ministers as well as  
8 national security and intelligence  
9 officials, will find further  
10 opportunities to keep Canadians  
11 informed of the extent of foreign  
12 interference affecting all aspects of  
13 society, including in their  
14 democracy. An engaged, informed, and  
15 resilient citizenry is one of our  
16 best defences against attempts to  
17 undermine our democracy and its  
18 institutions."

19 So stopping there, would you just agree with  
20 me, Mr. Minister, that this public inquiry is a golden  
21 opportunity to do exactly what you've said here?

22 **MR. DOMINIC LeBLANC:** Absolutely. And the  
23 fact that you're beginning this week with part D of the  
24 mandate is very much in line with what we hope will be  
25 exactly what Madam Charette and I wrote in this report.

26 **MS. SHANTONA CHAUDHURY:** Okay. And in order  
27 then for the inquiry to succeed in that mandate, that's going  
28 to take the government really working with the Commission,

1 with the aim of revealing and disclosing as much relevant  
2 information to the public as possible for all of the reasons  
3 that we've just talked about?

4 **MR. DOMINIC LeBLANC:** Absolutely. I agree  
5 with that.

6 **MS. SHANTONA CHAUDHURY:** Okay.

7 **MR. DOMINIC LeBLANC:** And I think that the  
8 officials, as I saw yesterday, reiterated the commitment that  
9 we've obviously made to the Commission in my conversations  
10 with them is this is a very important priority for the  
11 government and they need to be available and work with the  
12 Commission, of course, to fulfil the mandate and exactly in  
13 the space that you just described.

14 **MS. SHANTONA CHAUDHURY:** Okay. So that  
15 brings us to the issue of disclosures, really, and disclosure  
16 decisions. So Mr. Clerk, can I ask you to bring up the  
17 Department of Justice's -- or the Government of Canada's  
18 rather -- Institutional Report? It's CAN.DOC, bunch of  
19 zeros, three. And scroll down to around page 16, please?

20 So at page 16 of this document, Mr. Minister,  
21 as we'll scroll down eventually. Sorry, 16 of the actually -  
22 - yeah, en bas de page -- there. The page number at the  
23 bottom of the -- there we go.

24 So what's described here, and we won't go  
25 through it in too much specificity, but is -- what we asked  
26 was the internal process when the government is responding to  
27 a disclosure request by the Commission.

28 So first it talks about the process for

1 determining whether information should be redacted and then  
2 it talks about the process that will be undertaken when the  
3 Commission questions or challenges a redaction.

4 So what we see in the first part, the  
5 redaction process, is a lengthy, complex back and forth with  
6 various departments and agencies whose information is  
7 involved involving signoffs, subject matter experts, et  
8 cetera, et cetera -- sorry, Mr. Clerk. Can you just scroll  
9 down to the next page, please?

10 A little further, please.

11 The internal department agency process for  
12 determining whether -- sorry. Again, a little bit more.

13 There we go.

14 When the Commission questions or challenges a  
15 redaction, including positions of those responsible.

16 So what's described there, if you can keep  
17 scrolling down a little bit, is a process where the  
18 Commission challenges what the government has redacted, so  
19 information is protected, we object. And what it says there  
20 is it outlines a process where there will be a subject matter  
21 who considers the redaction, the injury, the requirement for  
22 the redaction and they can do several things at that point.  
23 They may suggest another way of making the information  
24 public. There may be other consultations, further research,  
25 et cetera. And at that point, they will advise an Assistant  
26 Deputy Minister.

27 And the Assistant Deputy Minister will, at  
28 that point, maybe decide whether the reaction can be lifted

1 or brief it up another level to the Deputy Minister.

2 Now, this has been described to us several  
3 times this week as a bespoke tailored process created for the  
4 Commission. And I appreciate that the details probably  
5 aren't your area of expertise, but are you able to speak at  
6 all to what makes that process different or special?

7 **MR. DOMINIC LeBLANC:** So I think it's  
8 important to note just at the outset that the decisions  
9 around classifying documents, what level of classification  
10 they have, what compartment they might be in are not made by  
11 elected people or political people at all. They're made by  
12 officials according to law. So I would not be involved at  
13 any point in -- nor should I be. It would be inappropriate  
14 to be involved in the decision of how to classify or  
15 unclassify or redact or release documents.

16 So I think that it's important people  
17 understand that there are people mandated by law with  
18 expertise and a much broader understanding of the  
19 ramifications of certain disclosures than I would have as  
20 somebody who doesn't have a long-time professional expertise  
21 in this area.

22 But I do know, as a Minister who was involved  
23 in setting up this Commission, that we deliberately wanted,  
24 as I said earlier, in the Terms of Reference -- it's very  
25 clear -- to build in as much as possible mechanisms for the  
26 Commission in your judgment to disclose information that you  
27 think is important to be disclosed, but obviously in a way  
28 that doesn't impede or impact the ability of the security



1 agencies to do their work for the reasons we spoke about  
2 earlier.

3 And of course, ultimately, there's a recourse  
4 to the Federal Court or other mechanisms, but that would not  
5 be, in our view, something that we would want because our  
6 instructions to officials contained in the Order in Council  
7 that created the Commission.

8 I think it's important for people to  
9 understand also the Commission is created by an Order in  
10 Council, a Cabinet order, which is the highest form of  
11 direction to officials across the Government of Canada. So  
12 I've been a Minister long enough to know an Order in Council  
13 feels different than a Minister in a briefing saying, "We  
14 should do this". It's a very deliberate and formal  
15 instruction of the Cabinet to the entire machinery of the  
16 Government of Canada.

17 So the Terms of Reference being an Order in  
18 Council under the *Inquiries Act*, as you would know better  
19 than I would, but tells all of these officials that the  
20 government at the various -- very highest level expects them  
21 to work with the Commission constructively, expeditiously and  
22 I think they've made that commitment publicly as well, but  
23 also to set up a process in collaboration with you and your  
24 colleagues that deals with expeditiously what will be the  
25 obvious conversations around particular documents or  
26 particular pieces of information.

27 So we have confidence -- I have confidence in  
28 the officials that will work with the Commission and they

1 understand that, at the highest level of the government, the  
2 entire Cabinet has given them an instruction to follow  
3 expeditiously the Terms of Reference to enable the Commission  
4 to do the work that Canadians very much want you to do and  
5 the report that will follow.

6 **MS. SHANTONA CHAUDHURY:** So if I could put it  
7 a certain way, then, the Terms of Reference really capture  
8 and encapsulate and sort of code the public interest in  
9 transparency in this instance, in this situation.

10 **MR. DOMINIC LeBLANC:** Absolutely. The  
11 balance of the public interest in transparency and improving  
12 Canadians' understanding of the nature of foreign  
13 interference, that is absolutely encapsulated in the Terms of  
14 Reference, but so, too, is the obligation to respect the law  
15 and practices that have existed for a very long time in terms  
16 of intelligence agencies' ability to collaborate and work  
17 with other partners.

18 And I'll say it again, every detail of those  
19 Terms of Reference was agreed to by all parties in the House  
20 of Commons, and that's what I think makes this exercise  
21 different, perhaps, than previous exercises, that the  
22 protection of democracy, the informing citizens of the nature  
23 of the threat of foreign interference, how pervasive it can  
24 be in some diaspora communities and building up a citizen  
25 resilience is a non-partisan objective that all Canadians  
26 would share. And anybody who's lucky enough to be a  
27 candidate in an election would want to ensure that the  
28 democratic processes that might ultimately lead to your

1 election are free and fair and that Canadian elections are  
2 decided by Canadians who freely go to vote.

3 So I was happy that there was that very real  
4 consensus for the Commission to do this work, to start with  
5 the hearings you've had this week and the government will,  
6 obviously, do everything that we need to be a responsible and  
7 efficient partner in the work that the government's asked you  
8 to do and that was endorsed by every party in the House of  
9 Commons.

10 **MS. SHANTONA CHAUDHURY:** So that -- and that,  
11 essentially, is reflected, you'd say, in this process whereby  
12 the Commission gets, if I can put it, as maybe not quite a  
13 direct line, but a more direct line than usual to the senior  
14 decisionmakers responsible.

15 **MR. DOMINIC LeBLANC:** Absolutely. And as I  
16 said, the Commission -- again, it's important the Commission  
17 will have access to all of the intelligence information and  
18 the officials in an unredacted way. I think that's important  
19 for the report.

20 Canadians will have confidence in the reports  
21 that will be issued that the Commission has, at all times,  
22 had access, as you said, to all of these relevant documents  
23 and officials and persons in a way that is not redacted.

24 **MS. SHANTONA CHAUDHURY:** And if and when the  
25 inevitable disagreements happen about redactions and the  
26 level of redactions, can the Commission be assured that its  
27 challenges and requests will be taken with the utmost  
28 seriousness and with the public interest that is encapsulated

1 in the Terms of Reference in mind?

2 **MR. DOMINIC LeBLANC:** Absolutely. And I'm  
3 happy to reiterate that, but I think the senior officials did  
4 so yesterday. But I'm happy to reiterate that myself on  
5 behalf of the government.

6 **MS. SHANTONA CHAUDHURY:** Okay. Well, I think  
7 -- I was going to ask you why that process stops abruptly at  
8 the Deputy Minister, but you may have already answered that.

9 So you have no involvement in these  
10 decisions, and it's the decision to disclose and otherwise  
11 classify information does not fall within your portfolio or  
12 your duties as a Minister.

13 **MR. DOMINIC LeBLANC:** No, I would not  
14 participate in the decisions around classification or  
15 disclosure of sensitive intelligence information.

16 One thing I have done since becoming Minister  
17 is encouraged, for example, the Director of CSIS, David  
18 Vigneault, Commissioner of the RCMP to return calls from  
19 journalists, to speak publicly when they can. I think it's  
20 important for Canadians to -- in the area of foreign  
21 interference, of course, but in other areas I think that it  
22 demystifies a bit the work that the thousands of women and  
23 men who work in these agencies do very well for Canadians.

24 So I'm -- I've encouraged them to be open and  
25 available to speak publicly about the work they do, obviously  
26 in the appropriate way, because I think it will reassure  
27 Canadians and it demystifies some of the work of these  
28 agencies.

1                   But with respect to the specific -- for  
2                   example, the Assistant Deputy Minister, the Deputy Minister,  
3                   the subject matter experts, that is handled by non-partisan  
4                   public servants with the expertise. There's no political  
5                   involvement in those decisions, nor would it be appropriate,  
6                   in my view, to have a political role in those specific  
7                   decisions.

8                   **MS. SHANTONA CHAUDHURY:** Okay. So one thing  
9                   that we've heard à maintes reprises several times this week  
10                  is a suggestion that there tends to be a natural tendency  
11                  amongst intelligence agencies to protect their information  
12                  and maybe even to overclaim national security privilege.  
13                  That has been put several times. So I'm not going to ask you  
14                  whether you agree or disagree with that, but assuming for the  
15                  purposes of this question that it's true, is there anything  
16                  that you, as a minister, can do about that?

17                  **MR. DOMINIC LeBLANC:** Again, can I direct  
18                  them that document X should not be top secret but should be  
19                  Protected B, or should we release this or that information on  
20                  an investigation? No. That would be inappropriate, and it  
21                  would lead to outcomes that would be less than ideal if an  
22                  elected person without that expertise was in the granularity  
23                  of the classifications. But as I said earlier, they  
24                  understand the government's desire -- no, it's more than a  
25                  desire. It's an instruction of the government for them to  
26                  work with the Commission to fulfil your mandate. It wouldn't  
27                  be an Order in Council if that wasn't a clear instruction  
28                  from the government. But in my interactions with them, as I

1       said, I -- particularly in the area of foreign interference,  
2       where, as we said earlier, an informed resilient electorate  
3       is one of the most important ways to detect and counter and  
4       disrupt attempts to interfere, there seems to be a special  
5       responsibility for all of us, but particularly for the non-  
6       partisan experts who do this work for Canadians to speak  
7       about their work and why they're doing it and help citizens  
8       understand the nature of the threat of foreign interference.  
9       When it's done by a partisan minister, it feels different  
10      than when it's done by the Director of CSIS or the Deputy  
11      Minister of Foreign Affairs, the National Security and  
12      Intelligence Advisor to the Prime Minister. So we, as  
13      ministers, encourage these senior officials to be available  
14      and as open and transparent with Canadians as they possibly  
15      can be.

16                   **MS. SHANTONA CHAUDHURY:** And what that  
17      hopefully looks like in the context of this inquiry is making  
18      as much information as reasonably possible available to the  
19      public.

20                   **MR. DOMINIC LeBLANC:** Agreed. Absolutely.

21                   **MS. SHANTONA CHAUDHURY:** Okay. Moving to a  
22      slightly different topic here, I'm wondering if you can tell  
23      us about this morning, it's something that we -- that was  
24      spoken about in your interview, but how is top-secret  
25      information dealt with within Cabinet? And by that I mean  
26      there's really three sort of questions or aspects that we're  
27      interested in hearing about. One is, simply are cabinet  
28      ministers cleared to see top-secret information? Do they

1 automatically get everything, or is there still a need-to-  
2 know principle applied? And do cabinet meetings routinely  
3 involve the discussion of top-secret information?

4 **MR. DOMINIC LeBLANC:** Again, I'm not an  
5 expert. The Privy Council Office can speak to cabinet  
6 documents being classified. Many of the cabinet documents  
7 that all ministers would see routinely are classified as  
8 secret and subject to cabinet confidence. In the case of  
9 intelligence information, national security information, as  
10 you would know, many of the documents are classified as top  
11 secret. My understanding is that before one becomes a  
12 minister, there's obviously a robust background check that  
13 takes place with RCMP, with CSIS, with other agencies,  
14 Revenue Canada. That background check gives every minister  
15 the ability to see top-secret information. But in the -- I  
16 think your question obviously is focussed on national  
17 security intelligence information with respect to foreign  
18 interference, but other national security investigations,  
19 anti-terrorism investigations, or as another example, there  
20 are different classifications within the top-secret ambit of  
21 information that, again, that is assigned by and determined  
22 by officials with the appropriate professional expertise.  
23 There is in the national security context a need-to-know  
24 principle as well that's applied.

25 So you'll see in the case of the decision to  
26 invoke the *Emergencies Act*, the Prime Minister was convening  
27 cabinet committee known as the Incident Response Group, where  
28 the Prime Minister would bring together ministers with

1 specific responsibilities that would be relevant to a  
2 decision that the government would be taking or might be  
3 taking. He created the National Security Council after the  
4 last election, a last cabinet shuffle in the summer. That  
5 group regularly meets. It's chaired by the Prime Minister,  
6 and it includes the most senior officials with responsibility  
7 for the different agencies involved in this space. That is  
8 now, since it was created last fall, from my experience, the  
9 place where many of these issues are discussed in cabinet.  
10 It's a group of ministers chosen by the Prime Minister, with  
11 the appropriate senior officials. Those meetings look at a  
12 whole series of national security elements, and it is in  
13 those meetings that typically the most sensitive intelligence  
14 information would be discussed. It is my experience that it  
15 would rarely be in a full cabinet context, although at  
16 various times ministers will provide updates at a high level  
17 to cabinet on some of these issues. But the discussion and  
18 the decision-making forum is often a committee of ministers  
19 that the Prime Minister would bring together. And it was  
20 more formalized, as I say, last fall with the creation of the  
21 National Security Council, of which I'm a member, and those  
22 meetings are held regularly on a whole range of issues.

23 **MS. SHANTONA CHAUDHURY:** So it sounds like,  
24 from what you're saying, the need-to-know principle applies  
25 within cabinet, and subject to that, if cabinet meetings  
26 don't typically involve or don't routinely involve discussion  
27 of top-secret information, is it the case that by the time  
28 the information sort of winds its way up there, it may have



1       been stripped of its more classified elements?

2                   **MR. DOMINIC LeBLANC:** I'm not trying to be  
3       unhelpful, but that I can't speak to because I wouldn't,  
4       again, know the exact process by which a cabinet document  
5       works its way through Privy Council Office and is shared with  
6       ministers in advance of a cabinet meeting. I would know in  
7       the memoranda to cabinet that I would be responsible for, I  
8       would work with officials in preparing those documents, but I  
9       can't speak to what is or isn't included in documents that  
10      are shared with the cabinet. The clerk of the Privy Council  
11      or others are much better able. The National Security  
12      Advisor, Intelligence -- National Security and Intelligence  
13      Advisor, I would assume, would be part of that process more  
14      than an individual minister.

15                   **MS. SHANTONA CHAUDHURY:** That's fair. Okay.  
16      So I'd like to get back to now sort of the role of the public  
17      inquiry and take you back to something you said about a  
18      number of other organizations, review bodies, committees that  
19      are examining similar issues. So we all like to think we're  
20      very special, but in the end, there are a number of review  
21      bodies and committees that are looking into broadly similar  
22      issues of electoral interference, foreign interference into  
23      Canada's electoral processes. So you mentioned NSIRA,  
24      NSICOP, and there's also the House Committee on Procedural  
25      Affairs, PROC. And there's overlap. There's inevitable  
26      overlap with the mandate of the public inquiry, but I'll  
27      suggest to you that among the things that differentiate the  
28      Commission Inquiry from those reviews, all of which are

1 important and all of which will no doubt make huge  
2 contributions to the effort, but the Commission is the public  
3 forum. So it's baked into the mandate that the Commission is  
4 not only here to try and get to the bottom of things, but to  
5 do so in a way that allows that information to be public.  
6 Would you agree with that?

7 **MR. DOMINIC LeBLANC:** Absolutely. And when I  
8 was thinking of the other agencies, perhaps with the  
9 exception of the parliamentary committee -- committees, but  
10 the other agencies, you're right, don't have this public  
11 forum. For example, your hearings this week, or my being  
12 here discussing these with you, this is a -- and, ultimately,  
13 I think the report -- the reports the Commission will prepare  
14 will benefit from the public-facing area of this work, and  
15 that was very much built into the Terms of Reference that  
16 everybody agreed to.

17 **MS. SHANTONA CHAUDHURY:** Of course, you're  
18 right. The parliamentary committee has an absolutely public  
19 mandate, but it's the combination here of the unfettered  
20 access to classified information ---

21 **MR. DOMINIC LeBLANC:** Exactly.

22 **MS. SHANTONA CHAUDHURY:** --- and the duty in  
23 a sense to try and make that as public as possible.

24 **MR. DOMINIC LeBLANC:** Absolutely. And so the  
25 balance -- we believe that this is the forum where that  
26 balance can best be achieved, the work you're doing.

27 **MS. SHANTONA CHAUDHURY:** It's not an easy  
28 one, how to have a public inquiry about covert operations and

1 state secrets.

2 **MR. DOMINIC LeBLANC:** And you're absolutely  
3 right. That's why we're having these part D hearings.  
4 That's why again, every party in the House of Commons and in  
5 the government agreed that this exercise of your hearings  
6 this week will help everybody understand that exact balance  
7 that we've spoke about earlier and that you just mentioned in  
8 your comment.

9 **MS. SHANTONA CHAUDHURY:** Okay. And getting  
10 back to that, sort of the -- I won't say the origins of the  
11 inquiry, but the intents of the inquiry, the timeline is also  
12 important in all of this. Because the timeline -- the  
13 inquiry has been given a very tight timeline to accomplish  
14 what can be only described as a gargantuan task.

15 And when this was discussed in your  
16 interview, you mentioned that the timeline was deliberately  
17 chosen by everyone who drafted and agreed to the terms of  
18 reference, so that hopefully Canadians will have a clearer  
19 picture of foreign interference in Canada's electoral  
20 processes before the next election.

21 So what I want to explore with you now is --  
22 or hear you on really, is what the drafters of the terms of  
23 reference may have had in mind that the Commission was going  
24 to be able to accomplish in that time and how it was going to  
25 go about its work. And to give you a little bit of context  
26 for the question, one of the things that is mentioned in the  
27 December 15<sup>th</sup> letter from the Department of Justice to the  
28 Commission, and we've heard about it several times this week,

1 is that it took 200 man-hours to redact 13 documents. That's  
2 about 15 hours a document. My mental math isn't great, but  
3 I'll go with that.

4 So the timeline that's been imposed on the  
5 Commission, in a sense, necessarily limits. If we keep these  
6 numbers in mind, you just do the math, and there's a  
7 necessary limit to the number perhaps, of documents that the  
8 Commission would realistically be able to release, because  
9 there's a limit to what the government will realistically be  
10 able to review through full national security review in that  
11 amount of time.

12 So what was the thinking there? Was it a  
13 trade off between getting something done in a time in which  
14 the work is relevant versus making it all public, or was it a  
15 thought that you don't need to make everything -- every  
16 document public in order to get the information across? Or -  
17 - I'd like to hear you on that.

18 **MR. DOMINC LeBLANC:** So with respect to the  
19 timelines, you're right. It is an enormous task that we've  
20 asked the Commission to accomplish, and the timelines are not  
21 extraordinarily loose, they are tight. But that was very  
22 much the conversation that I had with opposition house  
23 leaders throughout the summer.

24 We all wanted -- we're in a minority  
25 parliament, 2025 will by law be an election year, if there's  
26 not one before 2025. But there will be one in 2025. So all  
27 political parties agreed that it would be beneficial for  
28 Canadians to have by the end of 2024, the final report of the

1 Commission. These discussions were held in the summer of  
2 2023. And as you know, I announced the creation of the  
3 Commission in the first week of September of 2023.

4 But -- and the idea was that recommendations  
5 from the Commission can be incorporated and can be considered  
6 quickly, in terms of things that we may want to do  
7 differently or things that we may want to add as a government  
8 and as a parliament, in terms of making our democracy  
9 resilient to foreign interference and helping Canadians  
10 understand.

11 So there's a two prong, I think value in  
12 getting a report at the end of 2024. It allows the  
13 government to consider and to put into place recommendations  
14 that will make institutions more resilient before a 2025  
15 election. And it will ensure that with -- if 2025 is, as we  
16 hope, the election year, citizens will have benefitted from  
17 the work of the Commission, but also from the final report at  
18 the end of this year.

19 So that speaks to the timelines, but I don't  
20 disagree with the premise of the question. You use the  
21 example of the redactions, and I saw the 200 person-hours of  
22 work in terms of those 13 documents that you asked officials  
23 to redact. Redactions are but one of the mechanisms  
24 contemplated in the terms of reference for information to be  
25 made public.

26 As I said earlier, there are summaries that  
27 can be produced by the Commission, the government will  
28 obviously work with your colleagues to write documents that

1 can be properly released in a way that's not injurious to  
2 national security, or doesn't violate the statute around  
3 keeping this information protected. So and the Commission  
4 can have *in camera* hearings and the appropriate summaries can  
5 also be produced from *in camera* hearings that you can have.

6 So we wanted to as much as possible, build a  
7 series of options for the Commission to be able to achieve  
8 its mandate in the most efficient way possible. But we'll be  
9 governed by the choices, obviously, that the Commission makes  
10 in this space. And as I said, officials understand that they  
11 need to be available and expeditious to do this work in the  
12 most timely way possible.

13 **MS. SHANTONA CHAUDHURY:** Two questions before  
14 we leave you today, Mr. Minister. The first of which is you  
15 mentioned that you called the inquiry in September 2023. And  
16 I think everything we've heard from you today certainly, and  
17 much of what we've heard over the week is that it's a great  
18 idea, have a public inquiry.

19 We're here, we're going to do a very  
20 important job in making information public to Canadians about  
21 this issue of foreign electoral interference. So why didn't  
22 you call a public inquiry to begin with?

23 **MR. DOMINIC LeBLANC:** Because we recognized,  
24 as did the special rapporteur, that there is a complicated  
25 amount of work to be done, as you said in your question  
26 previously, around a public inquiry in an area where  
27 necessarily a great deal of the information is classified.  
28 We think the terms of reference have struck the right balance

1 and the best way to do that.

2 We also knew that the National Security and  
3 Intelligence Committee of parliamentarians was looking at  
4 Canada's response to foreign interference. There were  
5 parliamentary committees looking at this. We, as I said, had  
6 independent reviews that we made public of the different  
7 measures that our government put in place starting in 2018  
8 and that had evolved as the threat had evolved in subsequent  
9 elections.

10 You saw in Parliament last spring the desire  
11 of opposition parties to have an independent public inquiry,  
12 which is exactly what we have now with the work you're doing.  
13 We also saw how Mr. Johnston and his work came under heavy  
14 criticism. That's why, and I said it when I announced the  
15 creation of the Commission in September, the best way to  
16 ensure that your work can be done free of partisan attack, is  
17 to ensure that every recognized political party agreed to and  
18 participated in the drafting of every word of your terms of  
19 reference, and of course in the choice of Justice Hogue to  
20 preside the Commission.

21 So we think that that is a significant -- it  
22 wasn't easy. We spent a lot of time over the summer, all of  
23 us working on this. But I'm very proud of the work that I  
24 did with the opposition house leaders. We had dinner this  
25 fall together to sort of celebrate how we had done what we  
26 think is something important for democracy and for  
27 Parliament, is come together and agree on the terms of  
28 reference that created the work that you're doing. So we're

1 very happy as a government that this non-partisan, rigorous,  
2 and thoughtful work can be done.

3 But we also recognize that there were in  
4 place in the spring, a number of other review bodies looking  
5 at this work, but clearly the public believed that we would  
6 benefit from an inquiry. And we had said all along, the  
7 Prime Minister had said it, I had said it, my colleagues had  
8 said it. We weren't resisting or opposed to the idea of a  
9 public inquiry, but it had to be the right public inquiry  
10 with the right terms of reference. And it had to be free of  
11 partisan attack, which is corrosive in this very space,  
12 because people who seek to undermine our democratic values  
13 and institutions by interfering, foreign state and non-state  
14 actors that interfere, want to undermine Canadian's  
15 confidence in their democratic institutions.

16 So those of us that are lucky enough to be  
17 elected by our fellow citizens, I believe, have an obligation  
18 to be judicious in how we speak of these issues, not to in  
19 fact contribute to the very diminishment of public confidence  
20 that these foreign hostile state and non state actors are  
21 seeking to do.

22 So the right public Inquiry was also -- was  
23 always for the government a very positive option, but we had  
24 to do the work from June until September 7th to get what we  
25 think is exactly the right kind of public Inquiry, and that's  
26 the one that I'm testifying before today.

27 **MS. SHANTONA CHAUDHURY:** Okay. Well, then  
28 having spent your summer putting it together, what do you



1 hope it achieves?

2 **MR. DOMNIC LeBLANC:** I hope very much that  
3 it's a very significant step, as I said I think at the  
4 opening of my comments, to building up citizen understanding  
5 and resiliency. The nature and the threat of foreign  
6 interference in democratic processes, and not only federal  
7 ones, I've had conversations with provincial premiers about  
8 their concerns also around provincial elections as well, the  
9 best and most effective weapon to detect, encounter, and  
10 disrupt these efforts is often citizen understanding and the  
11 protection of diaspora -- diasporas that we discussed,  
12 diaspora communities that we discussed earlier.

13 So we think that the public will benefit  
14 enormously from the public-facing work that you'll do this  
15 year, but will also benefit from the reports that you'll  
16 publish. Because this is a rigorous process, established  
17 under the Inquiry's Act, but benefitting from multi-party  
18 support in the creation, so that should reassure Canadians in  
19 the findings and the observations that the Commission will  
20 release that this is some of the best advice to Canadians and  
21 to the government of what we can continue to do to evolve  
22 mechanisms that are in place to ensure that institutions are  
23 resilient and protected from an evolving threat of foreign  
24 interference.

25 **MS. SHANTONA CHAUDHURY:** Thank you, Minister.

26 **COMMISSIONER HOGUE:** Thank you very much.

27 So we have cross-examination planned. The  
28 break should be at 11:15, but the first cross-examiner has

1 more than 15 minutes to cross-examine. I think it's Mr.  
2 Leblanc, this morning, John Mather.

3 (SHORT PAUSE)

4 COMMISSIONER HOGUE: Do you prefer to -- that  
5 we take the break right now and that you start after the  
6 break just to make sure that you are not interrupted, or  
7 you're ready to go on for 15 minutes and then we'll break?

8 MR. JOHN MATHER: To say a famous litigator  
9 phrase, I'm in your hands, Commissioner. I'm content to  
10 proceed. I don't expect I will be more than the 15 minutes  
11 that have been allotted.

12 COMMISSIONER HOGUE: Okay. So I invite you  
13 to come at the podium, please.

14 MR. JOHN MATHER: I should add, Commissioner,  
15 those are famous last words when I say I don't expect to be  
16 the 15 minutes, but I will certainly do my best.

17 MR. DOMNIC LeBLANC: As will I. I could --  
18 yeah, you could control some of the time, but if my answers  
19 are too long then I will run over the Commissioner's  
20 15 minutes.

21 MR. JOHN MATHER: Ran into a bit of a speed  
22 bump about that yesterday, but I'm confident today we'll have  
23 a better go.

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

25 MR. JOHN MATHER:

26 MR. JOHN MATHER: Good morning, Minister. My  
27 name is John Mather. I'm counsel for the Centre for Free  
28 Expression. The CFE, if you're not familiar, is a

1 non-partisan advocacies and public education centre based out  
2 of Toronto Metropolitan University.

3 **MR. DOMNIC LeBLANC:** I am familiar, and good  
4 morning.

5 **MR. JOHN MATHER:** I want to pick up on the  
6 topic of maximum transparency that Commission counsel asked  
7 you about. And you spoke a lot this morning about the  
8 importance of transparency when it comes to building  
9 resilience and protecting Canadians, and in particular,  
10 diaspora communities. I don't think you would find many  
11 people in this room who would debate you on that importance.

12 There is also a public importance in  
13 transparency so that this process can instill confidence in  
14 public institutions and officials. You'd agree with that?

15 **MR. DOMNIC LeBLANC:** Yes.

16 **MR. JOHN MATHER:** Yeah. It's important for  
17 Canadians to know what happened when it comes to election  
18 interference, how their government responded, and what risks  
19 may still exist. You'd agree with that?

20 **MR. DOMNIC LeBLANC:** I think it's important  
21 for Canadians to know how the government responded, and in  
22 subsequent hearings we'll talk about specific examples. But  
23 what happened -- again, Canadians need to understand the  
24 nature of the threat. But some of the information I'm  
25 assuming with respect to specific context may be protected by  
26 the obligation to keep the information protected for the  
27 reasons we talked about earlier.

28 **MR. JOHN MATHER:** And understood, Minister,

1 and we've heard why that needs to be protected, but I'll give  
2 you just one example: There is an allegation that has been  
3 out -- that was produced in the media that there was -- a  
4 foreign state was encouraging people to make political  
5 donations and then having parts of those donations refunded  
6 to that person. And my question to you is some of that  
7 information may be protected, but it's important for  
8 Canadians to understand whether that allegation is true and  
9 whether that actually happened.

10 **MR. DOMNIC LeBLANC:** I want to be careful  
11 because I -- I'm not going to comment on specific elements in  
12 media stories. I think the Director explained yesterday as  
13 well, we're not going to publicly confirm the veracity of  
14 what appeared in some media articles. But I do agree with  
15 you that allegations of that nature would constitute  
16 unacceptable foreign interference in our elections, and  
17 Elections Canada and other agencies can investigate those  
18 particular allegations. As you know, there are robust laws  
19 around electoral financing, and the Commissioner of Elections  
20 has a legislated mandate to investigate that kind of work.

21 **MR. JOHN MATHER:** And I'm not going to ask  
22 you to comment on it, I'm just talking about the balance  
23 we've talked about. And part of that balance is when there  
24 are concerns about the integrity of the -- of Canadian  
25 elections, it's important that Canadians get as much  
26 information as possible so they have a full picture and so  
27 they can understand, given the restraints we've talked about,  
28 or keeping those in mind, what happened. You'd agree with

1 that?

2 **MR. DOMNIC LeBLANC:** I would agree with that.

3 **MR. JOHN MATHER:** And you spoke again with  
4 Commission counsel about the effort that was made by all  
5 parties to agree on the terms of reference for this Inquiry.  
6 And I take it from your comments this morning, and your  
7 witness statement, you see that as a bit of a distinguishing  
8 feature of this Inquiry, is that all political parties came  
9 together to agree on how this -- at least the terms of  
10 reference on how this would proceed?

11 **MR. DOMNIC LeBLANC:** The terms of reference,  
12 absolutely, and of course, the choice of Madame la Juge Hogue  
13 to preside the Inquiry.

14 **MR. JOHN MATHER:** Right, and there was an  
15 agreement on the Commissioner because she is non-partisan?

16 **MR. DOMNIC LeBLANC:** Yeah, a Court of Appeal  
17 justice would, by definition, be non-partisan. I would agree  
18 with that.

19 **MR. JOHN MATHER:** Sometimes lawyers ask dumb  
20 questions, but it's important to confirm.

21 **MR. DOMNIC LeBLANC:** I couldn't see your face  
22 when you asked that question.

23 **MR. JOHN MATHER:** I was deliberately not ---

24 **MR. DOMNIC LeBLANC:** Okay. I didn't look  
25 quickly enough.

26 **MR. JOHN MATHER:** And you would agree with --  
27 and the Commissioner was appointed because she has the  
28 necessary expertise, skills, and qualifications to achieve

1 that difficult balance that we've been talking about this  
2 morning?

3 **MR. DOMNIC LeBLANC:** In our view, that's  
4 absolutely the case.

5 **MR. JOHN MATHER:** And when the Commissioner  
6 undertakes this difficult task of achieving that balance,  
7 you're confident that the Commissioner will apply the law  
8 that -- apply the law appropriately in order to find a way to  
9 maximise transparency?

10 **MR. DOMNIC LeBLANC:** Yeah, I would be very  
11 confident about that, but obviously, apply the terms of  
12 reference that created the Inquiry itself as well.

13 **MR. JOHN MATHER:** And that would be part of -  
14 - to put it another way, the Commissioner is required to  
15 follow those terms of reference?

16 **MR. DOMNIC LeBLANC:** Yes. I'm not an expert  
17 on the nature of inquiry law, but the -- everything that I  
18 understand about a commission being created and a  
19 commissioner being appointed by an Order in Council  
20 benefitting, as I said in this case, by multi -- all party  
21 support in the House of Commons, I think distinguishes the  
22 work of this Commission from other reviews.

23 **MR. JOHN MATHER:** And you also spoke this  
24 morning and in your interview with Commission counsel about  
25 how it's not appropriate for you in your capacity as a  
26 minister to make individual disclosure decisions when it  
27 comes to potentially classified information?

28 **MR. DOMNIC LeBLANC:** Yes.

1                   **MR. JOHN MATHER:** And that is best left to  
2 the subject matter experts in the various government  
3 agencies?

4                   **MR. DOMNIC LeBLANC:** And those that are  
5 empowered by statute to make those decisions, and there's a  
6 series of senior officials that have responsibility. But my  
7 understanding, for example of the *CSIS Act*, is the Director  
8 by law has the authority in much of the, if not all of the  
9 space.

10                  **MR. JOHN MATHER:** And it's also important  
11 that those individuals within the appropriate structures are  
12 doing so -- are non-partisan in their - in making those  
13 decisions.

14                  **MR. DOMINIC LeBLANC:** Absolutely, but you  
15 wouldn't have a Director of CSIS who was a partisan person or  
16 a National Security Advisory to the Prime Minister.

17                  **MR. JOHN MATHER:** And that wasn't my -- that  
18 wasn't my suggestion. I was simply, I think, reinforcing a  
19 point that we agree on, which is having those officials makes  
20 those decisions insulates those decisions from partisan  
21 attacks to a degree.

22                  **MR. DOMINIC LeBLANC:** I would hope to a very  
23 considerable degree.

24                  **MR. JOHN MATHER:** As would I.

25                                 We -- you also spoke with Commission counsel  
26 this morning about the fact that it remains a possibility  
27 that the Commission -- that the government could take the  
28 Commissioner's decision on whether to disclose something to

1 the Federal Court but that you hope that that doesn't occur.

2 **MR. DOMINIC LeBLANC:** The government --  
3 again, I'm not an expert in how the Federal Court rules or  
4 the oversight of a Commission of Inquiry. I'm not trying to  
5 be difficult, but there are people who can better speak to  
6 legal appeals in this space than me.

7 But I was assured that, obviously, the  
8 Government of Canada and its officials will collaborate with  
9 the Commission and we would hope that the Commission can  
10 conclude its work without any of those sort of draconian  
11 circumstances to be required.

12 **MR. JOHN MATHER:** And to be clear, Minister,  
13 I'm not asking you to give any legal opinions or anything  
14 like that today, but I did -- what I heard you say this  
15 morning is you hope we don't find ourselves in the Federal  
16 Court or something along those ---

17 **MR. DOMINIC LeBLANC:** Absolutely.  
18 Absolutely.

19 **MR. JOHN MATHER:** And I -- again, we want to  
20 avoid the draconian outcome, we want to avoid that process,  
21 but that remains a possibility. And I take it if there is a  
22 decision to be made about whether or not to challenge one of  
23 the Commissioner's disclosure decisions, should that occur,  
24 that that decision will also be made by the non-partisan  
25 senior officials?

26 **MR. DOMINIC LeBLANC:** You're very much into  
27 sort of a hypothetical context of how a particular document  
28 or interview or witness testimony, but at all times you don't



1 have elected persons or political staff involved in the  
2 interaction between the Commission and the national security  
3 agencies. And as I say, the senior officials who have that  
4 responsibility under law know that the Cabinet has instructed  
5 them to collaborate effectively and efficiently,  
6 expeditiously with the Commission.

7 **MR. JOHN MATHER:** And in fairness,  
8 Commissioner, while this is an important week of the Inquiry,  
9 it also is a bit of a hypothetical week because we're talking  
10 about what might happen because no one in this room yet knows  
11 what will happen.

12 And so what I think I've heard you say is you  
13 can't speak specifically to an instance that you don't know  
14 it exists yet, but as a general principle, the decision about  
15 whether or not to challenge a decision of the Commissioner  
16 for disclosure in the Federal Court is one that, as a general  
17 matter, is best left to the non-partisan senior officials who  
18 are making the disclosure decisions along the way.

19 **MR. DOMINIC LeBLANC:** Again, I can't speak to  
20 the appeal mechanisms that exist in the public inquiry  
21 context.

22 In my discussions with officials as we were  
23 finalizing the Terms of Reference to the Inquiry, as I said,  
24 the very deliberate attempt in the Terms of Reference was to  
25 give the Commission a series of tools and options to maximize  
26 disclosure while inevitably respecting both the law and  
27 national security practices that are essential to allow them  
28 to do their work and to protect Canadians, including in the

1 area of foreign interference and obtaining intelligence  
2 information of hostile state and non-state actors that would  
3 be attempting to interfere.

4 **MR. JOHN MATHER:** Another topic that  
5 Commission counsel raised with you this morning was a notion  
6 we've heard about a tendency to overclaim national security  
7 privilege. And I'm not going to ask you whether you agree or  
8 disagree because I appreciate that's not your area of  
9 expertise per se. But would you agree that if the Commission  
10 finds that there's room to push back on the government's  
11 claims that the Commission should, in fact, push back?

12 **MR. DOMINIC LeBLANC:** Again, I don't speak  
13 for what the Commission ultimately will say publicly in  
14 hearings or in the reports, but the government very much  
15 wants to be collaborative and available to allow the  
16 Commission to do its work and any recommendations that flow  
17 from the Commission in the report or in other fora will be  
18 studied very seriously by the government, of course.

19 **MR. JOHN MATHER:** And maybe I'll put it to  
20 you this way.

21 If the Commission forms the view that, in a  
22 particular instance, there's been an overclaiming of national  
23 security confidentiality, would you want the Commission to  
24 share that view with the government?

25 **MR. DOMINIC LeBLANC:** Yes, and I would want  
26 the government officials to look carefully at what we would  
27 do to respond to a recommendation, hypothetical, that you  
28 just offered.

1                   You're, I think, a bit ahead of yourself  
2           imagining what the Commission report will be, but I said at  
3           the beginning, we will be, obviously, anxious to study very  
4           carefully and quickly any recommendations that come from this  
5           Commission.

6                   **MR. JOHN MATHER:** And as I said earlier,  
7           Minister LeBlanc, I appreciate your qualifications about the  
8           hypotheticals and, typically, we wouldn't ask hypothetical  
9           questions, but this is a hypothetical week. And ---

10                  **MR. DOMINIC LeBLANC:** A hypothetical week. I  
11           wouldn't describe it as a hypothetical week.

12                  **MR. JOHN MATHER:** Sorry. And I'll take that  
13           back a bit.

14                   What I meant is this is a week where we're  
15           talking about this process and so we have to anticipate what  
16           may or may not happen. And so that's where these questions  
17           come from, and it will lead to my last question for you,  
18           Minister LeBlanc.

19                   As you pointed out, the senior officials who  
20           testified yesterday and I would say also in your testimony  
21           this morning have made commitments to work with the  
22           Commission, to assist them to maximize transparency and to do  
23           what -- to do what they can within the confines to make this  
24           as public as possible.

25                   And we've heard that and the parties have  
26           heard that and the public has heard that, but I take it you  
27           would also agree that, ultimately, the government will be  
28           judged in this Commission by their actions in living up to

1 those commitments.

2 **MR. DOMINIC LeBLANC:** I've a long time ago  
3 lost the illusion that one can determine exactly how  
4 governments are judged. There's a whole series of factors  
5 that go into that kind of judgment.

6 Canadians expect our government that created  
7 the Commission with the support of opposition parties to  
8 respect the Terms of Reference and to assist the Commission  
9 in any way possible, and that's exactly what we are doing and  
10 will continue to do, so I have total confidence that the  
11 officials for whom I'm responsible, but my colleagues'  
12 officials as well, will do the work that the Cabinet has  
13 instructed them to do.

14 I'm not pessimistic at all in that space.

15 **MR. JOHN MATHER:** So Canadians can expect  
16 that the government will live up to the commitments it's made  
17 this week.

18 **MR. DOMINIC LeBLANC:** They should have every  
19 confidence that the government will live up to the  
20 commitments contained in that Cabinet order which I announced  
21 in the first week of September.

22 **MR. JOHN MATHER:** Thank you, Minister.

23 **MR. DOMINIC LeBLANC:** Thank you.

24 **COMMISSIONER HOGUE:** Thank you, Mr. Mather.

25 So we'll take 20 minutes' break, so we'll  
26 come back at 11:35.

27 **THE REGISTRAR:** The Commission is now in  
28 recess.

1 --- Upon recessing at 11:16 a.m.

2 --- L'audience est suspendue à 11 h 16

3 --- Upon resuming at 11:37 a.m.

4 --- L'audience est reprise à 11 h 37

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

6 This sitting of the Foreign Interference  
7 Commission is back in session.

8 **--- MR. DOMINIC LeBLANC, Resumed/Sous la même affirmation:**

9 **COMMISSIONER HOGUE:** The next one is Maitre  
10 Leblanc. For 15 minutes, Maitre Leblanc.

11 **MR. CHRISTIAN LeBLANC:** Yes.

12 **MR. DOMINIC LeBLANC:** [No interpretation]

13 **MR. CHRISTIAN LeBLANC:** Although not with a  
14 capital B, but we try.

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

16 **M. CHRISTIAN LeBLANC:**

17 **MR. CHRISTIAN LeBLANC:** I am Christian  
18 Leblanc and I represent a media coalition comprised of a few  
19 medias; le journal *La Presse*, Médias Québecor, QMI, le Groupe  
20 TVA, CBC/Radio-Canada, Four Star, CTV, et Global.

21 Thank you for your testimony this morning,  
22 and I, for one, am happy that you reiterated that the terms  
23 of reference are that much stronger and gives a very clear  
24 message, amongst other things, about transparency.

25 That being said, very concretely and  
26 practically, there's a letter from the Government of Canada  
27 accompanying the famous 13 documents and the famous 200  
28 hours, that basically says that the government says that it's

1 not sustainable to do this. And we can put it up if you  
2 want, not necessarily I can read it to you; it's CAN 1. It  
3 says, NSC review is not sustainable if replicated over a long  
4 term, and it also adds it will not be a productive way to do  
5 this.

6 What can you say to this Commission and the  
7 Canadian public to reassure them that, nonetheless, the  
8 government will do the job and will look at documents and  
9 will redact them if it's possible?

10 **MR. DOMINIC LeBLANC:** I would start by saying  
11 that obviously the Commission will have access to all  
12 documents in an unredacted way. The Commission itself will  
13 have unfettered access to relevant witnesses and documents in  
14 a way that clearly will not be redacted. That's an important  
15 reassurance to Canadians.

16 The second reassurance is -- again, and I've,  
17 of course, read the letter from the senior counsel for the  
18 government, the December 15<sup>th</sup> letter. That was in response  
19 to a request from the Commission on 13 specific documents as  
20 an example of a redaction process. Those documents were  
21 written, obviously, for specific consumers of highly  
22 sensitive intelligence information; that's why those  
23 redactions *s'imposaient* or were required.

24 But the terms of reference, as I mentioned  
25 earlier, contemplate other mechanisms that the Commission can  
26 use to make public as much information as possible; summaries  
27 of documents, the government officials will work with the  
28 Commission to write reports precisely that can be made

1 public; there could be *in-camera* hearings of the Commission  
2 and summaries can also be prepared. And, ultimately, the  
3 Commission's report will be made public, and that report  
4 will, as I say, benefit from the Commission having seen all  
5 of the documents, in an unredacted way, of course.

6 **MR. CHRISTIAN LEBLANC:** Oh, I understand  
7 that, but again, precisely, did you have any conversations  
8 with the government to the effect that if you're asked by the  
9 Commission to do this job, to redact documents, to look at  
10 documents, you'll have to do it? I mean, my colleagues are  
11 sitting over there and I -- everybody are doing their job.  
12 I'm not -- with all due respect, but did you have any  
13 discussion to say, "I don't care about 200 hours. I want you  
14 to do the work if the Commission asks you to do this work,  
15 the redaction of documents, the looking at secret documents"?

16 **MR. DOMINIC LeBLANC:** So I want to be very  
17 precise, because it's an important question. I would not  
18 give direction, nor would it be appropriate, as I said  
19 earlier, around the specific redactions of a specific  
20 document. My ---

21 **MR. CHRISTIAN LEBLANC:** I'm not asking that,  
22 Minister.

23 **Mr. DOMINIC LeBLANC:** Right.

24 **MR. CHRISTIAN LEBLANC:** I'm asking, do the  
25 job.

26 **MR. DOMINIC LeBLANC:** Right. But you asked  
27 if I had discussions around redactions, not document-specific  
28 of course. I have consistently urged, as I mentioned

1 earlier, officials with whom I work to be transparent and  
2 accessible and open to the media, to many of your clients,  
3 and to participate in public fora. I don't need to  
4 specifically instruct officials, although they know that it's  
5 very much my desire or my objective, because Cabinet itself  
6 passed an Order in Council, which is, as I said earlier, a  
7 much more formal instruction to the entire machinery of the  
8 Government of Canada, the Public Service, to collaborate with  
9 the Commission according to the Terms of Reference, which are  
10 very precise in this space. But I have every confidence that  
11 they're doing that work and will continue to do that work,  
12 and in no way would we seek to use the amount of work  
13 necessary on our part to allow the Commission to do its work  
14 properly to be *un empêchement* or a source of delay or  
15 frustration.

16 **MR. CHRISTIAN LEBLANC:** Good.

17 **MR. DOMINIC LeBLANC:** So there will be a very  
18 robust, good-faith effort on the part of all of these  
19 officials.

20 **MR. CHRISTIAN LEBLANC:** Okay, I'm happy to  
21 hear that, and that everybody can hear that here; I think  
22 it's important.

23 For the other mechanisms, one of the other  
24 mechanisms suggested is summaries; in other words, summaries  
25 of testimonies that were held *in camera* because there may be  
26 some confidential, top-secret information or summaries of  
27 documents.

28 I don't know if you've heard everything



1 yesterday, but I brought up the fact that that was a very big  
2 problem in the Arar Commission, where Justice O'Connor in his  
3 report says that unfortunately -- and I'm paraphrasing but  
4 the document is there, Mr. Minister.

5 Justice O'Connor says -- we're on page 301  
6 and 302 of his report -- that unfortunately the government  
7 had maintained that information in documents were  
8 confidential for over a year to, right before the report was  
9 published, abandoning that, and in effect, making the fact  
10 that the Commission was not able to divulge summaries to the  
11 Canadian public during the Commission; actually, Justice  
12 O'Connor says he had to review and change the mechanism  
13 because he could never agree, or often he could never agree  
14 with the government on summaries.

15 Were you aware that that happened in the Arar  
16 Commission, by the way?

17 **MR. DOMINIC LeBLANC:** So I can't speak to  
18 what government officials did when I was a backbench MP, I  
19 think at the time, almost 20 years ago, of the O'Connor  
20 Commission. I was obviously aware, in discussions around the  
21 establishment of this Commission, of how to ensure that that  
22 precise circumstance is not the case in the work of this  
23 Commission, and I think 20 years, intelligence agencies have  
24 evolved, Federal Court cases have increased the obligation on  
25 intelligence agencies across the board, and mechanisms have  
26 involved [sic] for these senior officials to understand their  
27 obligation to disclose as much as is possible and prudent  
28 respecting their other obligations. So I think the context

1 in which these intelligence agencies operate now is different  
2 than 20 years ago. But as I say, I have every confidence in  
3 the officials with whom I work, that they will be available  
4 and participatory in a very significant and robust way in  
5 assisting the Commission in completing the mandate that  
6 Cabinet has enacted.

7 **MR. CHRISTIAN LEBLANC:** Thank you. And  
8 again, I'm happy that you're saying that this morning.

9 But more precisely, if anything has been done  
10 by you, what did you do concretely to ensure that what  
11 happened 20 years ago in the Arar Commission will not happen  
12 here again. Did you have discussions with my colleague  
13 representing the government? Did you have discussions inside  
14 government to make sure that this doesn't happen again,  
15 precisely on that point?

16 **MR. DOMINIC LeBLANC:** Again, I don't want to  
17 repeat myself, I'm not trying to not answer the question.  
18 But the best answer to your precise question, but the best  
19 answer to your precise question is contained in the terms of  
20 reference that have the force of an order in council, which  
21 binds every official and the entire machinery of the  
22 Government of Canada in a way that a conversation with a  
23 Minister cannot.

24 So I will repeat, and have repeated to the  
25 officials with whom I work, that the government is -- expects  
26 them to collaborate with the Commission in this work. But I  
27 have no hesitation in saying I'm very confident they  
28 understand the clear direction from the Cabinet and are very

1 much at work to do what's necessary to support the Commission  
2 in its work.

3 **MR. CHRISTIAN LEBLANC:** And you just  
4 mentioned that you had discussions with government officials.  
5 Did you have discussions precisely on this matter? Make  
6 sure, and I want you to agree with the Commission and get the  
7 summaries because it is important, it's one of the mechanisms  
8 that we believe would be important in this Commission?

9 **MR. DOMINIC LeBLANC:** As I said, I reviewed  
10 the terms of reference of the Commission with the officials  
11 with whom I work on a weekly basis. And in preparing for the  
12 appearance this week, I have every confidence that they have  
13 taken note of an order in council and the creation of this  
14 Commission, and they're very much engaged in doing that work  
15 and will continue to do so until the Commission concludes its  
16 work.

17 **MR. CHRISTIAN LEBLANC:** So and believe me,  
18 we're all familiar with the terms of reference, specifically  
19 with the ones that talks about transparency, and I'll move  
20 on. But for the record, I just want to make sure, so do I  
21 get it from your answer that you are trusting these terms of  
22 reference and the strength behind these terms of reference,  
23 but you didn't have any specific questions or discussion  
24 about -- with government officials or government lawyers  
25 about the need to arrive at a swiftly, timely agreement on,  
26 for example, summaries?

27 **MR. DOMINIC LeBLANC:** No, sorry. I want to  
28 be precise, because I wouldn't want to leave an erroneous

1 impression.

2 Of course, with the director of CSIS and  
3 other senior officials, I have spoken about our expectation  
4 that they collaborate with the Commission in an expeditious  
5 and effective way. They understand the priority the  
6 government places on this Commission's work. But at the risk  
7 of repeating myself, what's persuasive to these senior  
8 officials is an order in council enacted by the Cabinet which  
9 instructs them to do that work.

10 And I don't have any reason to think that  
11 they will be anything less than efficient and effective and  
12 collaborative in this work. But they know, because I've said  
13 it to them, that that is our expectation as well.

14 **MR. CHRISTIAN LEBLANC:** Thank you.

15 I just want to clarify another point. You  
16 talk about the importance of the report and the fact that the  
17 public will know that this Commission will have had access to  
18 all of the confidential, secret, and top-secret information.  
19 And I get that, but am I correct to say, and do you agree  
20 also, that over and above the report, the work of the  
21 Commission is also important for the Canadian public and it's  
22 also important for the Canadian public to follow the  
23 Commission, not just read a report? Am I correct to say  
24 that? Do you agree with that?

25 **MR. DOMINIC LeBLANC:** I do, and in fact, this  
26 week, I think, has been a very good beginning to that public  
27 facing work that the Commission will do.

28 **MR. CHRISTIAN LEBLANC:** And on the merits, so

1 when the Commission will actually be looking at foreign  
2 interference with different witnesses, do you agree with me  
3 that it will be important for the Canadian public to be able  
4 to follow that work as much as possible?

5 **MR. DOMINIC LeBLANC:** As much as possible,  
6 yes. And again, I'm not -- I'm not repeating myself, but we  
7 understand the limitations of certain witnesses that will  
8 appear in public hearings around the disclosure of protected  
9 information.

10 **MR. CHRISTIAN LEBLANC:** But just so that I'm  
11 clear, you agree that this is not just a commission, it's a  
12 public commission and therefore the work of the Commission is  
13 important to be followed by the Canadian public in order for  
14 them to understand what happened, what can be done to the  
15 extent of the foreign interference. So the work itself  
16 toward those goals are important for the Canadian public?

17 **MR. DOMINIC LeBLANC:** Yes. And the terms of  
18 reference, again, contemplate that, but also contemplate the  
19 balance that necessarily has to be struck that we discussed  
20 earlier this morning. The terms of reference agreed to by  
21 every political party in the House of Commons contemplate the  
22 public facing work and the importance of that for the reasons  
23 we discussed. But also, the fact that some of the work will  
24 need to be done *in camera*, and some of the information that  
25 will be available to the Commission obviously, in an  
26 unredacted form, will need to benefit from the protections  
27 that exist under law.

28 **MR. CHRISTIAN LEBLANC:** And I'm not disputing

1 that. I just wanted to clear for the record, because -- this  
2 point, because you mentioned it a few times and it's  
3 certainly true, that the report will be important at the end.  
4 But I wanted to clarify that the work of the Commission is  
5 also important and very much important in this whole  
6 exercise.

7 **MR. DOMINIC LeBLANC:** Well, I would agree  
8 with that.

9 **COMMISSIONER HOGUE:** Maître Leblanc, il vous  
10 reste une minute.

11 **MR. CHRISTIAN LEBLANC:** Okay. So in one  
12 minute I -- there's a national security transparency  
13 commitment document with principles. One of those principles  
14 says that -- and I'll quote it -- "Information is not to be  
15 protected to prevent embarrassment or to conceal  
16 inefficiency, errors, or problems". And I asked the same  
17 question yesterday, if you heard it, to the panel. I'm  
18 asking you the question today, do you agree with that?

19 **MR. DOMINIC LeBLANC:** Yes.

20 **MR. CHRISTIAN LEBLANC:** And do you agree that  
21 it also covered the reputations of elected officials,  
22 politicians?

23 **MR. DOMINIC LeBLANC:** That would never be a  
24 reason that these non-partisan senior officials would apply  
25 their requirement at law around protecting information. That  
26 would not be what -- nor would it be appropriate for the  
27 senior officials who have this responsibility to apply that  
28 test.

1                   **MR. CHRISTIAN LEBLANC:** Mr. Minister, thank  
2                   you very much. Commissioner.

3                   **MR. DOMINIC LeBLANC:** Thank you.

4                   **COMMISSIONER HOGUE:** Thank you.

5                   I think the next one is Ms. Taylor for the  
6                   Human Rights Coalition.

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

8                   **MS. HANNAH TAYLOR:**

9                   **MS. HANNAH TAYLOR:** Good afternoon,  
10                  Commissioner and Minister LeBlanc.

11                  My name is Hannah Taylor, counsel for the  
12                  Human Rights Coalition. The Human Rights Coalition is  
13                  comprised of community groups engaged in work for the rights  
14                  of disparate communities, particularly vulnerable to  
15                  transnational oppression and the effects of foreign  
16                  interference.

17                  So Minister, you mentioned being in  
18                  discussion with senior officials from the agencies with whom  
19                  you work regarding transparency in the context of foreign  
20                  interference. But I understand that you have not given  
21                  direction to officials regarding the decisions to release  
22                  classified information and you're not involved in the process  
23                  of how information is classified or in deciding whether  
24                  information is disclosed to the public. Is that correct?

25                  **MR. DOMINIC LeBLANC:** Yes, in my view it  
26                  would be -- I do not give that direction, nor in my view  
27                  would it be appropriate for me in the context of specific  
28                  documents or specific information to give them a direction on

1       either the classification that that information would be  
2       under, or the disclosure of that information.

3                   **MS. HANNAH TAYLOR:** Have you been involved in  
4       policy making or the creation of guidelines having to do with  
5       the criteria involved in decisions regarding disclosure of  
6       information gathered by intelligence agencies?

7                   **MR. DOMINIC LeBLANC:** I have not personally  
8       been involved. I have been briefed that those criteria are  
9       to some extent established by statute. I'm familiar with the  
10      broad statutory applications, and as you would know, there  
11      have been a series of court cases over the years that impose  
12      obligations on the agencies, and I would expect that they're  
13      following their requirements in the case law as well.

14                  **MS. HANNAH TAYLOR:** Okay. So you haven't  
15      personally been involved, but you're familiar generally with  
16      those topics. That's what you're saying? Or you're familiar  
17      with ---

18                  **MR. DOMINIC LeBLANC:** Tell me exactly what  
19      topics you're -- I just want to make sure that I ---

20                  **MS. HANNAH TAYLOR:** I'm just speaking about  
21      guidelines, criteria, or policy that agencies use in making  
22      decisions about disclosure.

23                  **MR. DOMINIC LeBLANC:** Again, the guidelines  
24      and the policies are established by the agencies under law by  
25      virtue of an application of a statute in case law decisions.  
26      But as I said earlier, the people with whom I work, the  
27      senior officials know very much, because I say it to them  
28      often, the Commissioner of the RCMP, the Director of CSIS and



1 others, our expectation and our desire for them to be  
2 accessible and available in public fora and with journalists  
3 and others precisely so Canadians can understand the work  
4 they're doing and it demystifies a bit the important work  
5 that thousands of women and men do every day in these  
6 agencies.

7 **MS. HANNAH TAYLOR:** Okay. So it sounds like  
8 we're saying government should not be involved in the  
9 creation of such guidelines, policy or criteria. That would  
10 be up to agencies themselves when it comes to ---

11 **MR. DOMINIC LeBLANC:** No, your question was,  
12 was I personally involved in the ---

13 **MS. HANNAH TAYLOR:** Okay ---

14 **MR. DOMINIC LeBLANC:** --- details of those  
15 policies. It is appropriate for the government to set broad  
16 policies ---

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

18 **MR. DOMINIC LeBLANC:** --- and expectations of  
19 these agencies. Our expectations are that they should be  
20 transparent with Canadians, to the extent, obviously,  
21 permissible under law and with conscious of their important  
22 obligation that others spoke to yesterday in a way that -- in  
23 a precise way that I can't, the importance of them being able  
24 to preserve their ability to protect human sources,  
25 investigative techniques. If they're doing national security  
26 investigations, for example, it necessarily has a series of  
27 criteria around the handling and protection of information.  
28 So a policy or a directive from the government to be as

1 transparent as one can be, obviously, doesn't obviate those  
2 responsibilities which we expect them to uphold as well.

3 **MS. HANNAH TAYLOR:** Okay. And so in those --  
4 in that policy or the directives coming from the government  
5 that you're familiar with, has the personal security of  
6 targeted diaspora communities been included as criteria to be  
7 considered in disclosure decisions? Has that been treated as  
8 a priority in those directives or policies directed by  
9 government?

10 **MR. DOMINIC LeBLANC:** So my conversations,  
11 certainly with Director Vigneault, have included discussions  
12 about his engagement and the engagement of his senior  
13 colleagues as well with the diaspora communities, many of  
14 whom you represent, they are keenly aware that, as I said I  
15 think earlier this morning, many of these communities are  
16 themselves targets of this transnational repression. It's a  
17 circumstance that exists in other countries as well. It's  
18 been the subject of conversations of Five Eyes Ministers, my  
19 meeting with Secretary Mayorkas in the United States, the  
20 Homeland Security Secretary in Washington before Christmas.  
21 We spoke about the very real threat of transnational  
22 repression and its effect on communities. It's similar in  
23 other large democracies. So I have been clear with Director  
24 Vigneault and others that, to the extent that they can, their  
25 interaction with these communities and their ability to work  
26 with these communities is important. We have a cross-  
27 cultural round table at the Public Safety Department. I've  
28 participated in some of those meetings. That also brings

1 together different representatives of civil society in some  
2 of the communities that you would represent. So to the  
3 extent that we can by law, I think it's very valuable and  
4 important for these communities to know that these agencies  
5 are doing everything they can to protect them, and for them  
6 to understand, as I said earlier this morning, the nature and  
7 the threat of foreign interference in democratic processes  
8 and how the threat evolves and has evolved just in the few  
9 years with which I've been involved in this area and how the  
10 government also wants to evolve our measures to counter  
11 foreign interference to make sure that we're keeping up with  
12 the evolving threat as well. And as I say, many of the  
13 groups that are on the front line of this challenge are  
14 groups that you would represent based on your opening  
15 comment.

16 **MS. HANNAH TAYLOR:** And so you're saying in  
17 these discussions, in directives that you've given, personal  
18 security of targeted diaspora communities have been treated  
19 as a priority. And would that extend also to their ability  
20 to take precautions to protect themselves against foreign  
21 interference and transnational repression when it comes to  
22 disclosure? I'm not sure if that question was very clear.  
23 Does that ---

24 **MR. DOMINIC LeBLANC:** No, again, it's a  
25 precise question. You talked about disclosure, protect  
26 themselves. I thought, for example, of threat reduction  
27 measures, which is an instrument that CSIS has, but can you  
28 pose the question again? I want to make sure I understand

1       precisely.

2                   **MS. HANNAH TAYLOR:** Oh, yeah, certainly. So  
3       it sounds like in discussions you've had with senior  
4       officials in directives that you are familiar with from  
5       government having to do with disclosure decisions, the  
6       personal security of targeted diaspora communities has been  
7       treated as a priority or has been mentioned as a  
8       consideration to keep in mind. Does that extend also to the  
9       ability to -- of diaspora communities to take precautions to  
10      protect themselves? So having enough information that they  
11      can do that?

12                   **MR. DOMINIC LeBLANC:** Obviously, for your  
13      clients and for the diaspora communities that are targeted by  
14      some of this foreign interference, the more information that  
15      they can appropriately have, the better they'll be able to  
16      detect and deter or disrupt the foreign interference. And my  
17      direction to officials has been to engage as much as possible  
18      in a constructive and collaborative way with these  
19      communities that are understandably concerned, and the public  
20      discussion of these issues has heightened their concern.  
21      It's also heightened, I think, their awareness of the nature  
22      of the threat, and I hope that that builds up their  
23      resilience.

24                   The only part with which I would want to be  
25      careful of your question is I wouldn't -- in those  
26      conversations, my encouragement, directive, pick the word you  
27      want, to the officials was to engage with the communities. I  
28      wouldn't have been prescriptive around the disclosure because

1 it's for all the reasons that is accompanied by a series of  
2 legal obligations, but, again, there is an instrument in the  
3 *CSIS Act*, I believe, or certainly in their practice where  
4 they can meet with individuals. You talked about the  
5 personal security of members of the community. Those are  
6 threat reduction briefings that the Director of CSIS and his  
7 officials conduct. And, again, they can speak to you more  
8 precisely about the criteria in which they would engage in  
9 that particular kind of work and what would be the disclosure  
10 requirements that they would have. They would be best  
11 positioned. I do know that they, from time to time, conduct  
12 these meetings and I encourage them to do so as much as is  
13 possible under law, but they can speak to the precise nature  
14 around the disclosure element in those conversations.

15 **MS. HANNAH TAYLOR:** Okay. And recognizing  
16 that you don't provide specific directions and that that is  
17 better suited to -- making specific decisions, of course,  
18 best suited to the senior officials in these intelligence  
19 agencies, you'd agree that the personal security of targeted  
20 diaspora and their ability to protect themselves against  
21 foreign interference should continue to be treated as a  
22 priority in these discussions and in the Commission's work?

23 **MR. DOMINIC LeBLANC:** Yeah, absolutely, but  
24 it's also a priority for the government of Canada and our  
25 security agencies as well, of course.

26 **MS. HANNAH TAYLOR:** Excellent. Thank you,  
27 Minister. Thank you.

28 **COMMISSIONER HOGUE:** Thank you.

1 Mr. Sirois.

2 **MR. GUILLAUME SIROIS:** Thank you, Madam  
3 Commissioner.

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

5 **MR. GUILLAUME SIROIS:**

6 **MR. GUILLAUME SIROIS:** My name is Guillaume  
7 Sirois from Power Law, Juristes Power, and I represent the  
8 Russian Canadian Democratic Alliance.

9 The RCDA is a national non-profit  
10 organization supporting the development of the Russian and  
11 Canadian community around the ideals of democracy, human  
12 rights, civil liberties and the rule of law.

13 My questions will come nicely after the ones  
14 that were just asked by my colleague, counsellor Taylor, who  
15 highlighted how the diaspora community can be affected in a  
16 disproportionate way compared to the rest of the Canadian  
17 population when we talk of transnational repression and  
18 political interference.

19 If we can get the document CANDOC 2, please.

20 It's the letter of the government from  
21 December 15th that explains the reason behind the redacting  
22 that was done by document for the 13 documents.

23 The objective was to explain to the public in  
24 the context of this hearing what would be the redacting and  
25 what would be the considerations of the government in doing  
26 this.

27 **COMMISSIONER HOGUE:** Mr. Sirois, I want to  
28 interrupt you. I believe the document is not on the screen.

1                   **MR. GUILLAUME SIROIS:** Yes, it's CAN Doc 2.

2                   **COMMISSIONER HOGUE:** Here it is.

3                   **MR. GUILLAUME SIROIS:** So is my introduction  
4 appropriate for this government?

5                   **MR. DOMINIC LeBLANC:** Yes. Of course, I know  
6 this document.

7                   **MR. GUILLAUME SIROIS:** And from what I  
8 understood, the Commission had requested to the officials to  
9 look at the 13 documents and do the redacting that was  
10 required as an example of how this process would be followed  
11 and the limitations that are imposed in this context.

12                   **MR. DOMINIC LeBLANC:** If that's an  
13 introduction, yes, I am familiar with this.

14                   I also know and it's important to reiterate  
15 that the Commission will obviously have access to all the  
16 documents in full with no redacting. This is an example for  
17 potential publication, but the Commission will have access at  
18 all moments to the non-redacted documents.

19                   **MR. GUILLAUME SIROIS:** And in the decision to  
20 divulge public information, you'll remember we heard this  
21 week that there's a balance between interests, the interests  
22 in national security and the interest of the public getting  
23 access to that information. You understand that balance.

24                   **MR. DOMINIC LeBLANC:** Yes.

25                   **MR. GUILLAUME SIROIS:** I also understood  
26 earlier this morning that you are not involved in the more  
27 specific questions of the redacting of a specific document.  
28 That is not something that you are involved in. It's not

1 appropriate for you to be involved in the redacting of a  
2 document.

3 **MR. DOMINIC LeBLANC:** That's right. It  
4 wouldn't be appropriate and it's not my decision as to how to  
5 classify a document or a piece of information. The  
6 classification of that is done not by political staff or  
7 elected reps.

8 **MR. GUILLAUME SIROIS:** So if we step back and  
9 we look at the macro situation, if we had an indication that  
10 the public interest was not sufficiently considered in this  
11 decision of redacting documents, is that something that you  
12 would be concerned about as the Minister for Democratic  
13 Institutions?

14 **MR. DOMINIC LeBLANC:** Well, your question is  
15 hypothetical in which circumstances because those who do this  
16 work understand the importance of that balance. They  
17 understand the desire and the instructions of the government  
18 for them to do their work well following the law and, as I  
19 said, in the field of foreign interference, the capacity of  
20 citizens to understand what is this threat of foreign  
21 interference specifically towards a diaspora that you and  
22 your colleague before you represent, it will be important as  
23 much as possible to give that information. That is part of  
24 an essential aspect of resilience to protect the democratic  
25 institutions in Canada.

26 **MR. GUILLAUME SIROIS:** Maybe I can be a bit  
27 more specific by addressing the document, which is the only  
28 one we have to understand, that participants have to



1 understand the reason for the redacting.

2 So if we move down a bit on the document to  
3 the centre of that paragraph, we go to point 4 of the last  
4 paragraph that's the classified appendix given more  
5 information on the prejudice that would come from divulging  
6 information. That was given to the Commission but not made  
7 public.

8 We're talking of a prejudice that would  
9 result from divulging information, but nothing indicates that  
10 this document addresses public interest in divulging.  
11 There's nothing here that talks of public interest.

12 **MR. DOMINIC LeBLANC:** Well, I'd have to have  
13 in front of me the secret document that it's referring to in  
14 point 4 because it's difficult for me to comment. However, I  
15 believe that the head of the intelligence service and other  
16 officials explained what the nature of the prejudice could be  
17 in this context of inappropriate disclosure.

18 We spoke earlier this morning with your  
19 colleague of the intelligence agency to have access.

20 **MR. GUILLAUME SIROIS:** I have other questions  
21 and we don't have much time. I wouldn't want to interrupt  
22 you, but I'd like to just continue along the rest of this  
23 letter to see what it covers.

24 If we can go down a bit more, we'll see the  
25 title. There's a few definitions on the information that's  
26 classified sensible (sic) or can bring prejudice, the  
27 explanation of that prejudice for public interest, the  
28 information coming from CSIS, what are the sources, foreign

1 interference. The mosaic effect, for example.

2 We don't really speak of public interest in  
3 disclosure. And lastly, we speak of the resources, the 200  
4 hours that my colleague, counsellor Chaudhury, mentioned this  
5 morning. And lastly, we speak of the other options to go  
6 forward.

7 The only sentence that could indicate certain  
8 consideration of public interest is:

9 "The Government of Canada recognizes the  
10 importance of educating the public on the  
11 threat of foreign interference." (As read)

12 You said so yourself that the appendix  
13 mentioning this prejudice to national security, we'd have to  
14 see it if there's a question of public interest in disclosure  
15 because right now we don't even know if it was considered,  
16 that public interest.

17 And the letter we see here that was sent to  
18 the participants and the public, from that we cannot know if  
19 public interest in disclosure was considered, and even less  
20 so if the interest for the diaspora was considered.

21 So I'd like to know, what are we supposed to  
22 say, my colleague and myself, to our clients when we try and  
23 explain to them that the Government of Canada considers  
24 public interest in disclosure? It's the only information we  
25 have for this exercise this week and it does not talk at all  
26 of public interest in disclosure.

27 **MR. DOMINIC LeBLANC:** I am fully confident  
28 that the security agencies understand a fundamental

1 principle, a basic principle and the operation that they have  
2 the obligation to respect public interest. And as I said,  
3 the law planned several mechanisms to ensure that they are  
4 doing their work while respecting those principles.

5 There are decisions from the Courts and many  
6 remedies when it comes to mandates from the intelligence  
7 service. And in the law and in the practice, there is strong  
8 monitoring in the work that those agencies do, but I know and  
9 I fully trust that they understand the importance of public  
10 interest in the context of foreign interference in the  
11 context of protecting the members of the communities that you  
12 and your colleague before you represent.

13 And once again, you did so at the beginning  
14 of our conversation and by introducing the last question, I  
15 think it's important to reassure everyone as to the fact that  
16 the Commission specifically saw this appendix that describes  
17 precisely the potential prejudice in disclosing the document,  
18 so we shouldn't leave the impression that the Commissioner  
19 here and her lawyers and people who work with her don't have  
20 access to that information. They do.

21 But in some cases, that information will be  
22 covered by the application of the law for the reasons that  
23 the Director and others explained yesterday.

24 **COMMISSIONER HOGUE:** So counsellor Sirois,  
25 you're out of time, but I'll let you ask one last question to  
26 conclude.

27 **MR. GUILLAUME SIROIS:** Thank you,  
28 Commissioner.

1           So if I understand properly, your answer is  
2 essentially to trust the intelligence community, they know  
3 what to do. So trust the Commission, they're doing their  
4 work as well. Even if we give no explanation on how the  
5 balance of public interest and disclosure is found in this  
6 context, we have to trust the agencies that they do their  
7 work properly.

8           But I would still -- Minister, as someone who  
9 is responsible in front of the public for these questions, I  
10 would like you to commit for the diaspora, for the greater  
11 public to be a bit more transparent on the question of the  
12 consideration of public interest and the questions of  
13 disclosure of information in the context of this Commission.

14           **MR. DOMINIC LeBLANC:** Well, I don't share the  
15 way you characterize your question in the sense that there  
16 isn't a discussion or proof or evidence that the agencies  
17 consider disclosure to the public and the public interest in  
18 the disclosure. You will have the chance of hearing other  
19 witnesses and maybe you will call back witnesses you had this  
20 week, including officials.

21           So I don't want to be unpleasant, but I  
22 disagree with the way you characterize it. It's up to you to  
23 do so, but I will not simply accept the premise that these  
24 agencies are not fully confident in their obligation or are  
25 aware of their obligation to protect public interest.

26           And as I said, it's very clear for me and  
27 very clear through their discussions with me in their daily  
28 work that they understand their work of being committed,

1 engaged with the diaspora communities precisely to increase  
2 their resilience and to reassure them as to the fact that the  
3 government and the national security agencies do everything  
4 they can to protect them. And by collaborating with them is  
5 the best way we can do that work.

6 **MR. GUILLAUME SIROIS:** Thank you, Minister.  
7 Thank you, Commissioner.

8 **COMMISSIONER HOGUE:** Thank you.  
9 Mr. Choudhry for Jenny Kwan.

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

11 **MR. SUJIT CHOUDHRY:**

12 **MR. SUJIT CHOUDHRY:** Good day, Minister. My  
13 name ---

14 **MR. DOMINIC LeBLANC:** Good morning.

15 **MR. SUJIT CHOUDHRY:** My name is Sujit  
16 Choudhry. I am counsel to Jenny Kwan, Member of Parliament  
17 for Vancouver, who I believe you know.

18 **MR. DOMINIC LeBLANC:** My colleague.

19 **MR. SUJIT CHOUDHRY:** Yes, of course.

20 And so I want to pick up on some of your  
21 testimony this morning about the Commission's access to  
22 confidential documents and how the government has facilitated  
23 that.

24 And so maybe I can just sort of back up and  
25 ask you that, in essence, isn't the -- wouldn't you agree  
26 that the reason why the government has given the Commission  
27 access to confidential documents is to enable the  
28 Commissioner to get to the bottom of the question of whether

1       there was foreign interference in the 43rd and 44th general  
2       elections?

3                   **MR. DOMINIC LeBLANC:** Yes, and to reassure  
4       Canadians that when the reports are released that the  
5       Commissioner and her staff will have had access to these  
6       documents in arriving at the conclusion that they will --  
7       they will make or they will arrive at.

8                   **MR. SUJIT CHOUDHRY:** And you're aware that  
9       the government has made it possible for the Commissioner and  
10      her team to access classified documents by granting them the  
11      highest level of security clearance.

12                  **MR. DOMINIC LeBLANC:** Yes.

13                  **MR. SUJIT CHOUDHRY:** Yes.

14                  And that the Commissioner and her legal team  
15      have been -- are permanently bound by law under the *Security*  
16      *of Information Act* to secrecy for all this information.

17                  **MR. DOMINIC LeBLANC:** My understanding is  
18      that's a statutory obligation that applies to all those who  
19      have that access, yes.

20                  **MR. SUJIT CHOUDHRY:** So if -- Mr. Registrar,  
21      if you could just put up on the screen, please, Commission  
22      Document 3.

23                  And Minister LeBlanc, these are the Terms of  
24      Reference which I am sure you've read more times than you  
25      care to.

26      --- EXHIBIT No./PIÈCE No. COM 3:

27                                   Orders in Council - Terms of  
28                                   Reference

1                   **MR. DOMINIC LeBLANC:** Various drafts, too.

2                   **MR. SUJIT CHOUDHRY:** Yeah, I'm sure. I'm  
3                   sure.

4                                 And so if it won't give you PTSD, sir, I'd  
5                   like to just ask you to look at ---

6                   **MR. DOMINIC LeBLANC:** It was the summer. I  
7                   was in New Brunswick on holidays doing this.

8                   **MR. SUJIT CHOUDHRY:** So I'm just going to  
9                   focus on a bit of it.

10                                So if we could go to the end of the English  
11                   section, and I have it down as page 12 of the PDF, Mr.  
12                   Registrar, so to (c) here.

13                                Could you scroll up?

14                                Let's stop there.

15                                So I'm just going to read it, clause (c),  
16                   into the record for the public who's watching, Minister. And  
17                   this says that the Terms of Reference direct:

18                                   "...that the Commissioner be given  
19                                   access, so that they may carry out  
20                                   their mandate, to those confidential  
21                                   cabinet documents that came into  
22                                   existence on or after November 4,  
23                                   2015 and that were provided to the  
24                                   Independent Special Rapporteur on  
25                                   Foreign Interference [the Honourable  
26                                   David Johnston] in relation to the  
27                                   preparation of his First Report,  
28                                   dated May 23, 2023."

1 And you recognize that language, obviously.

2 **MR. DOMINIC LeBLANC:** I do.

3 **MR. SUJIT CHOUDHRY:** Yes.

4 And so the -- so Minister, so the  
5 Commission's informed the participants that these documents  
6 have been shared with the Commission in unredacted form, but  
7 the Commission has also indicated that the government has --  
8 that there are further Cabinet documents that aren't covered  
9 by this clause but that have been provided to the Commission  
10 but in redacted form.

11 Are you aware of that?

12 **MR. DOMINIC LeBLANC:** So I'm aware as we  
13 prepared this particular Term of Reference that, as you know,  
14 the decision to share Cabinet documents that are subject to  
15 Cabinet confidence is properly in the hands of the Prime  
16 Minister based on the advice of the Clerk. The Prime  
17 Minister -- November 4th, 2015 is the date on which our  
18 government was first sworn in. That's why that date's there.  
19 So these would be Cabinet documents during the time our  
20 government was in office. And the Prime Minister authorized  
21 the sharing of the relevant documents around the protecting  
22 democracy plan and other elements around foreign interference  
23 with Mr. Johnston.

24 And in the Terms of Reference, we  
25 specifically wanted to ensure that those same documents were  
26 obviously shared with this Commission in an unredacted way.

27 **MR. SUJIT CHOUDHRY:** But there are also  
28 additional Cabinet documents -- the Commission's informed



1 counsel that there are additional Cabinet documents that go  
2 beyond those referenced here in this clause that have been  
3 shared with the Commission -- Commissioner and her team, but  
4 with redactions.

5 **MR. DOMINIC LeBLANC:** So ---

6 **MR. SUJIT CHOUDHRY:** Are you aware of that?

7 **MR. DOMINIC LeBLANC:** I haven't seen those  
8 particular documents. I would have to look at the documents  
9 to be able to comment specifically on those documents.

10 But I think what's important, and I think it  
11 perhaps bears repeating, the government wants to be  
12 collaborative with the Commission and if the Commission, in  
13 its judgment, determines that there are other documents that  
14 they believe are relevant and germane to their work, the  
15 government would obviously consider such a request very  
16 seriously.

17 **MR. SUJIT CHOUDHRY:** So then that leads to my  
18 question, is that ---

19 **MS. SHANTONA CHAUDHURY:** Commissioner, if I  
20 may, I hate to interrupt the exchange. I just want to make a  
21 clarification for the record, which is that the Commission  
22 didn't say there were other Cabinet documents. It said that  
23 other documents that the Commission has received contain  
24 redactions for Cabinet confidence.

25 **MR. SUJIT CHOUDHRY:** Fair enough. I stand  
26 corrected.

27 And so the question, then, I have, Minister  
28 LeBlanc, is this, that given that the Commissioner and the --

1 and her counsel have been granted top secret security  
2 clearance and there really is no risk of them -- of these  
3 documents -- of those confidences being disclosed, wouldn't  
4 it be -- from a practical perspective, be better to give to  
5 the Commission these documents without those redactions?

6 The government doesn't need to assert  
7 privilege under section 39 of the *Canada Evidence Act*. It's  
8 its option to, but it's not its duty to.

9 **MR. DOMINIC LeBLANC:** Again, the precise --  
10 the assertion of Cabinet confidence is properly, I think, a  
11 question that you could put to the Clerk of the Privy  
12 Council. I'm not a technical expert in this, but there are a  
13 lot of people in the Government of Canada that have top  
14 secret Cabinet clearance that don't see every document  
15 subject to Cabinet confidence.

16 Our commitment is to ensure that the  
17 Commission has in an unredacted way access to all of the  
18 relevant documents for the Commission to do its work and, as  
19 I said, the government would -- and I -- the lead Commission  
20 counsel's clarification was important because I had  
21 understood differently from your question.

22 A Cabinet document is different than a  
23 document subject to Cabinet confidence, but the Commission is  
24 obviously free to make requests to the government that we  
25 would endeavour expeditiously to look at with the utmost  
26 seriousness.

27 **MR. SUJIT CHOUDHRY:** Okay. Those are my  
28 questions. Thank you, Minister.

1                   **MR. DOMINIC LeBLANC:** Thank you.

2                   **COMMISSIONER HOGUE:** Thank you.

3                   Me van Ert for Michael Chong.

4                   **MR. GIB van ERT:** Madam Commissioner, Mr.  
5 Chong's counsel have no questions for this witness.

6                   **COMMISSIONER HOGUE:** Thank you.

7                   And then I turn to Me Tzemenakis for the  
8 Government.

9                   **MR. GREGORY TZEMENAKIS:** Thank you, Madam  
10 Commissioner. Je n'ai pas de questions pour ce témoin.

11                   I have no questions for the Minister.

12                   **COMMISSIONER HOGUE:** Any questions in re-  
13 examination?

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

15                   **COMMISSIONER HOGUE:** Thank you.

16                   It means that we are done with Minister  
17 LeBlanc.

18                   So we'll take till 1 o'clock -- 2 o'clock for  
19 lunch.

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

21                   This sitting of the Foreign Interference  
22 Commission is now in recess until 2 o'clock.

23 --- Upon recessing at 12:26 p.m.

24 --- L'audience est suspendue à 12 h 26

25 --- Upon resuming at 2:00 p.m.

26 --- La séance est reprise à 14h00

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

28                   This sitting of the Foreign Interference

1 Commission is back in session.

2 So we are the closing submissions, and I  
3 think I am right this time, the first one is Maître Leblanc.  
4 So you're invited to the podium, Maître Leblanc.

5 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

6 **MR. CHRISTIAN LEBLANC:**

7 **MR. CHRISTIAN LEBLANC:** Madam Commissioner,  
8 colleagues, thank you again for giving us the opportunity to  
9 participate in this week's hearing.

10 We certainly recognise that the Commission  
11 will have challenges and issues with respect to balancing the  
12 secrecy and the transparency during its work. However, we do  
13 believe that you will have to insist and constantly have in  
14 mind that you need to maximise transparency, and not only in  
15 the final report, but also as the hearings go along.

16 And why? Why? Because the work of the  
17 Commission, the hearings it will have, will give a fuller  
18 picture of the Canadian public as to what happened with  
19 foreign interference in our elections.

20 And the Supreme Court really said it well,  
21 and it's a bit long, I'll fit in my five minutes, but I want  
22 to read you extract from *Westray*. *Westray* is a Supreme Court  
23 decision, an accident in a mine, and there was a public  
24 inquiry, and the Supreme Court said this about the importance  
25 of a public commission:

26 "One of the primary functions of  
27 public inquiries is fact-finding.

28 They are often convened, in the wake

1 of public shock, horror,  
2 disillusionment, or scepticism, in  
3 order to uncover 'the truth'.

4 Later on:

5 "In times of public questioning[s],  
6 stress and concern they provide the  
7 means for Canadians to be apprised of  
8 the conditions pertaining to a  
9 worrisome community problem and to be  
10 a part of the recommendations that  
11 are aimed at resolving the problem.  
12 Both the status and high public  
13 respect for the commissioner and the  
14 open and public nature of the  
15 hearing[s] help to restore public  
16 confidence not only in the  
17 institution or situation investigated  
18 but also in the process of government  
19 as a whole. They are an excellent  
20 means of informing and educating  
21 concerned members of the public."

22 And then it cites Justice Grange, who was  
23 presiding an inquiry on the deaths of infants at the Toronto  
24 Hospital for Sick Children. In the extract, the Supreme  
25 Court reproduces the following. "I remember", this is  
26 Justice Grange:

27 "I remember once thinking  
28 egotistically that all the evidence,

1 all the antics, had only one aim: to  
2 convince the commissioner who, after  
3 all, eventually wrote the report.  
4 But I soon discovered my error. They  
5 are not just inquiries; they are  
6 public inquiries.... I realized that  
7 there was another purpose to the  
8 inquiry just as important as one  
9 man's solution to the mystery and  
10 that was to inform the public.  
11 Merely presenting the evidence in  
12 public, evidence which had hitherto  
13 been given only in private, served  
14 that purpose. The public has a  
15 special interest, a right to know and  
16 a right to form its opinion as it  
17 goes along."

18 And I believe that this is most appropriate  
19 for this Commission. Therefore, you will have to consist --  
20 constantly insist and challenge, I believe, in all due  
21 respect, any government reflexes to keep information  
22 confidential if this Commission believes there is no need for  
23 secrecy.

24 You've heard Mr. Fadden say that there was  
25 room to push. Panels, and in all fairness, Mr. Vigneault  
26 yesterday, nuanced this, but all the other panels said that  
27 there was a tendency of overclaiming and of protecting  
28 information. Even Director Vigneault admitted, and we all

1 know this, that in a document sometimes it's only one  
2 sentence that is top secret but the whole document is  
3 qualified top secret. I believe that the exercise of  
4 redacting will be very important.

5 And I was really happy to hear the minister  
6 this morning say that they would do the work, notwithstanding  
7 the letter, and more than that, that time would not be an  
8 excuse, I'm paraphrasing, we all have what we he said, but  
9 time would not be an excuse not to do that work.

10 Summaries will be important too. We saw that  
11 20 years ago, in the Arar Inquiry, there was some  
12 difficulties with that. Again, all witnesses said that they  
13 were committed to that, that they would cooperate, and that  
14 they would do their utmost best to do those summaries. I  
15 think the Commission needs also to insist on that. In a  
16 nutshell, you need to hold them accountable.

17 The purpose of today, of not only today, but  
18 of this week, I should say, was to make sure that we lay the  
19 ground as to what the Commission can expect. And I think it  
20 was well done by the Commission and the panelists in the  
21 testimonies we've heard, and everybody said that they would  
22 strive and cooperate to do that. Now, in the coming weeks  
23 and months, it will be the time to deliver. And the  
24 Commission, I believe, has all the groundwork to insist and  
25 make sure they deliver.

26 We saw in the report, MC 2, Countering an  
27 Evolving Threat, that the best defence against foreign  
28 interference in our election, or foreign interference period

1 is, and I quote, "equipping citizens with knowledge." Both  
2 Director Vigneault, Mr. Rogers, and even to a certain extent  
3 the minister this morning, said that this Commission was an  
4 excellent forum to achieve that. I urge the Commission and I  
5 stress the Commission not to miss that opportunity and inform  
6 the public about foreign interference because they have to be  
7 reassured and know what happens on a very important topic of  
8 democracy in their country.

9 I will close by saying that we are here to  
10 help. If the Commission wishes and thinks that we can, we'll  
11 be close, and we'll be at the disposal of Commission counsel  
12 and of course, you, Madam Commissioner.

13 **COMMISSIONER HOGUE:** Thank you very much,  
14 M. Leblanc.

15 **MR. CHRISTIAN LEBLANC:** Thank you.

16 **COMMISSIONER HOGUE:** John Mather.

17 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

18 **MR. JOHN MATHER:**

19 **MR. JOHN MATHER:** Thank you, Commissioner,  
20 and good afternoon.

21 I'd like to begin by saying that the Centre  
22 for Free Expression endorses everything my friend for the  
23 Media Coalition said, and as has probably become apparent, we  
24 have similar views on these topics.

25 And thank you again also for the opportunity  
26 to participate in this phase of the Inquiry.

27 I won't talk to you too much about maximising  
28 transparency because you've heard a lot about it, but I do



1 want to make a point that transparency -- the importance of  
2 transparency is not just about resilience and protecting  
3 Canadians, which is important, but that's not the only  
4 reason.

5 The public has a fundamental right to know if  
6 and how their elections were compromised, and if they were  
7 not compromised, what information is available to show that  
8 those allegations are not true or incorrect. The public has  
9 a right to know if foreign states have engaged in donation  
10 kickback schemes or if Members of Parliament have acted  
11 against the national interest.

12 Mr. Leblanc has done me the favour of reading  
13 for you from the *Westray Mine* case, and I think the  
14 principles he stated are very important and should be top of  
15 mind while you're considering these issues.

16 Commissioner O'Connor in the Arar case  
17 adopted that portion of the *Westray Mine* decision and noted  
18 that:

19 "As important as the Commissioner's  
20 report is the process of public  
21 exposure of the facts that allow the  
22 public to make its own evaluation  
23 over time."

24 And so the CFE encourages the Commission to  
25 make every effort it can to ensure that Canadians have the  
26 necessary information so they, in addition to you, can  
27 evaluate what happened.

28 Fulfilling the mandate of maximum

1 transparency requires scrutiny. You've heard, again, enough  
2 about the culture of overprotection. You've heard about the  
3 Arar Commission. And scrutiny requires this Commission to  
4 challenge some of the notions that the government have put  
5 forward.

6 You may ultimately agree with the government  
7 on some of those positions, but they must be submitted to  
8 rigorous review. And three examples that immediately come to  
9 mind of arguments we've heard this week, arguments that could  
10 be used to further enable a culture of over-redaction or the  
11 arguments about the mosaic effect, that how a single piece of  
12 information on its own may be innocuous but may cause a  
13 greater problem when put together. That is an argument that  
14 may be valid but is open to abuse.

15 Similarly, the notion that open-source  
16 intelligence can, in certain circumstances, be classified,  
17 I'm sure the Commission can appreciate why a member of the  
18 public may not fully understand that something -- why  
19 something posted on social media could not be disclosed or  
20 discussed in this Commission.

21 And the final example is this notion that the  
22 advent of artificial intelligence somehow leads to a result  
23 where we are getting less transparency from the government  
24 because of the capabilities of foreign states to aggregate  
25 and process information.

26 Again, you may ultimately agree with some or  
27 all of those submissions, but they need to be rigorously  
28 considered.

1                   And to this point, I'd like to add that it's  
2                   -- not only must this Commission push back, as Mr. Fadden  
3                   would say, but it must also demonstrate to the public that it  
4                   has pushed back or that it was satisfied there was no need to  
5                   push back. It's important for this Commission, for the  
6                   government and for the public that Canadians trust this  
7                   process and that means knowing about this process. And as we  
8                   said in our opening submissions, we acknowledge that this  
9                   week was an important step in that.

10                   Despite the Commission's efforts, the  
11                   Commission may not succeed in having the government disclose  
12                   all that the Commission believes ought to be disclosed. And  
13                   when that occurs, the Commission should be loud and clear  
14                   about that to the extent they can. But it may be the case  
15                   they can't give all the details why the Commission's  
16                   dissatisfied, but they certainly can express that  
17                   dissatisfaction.

18                   And similarly, the Commission should also  
19                   explain when it agrees with the Government of Canada and it  
20                   agrees why information should not be made available, and do  
21                   so to the best it can in an intelligible way. And that is  
22                   not a commentary on the Commission today. That is a  
23                   commentary on generally issues of national security  
24                   confidentiality when they are described to the public are  
25                   often in vague and difficult-to-understand terms and the  
26                   Commission should try as best it can to explain how it can  
27                   why certain information isn't available.

28                   We'll provide more detailed information in

1 our written submissions about suggestions going forward, but  
2 the Centre for Free Expression would like to point out now  
3 that it would like the Commission to seriously consider  
4 appointing some form of openness advocate and both on the  
5 legal perspective and, as Mr. Fadden suggested, from the  
6 perspective of an expert, perhaps a retired official or  
7 someone who can challenge the factual underpinnings or the  
8 expertise if necessary.

9 I'll briefly say before making a concluding  
10 remark, in making this submission, the CFE is not suggesting  
11 that your team isn't capable, doesn't have the expertise or  
12 is not independent to do that. They are all of those things.  
13 But having a separate voice in the room will add credibility  
14 to the process and if, ultimately, the Commissioner, you find  
15 yourself at a point of disagreement with the Government of  
16 Canada about what ought to be disclosed, having a second set  
17 of independent eyes may assist you if that occurs.

18 And I think no one in this room wants you to  
19 be in disagreement with the Government of Canada and, for  
20 now, we will accept that that is the intention of the  
21 Government of Canada, but you cannot discount the possibility  
22 that that will occur.

23 And very briefly, my final comment is for the  
24 Government of Canada, which is, the senior officials and the  
25 Minister who testified this week did say the right things in  
26 terms of their commitments to working through this process,  
27 but they will ultimately be judged by those actions and it is  
28 incumbent on the government in calling a public inquiry and a

1 public process to do everything it can to make sure it is  
2 public less it risks undermining the very process it put in  
3 place.

4 Thank you.

5 **COMMISSIONER HOGUE:** Thank you.

6 Hannah Taylor.

7 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

8 **MS. HANNAH TAYLOR:**

9 **MS. HANNAH TAYLOR:** Commissioner,  
10 participants and fellow counsel, valued members of the media  
11 and the public, we've heard that the Commission wishes to  
12 maximize transparency by making representations to the  
13 government as to the public disclosure of classified  
14 information, keeping in mind legislative restrictions. And  
15 we've heard from a number of experts and officials this week  
16 who are knowledgeable as to the potential complexities of  
17 these restrictions, though we also heard that the  
18 restrictions that the Commission and the government are  
19 dealing with aren't absolute. In fact, there are important  
20 exceptions for the Commission to keep in mind when it comes  
21 to its representations to the government.

22 For example, the Communication Security  
23 Establishment may disclose information relating to a Canadian  
24 or a person in Canada to any appropriate person if its  
25 disclosure may help prevent death or serious bodily harm  
26 under section 46(2) of the *Communication Security*  
27 *Establishment Act*.

28 We heard from Ms. Tayyeb that, based on her

1       experience, the risk of bodily harm is also considered in a  
2       decision to disclose information if the person at risk is  
3       located outside of the country, and although not explicitly  
4       mentioned in the Act, the risk of serious mental harm would  
5       also be a factor considered.

6                       So despite statutory limitations, there's  
7       leeway for the Commission and the government to work with.  
8       Indeed, that's why we've been meeting to discuss these issues  
9       this week.

10                      We've even heard that in some cases,  
11       disclosure can fortify national security, particularly when  
12       it comes to the experiences of targeted communities and cyber  
13       security risks. Ultimately, we heard that there's a balance  
14       to strike between national security concerns and the public  
15       interest in disclosure.

16                      We were encouraged by Professor Michael  
17       Nesbitt to turn to the Commission's Terms of Reference to  
18       determine the principles that should underlie the  
19       Commission's understanding of the public interest. At  
20       Section A(i)(C)(II) of the Commission's Terms of Reference,  
21       the protection of members of diaspora especially vulnerable  
22       to foreign interference is clearly made a priority.

23                      The assertion that this should be treated as  
24       a priority has been echoed throughout the hearings this week.

25                      The Coalition submits that the personal  
26       security interests of diaspora communities targeted by  
27       foreign governments and entities as well as their ability to  
28       take precautions to protect themselves must be treated as an

1 essential aspect to the public interest in disclosure and,  
2 therefore, an essential aspect of the required balance to be  
3 struck by the Commission and the government.

4 The effects of foreign interference and  
5 transnational repression on targeted members of diaspora  
6 communities are often severe. The methods used by foreign  
7 entities that target diaspora in Canada have been known to  
8 result in serious mental and physical harm up to and  
9 including death, not only to individual targets, but their  
10 loved ones living in Canada and abroad as well. And unless  
11 members of targeted communities know the threats they face,  
12 they cannot take precautions to adequately protect themselves  
13 or the people they love, work with or whose identities and  
14 beliefs they share, whether in Canada or abroad.

15 Expert Leah West spoke to the role the  
16 Commission can play in making sure the public understands how  
17 foreign interference affects targeted communities in order to  
18 build resilience. We submit that the Commission has an  
19 opportunity to contribute to greater awareness, resilience  
20 and safety among diaspora communities targeted by foreign  
21 interference and transnational repression.

22 The Commission can do this by urging the  
23 government to make public information in its possession that  
24 helps targeted communities understand the foreign  
25 interference threats they face so they can properly protect  
26 themselves. By emphasizing this interest in its  
27 representations, the Commission would be effectively doing  
28 its part to find the proper balance between ensuring national

1 security and protecting the public's interest in disclosure,  
2 including the personal security interests of affected  
3 diaspora as it works through its mandate.

4 We also note that foreign interference does  
5 not always take the same form. We ask the Commission to be  
6 alert to the variations in the forms of foreign interference  
7 that exist among communities and repressive foreign  
8 governments in its effort to prioritize the government --  
9 with the government disclosing information necessary to give  
10 diaspora communities the ability to take precautions.

11 As Minister LeBlanc explained this morning,  
12 the more information diaspora communities have about foreign  
13 interference, the better these communities are able to  
14 understand, detect and deter the threats they face.

15 Classified information in the government's  
16 possession that speaks to patterns of threatening conduct by  
17 foreign entities against targeted communities, including  
18 pressure on their associations abroad to participate in this  
19 conduct, should be made public to the extent possible, are  
20 included to the extent possible in public summaries or in the  
21 Commissioner's interim or final reports. We submit that, to  
22 the extent possible, redactions should be lifted from  
23 information that would alert diaspora in Canada that their  
24 community is a target or alert them to the nature of the  
25 danger they face. This should be done to ensure that  
26 community members can take the precautions they feel they  
27 must, to respond to the very real threat of transnational  
28 repression in Canada.



1 Thank you, Commissioner.

2 **COMMISSIONER HOGUE:** Thank you.

3 And the next one is Jon Doody representing  
4 the Ukrainian Canadian Congress.

5 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

6 **MR. JON DOODY:**

7 **MR. JON DOODY:** Good afternoon, Commissioner  
8 and colleagues. I'd like to start by thanking the Commission  
9 for allowing the Ukrainian Canadian Congress to take part in  
10 this week's hearings.

11 After this week's hearings, the public is  
12 hopefully in a better position to understand the difficult  
13 challenges faced by this Commission. Throughout this week,  
14 we have heard much about the tension between transparency,  
15 especially when it relates to attacks on our democratic  
16 institutions, and the need for secrecy surrounding issues of  
17 national security. This tension is going to permeate this  
18 Commission's work. As we have heard, while there is no easy  
19 solution, we've heard repeatedly that the government of  
20 Canada is committed to working with the Commission to meet  
21 their mandate.

22 We've heard this week that despite any  
23 redactions that may be applied to the publicly released  
24 documents, the Commission has access to all the documents in  
25 unredacted form. While this is obviously reassuring to know,  
26 there is a big difference between the Commission having  
27 access to information and the public having access.

28 This is a public inquiry, designed to inform

1 the public about these issues, which impact every Canadian in  
2 this country. The public nature of this inquiry must exist  
3 in more than just name. The public must be provided with as  
4 much information as possible. The UCC would urge this  
5 Commission to press the government to carry through with  
6 their commitments that we've heard throughout this week, to  
7 work with the Commission, and to push for disclosure as much  
8 information as possible.

9 The public must be satisfied that the  
10 Commission took all efforts to ensure that the public is  
11 provided with as much of the information as is possible under  
12 the law, because as we heard, the best defence against  
13 foreign interference is an educated and informed public. The  
14 ability for the public in Canada to be informed and educated  
15 rests with this Commission, and that is a responsibility that  
16 I have no doubt this Commission will take seriously.

17 With respect to the in-camera hearings that  
18 will occur at some point during this inquiry, the UCC would  
19 urge the Commission to devise the means by which the  
20 participants can actively take part and participate. Whether  
21 that is by way of amicus, or some other solution, it is  
22 imperative that the participants have the ability to  
23 meaningfully take part in the entire process, including in-  
24 camera hearings. The Commission must strive to include the  
25 participants as much as possible in order to keep the public  
26 involved in this public inquiry.

27 I only would ask the Commission to consider  
28 the impact of foreign interference on all members of the

1 public, while ensuring to pay attention to targeted  
2 communities as they are often the most impacted by foreign  
3 interference. The Ukrainian Canadian Congress looks forward  
4 to working with the Commission throughout this hearing.

5 Thank you, Commissioner.

6 **COMMISSIONER HOGUE:** Thank you.

7 Maitre Sirois.

8 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

9 **MR. GUILLAUME SIROIS:**

10 **MR. GUILLAUME SIROIS:** Commissaire Hogue,  
11 merci de permettre au RCDA de participer aux audiences de  
12 cette semaine.

13 We gathered this week to discuss a matter of  
14 utmost importance, what information should be disclosed to  
15 the public in the context of this inquiry. These discussions  
16 highlighted, one, the disproportionate impact of foreign  
17 interference on diaspora communities; two, the pivotal role  
18 of these communities' interests in the disclosure of  
19 sensitive information; and, three, the critical importance of  
20 these considerations to fulfil the Commission's mandate.

21 The diaspora communities, while integral to  
22 the rich tapestry of our nation, often find themselves in a -  
23 - often find themselves uniquely vulnerable to foreign  
24 interference. As acknowledged by CSIS Director David  
25 Vigneault yesterday, this is not just a matter of external  
26 influence, but a direct attack on their civil liberties and  
27 freedom.

28 It is clearly unfortunate that no members of

1 the diaspora were invited to speak on these issues this week.  
2 Nevertheless, evidence presented this week has still revealed  
3 that foreign powers disproportionately target members of the  
4 diaspora communities through threats, manipulation and  
5 coercion. These actions not only undermine the individual  
6 freedoms of diaspora members, but also create an endless  
7 fear, fear and mistrust within these communities. Such  
8 interference is a blatant violation of Canadian human rights,  
9 values, and principles. It infringes upon their rights to  
10 free speech, security, liberty, and political participation.  
11 It also infringes upon the right to equality, which provides  
12 that members of the diaspora are equally deserving of  
13 concern, respect, and consideration as the rest of the  
14 Canadian society. These rights are the cornerstone of any  
15 democratic society.

16 While the state has a legitimate interest in  
17 safeguarding national security, this interest must be  
18 carefully balanced with the rights and interests to the  
19 public, and most importantly, the rights and interests of the  
20 diaspora. Sometimes the information is so important for the  
21 public interest that the balance will favour disclosure of  
22 the information, notwithstanding any impact on national  
23 security.

24 Regarding this week, which was supposed to be  
25 about fostering transparency and enhancing public awareness  
26 and understanding, not only no members of the diaspora were  
27 invited to provide evidence, but the government's explanation  
28 for redacting information does not even mention this

1 balancing exercise or even the public interest in disclosing  
2 information. This is appalling. It may be true that  
3 sometimes secrecy allows agencies to protect national  
4 security more effectively, but as CSIS Director David  
5 Vigneault recognized yesterday, accountability and  
6 transparency also serve this exact same purpose.

7 Further, transparency empowers diaspora  
8 communities, enabling them to personally understand, weigh  
9 and respond to the threat posed by foreign interference and  
10 engage in democratic processes more securely and  
11 informatively.

12 Our legal system has consistently emphasized  
13 the necessity of transparency and accountability in legal  
14 proceedings, especially when civil liberties are at stake.  
15 Past public inquiries have also stressed the importance of  
16 having a transparent and open process to educate the public  
17 about the events leading up to a shocking societal problem,  
18 and there are a few more shocking societal problems than the  
19 allegations at the heart of the present inquiry.

20 Members of the diaspora communities moved to  
21 Canada seeking sanctuary. If they had been given an  
22 opportunity to be heard this week, they could have told the  
23 Commission that free and fair elections are the bedrock of  
24 our democracy. They could have shared their firsthand  
25 experience with the fragility of this process and the public  
26 trust in this process. Could have explained that foreign  
27 interference in our democratic processes not only undermines  
28 the integrity of our elections, but also erodes their trust

1 in the democratic process. The diaspora communities have  
2 intimate knowledge of how this loss of trust can lead to  
3 dramatic consequences.

4 You have heard from my colleagues that the  
5 general public has a significant interest in accessing  
6 information in the context of this inquiry. The interest of  
7 the diaspora in accessing this information is only that more  
8 important.

9 In conclusion, Commissioner Hogue, this  
10 inquiry presents a crucial opportunity not only to reaffirm,  
11 but also solidify Canada's commitment to the principles of  
12 democracy, transparency, and the protection of civil  
13 liberties. The way to seize that opportunity is to ensure  
14 maximum transparency, which starts by seriously taking into  
15 consideration the interest of the segment of the population  
16 that is most affected by foreign interference, the diaspora  
17 communities. The integrity of our democratic processes and  
18 the trust of Canadians depend on it.

19 **COMMISSIONER HOGUE:** Thank you.

20 **MS. ERIN DANN:** Commissioner? This is Erin  
21 Dann speaking.

22 **COMMISSIONER HOGUE:** Sorry, I wasn't clear.

23 **MS. ERIN DANN:** Apologies. Just as the  
24 participants are presenting their closing submissions, a  
25 reminder from our interpreters to please attempt to speak  
26 slowly. As you're reading particularly prepared remarks,  
27 there can be a tendency to speed up the pace.

28 **COMMISSIONER HOGUE:** And if need be, I'll add

1 one minute of the five minutes you asked, so don't speed up  
2 just for that. Thank you.

3 So the next one is Luc Boucher. Maitre  
4 Boucher pour le Commissaire aux élections fédérales.

5 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

6 **M. LUC BOUCHER:**

7 **MR. LUC BOUCHER:** Bon après-midi, Madame la  
8 commissaire, chers collègues.

9 Je me présente, Me Luc Boucher, je représente  
10 les intérêts du Bureau de la commissaire aux élections  
11 fédérales devant cette Commission.

12 D'entrée de jeu, le Bureau de la commissaire  
13 aux élections fédérales tient à vous remercier, Madame la  
14 Commissaire – et je vais ralentir parce que je me rends  
15 compte qu'en lisant, ça va trop vite –, ainsi que l'équipe  
16 des avocats de la Commission d'avoir pris le temps d'exposer  
17 d'importants enjeux liés à la divulgation dans la sphère  
18 publique d'informations confidentielles et des impacts  
19 potentiels liés à une divulgation impropre, inappropriée de  
20 ces informations.

21 Nous prenons note des suggestions d'outils  
22 disponibles au corps d'enquête, par exemple l'utilisation de  
23 résumés afin de pallier cet obstacle et ainsi optimiser  
24 l'accessibilité du public à l'information.

25 Nous saisissons l'opportunité que vous nous  
26 offrez aujourd'hui pour exposer ce qui suit.

27 Le Bureau de la commissaire aux élections  
28 fédérales est un organisme indépendant et impartial qui est

1        créé et régi par la *Loi électorale du Canada*. La commissaire  
2        en poste, madame Caroline Simard, est chargée, entre autres  
3        choses, de veiller à l'observation et au contrôle de la Loi  
4        électorale du Canada.

5                    Dans l'exercice de cette charge, la  
6        commissaire mène des enquêtes relativement à des  
7        contraventions possibles à la Loi et le fruit de ces enquêtes  
8        peut résulter en dépôt d'accusations pénales, de conclusions  
9        de transactions mieux connues sous « *compliance agreements* »,  
10       des procès-verbaux prévoyant des sanctions administratives  
11       pécuniaires, ou encore un engagement de la personne qui est  
12       visée par l'enquête.

13                   Mais qui dit enquête parle nécessairement de  
14       cueillette d'informations et dont les sources, les méthodes  
15       d'obtention, voire même l'information obtenue elle-même  
16       peuvent être confidentielles et pour différents facteurs  
17       justifiant cette confidentialité.

18                   En sus des principes généraux de  
19       confidentialité des renseignements discutés cette semaine, la  
20       confidentialité des renseignements recueillis lors de  
21       l'enquête de la commissaire est régie aussi par la *Loi*  
22       *électorale du Canada*. Cette Loi contient des dispositions en  
23       matière de confidentialité qui interdisent la commissaire et  
24       son équipe de partager les détails liés au travail d'enquête  
25       mené par eux.

26                   Cette interdiction de communication inclut  
27       spécifiquement des informations qui révèlent ou à partir  
28       desquelles on pourrait en déduire le nom du plaignant, des



1 témoins, ainsi que de la personne dont la conduite fait  
2 l'objet de l'enquête. Ce devoir de confidentialité est  
3 justifié par divers facteurs, notamment la protection des  
4 sources, le devoir de ne pas nuire à une enquête en cours,  
5 mais il existe un facteur particulier justifiant ce devoir de  
6 confidentialité et particulièrement applicable aux enquêtes  
7 de la commissaire et qu'on ne peut ignorer dans l'instance:  
8 la partisanerie.

9 En effet, de permettre la divulgation dans la  
10 sphère publique d'une simple allégation à la commissaire dont  
11 le fondement n'a pu être vérifié dument et minutieusement par  
12 une enquête complète non seulement peut mettre en péril une  
13 enquête en cours, mais elle a le potentiel d'entacher la  
14 réputation et la carrière de celle-ci. Agir ainsi  
15 transformerait le Bureau de la commissaire en un véhicule  
16 propice à être utilisé à des fins partisans, ce qui est  
17 contraire au mandat et objectif de la commissaire.

18 Conséquemment, ce devoir de confidentialité  
19 ne peut être levé que dans certaines circonstances limitées  
20 et identifiées à la *Loi électorale du Canada*, et c'est dans  
21 le cadre de ces principes généraux et de ceux discutés par la  
22 *Loi électorale du Canada* que le Bureau de la... dictés, c'est-  
23 à-dire, par la *Loi électorale du Canada* que le Bureau de la  
24 commissaire aux élections fédérales collabore et collaborera  
25 avec cette Commission afin de faciliter son déroulement avec  
26 toute la transparence possible.

27 **COMMISSIONER HOGUE:** Mark Polley.  
28 Representing Mr. Dong.

1 --- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR

2 MR. MARK POLLEY:

3 MR. MARK POLLEY: Yes. Good afternoon,  
4 Commissioner. Thank you for this opportunity to address you  
5 on behalf of Mr. Dong at this early stage in the proceedings.

6 I want to start, and as you know, Mr. Dong is  
7 the Member of Parliament for Don Valley North. And I want to  
8 start with a theme that came up this week that is important  
9 from our point of view on behalf of Mr. Dong, and for all of  
10 us in this part of this process, and that was the theme that  
11 I'll put it in the words of Professor Leah West, who said,  
12 "leaked information, just because it is leaked information,  
13 does not mean it is true information." And we've heard that  
14 theme repeated this week. We've heard it in lots of other  
15 places as well.

16 And leaked information and stories are the  
17 reason to some extent that we're here. They have triggered  
18 this Commission, and very personally for Mr. Dong, they  
19 explain why he is here represented individually. As you  
20 know, he was the subject of a story related to foreign  
21 interference that turns out to be wrong.

22 And it's -- I'll come back to that story, but  
23 it's a helpful context, of course, that we have heard this  
24 week in the balance between two things: on the one hand that  
25 need for secrecy, and on the other, that this Commission has  
26 and the importance for this Commission of transparency. And  
27 I can tell you, we join the chorus of all the other parties  
28 asking for transparency, urging you to push for it.

1                   And the reason for that is, as I say, very  
2                   personal for Mr. Dong. It is important, it's also, I'd go so  
3                   far as to say urgent, and the reason is because, let me start  
4                   with Mr. Dong himself, he has had a career that has been  
5                   derailed by what has happened and he has a life that's  
6                   derailed as well. And he is someone who has spent his life  
7                   in public service, his adult life in public service here in  
8                   Canada. He has worked for representative elect officials,  
9                   elected officials. He, himself, has been an elected  
10                  official.

11                  And he's here through us, participating in  
12                  part focussed on repairing that damage, the damage done to  
13                  that life and career, and to help and to be a part of helping  
14                  you in your mission.

15                  So there is Mr. Dong. There's the diaspora  
16                  community, which for Mr. Dong, as you know, one of very few  
17                  Members of Parliament who have -- are of Chinese descent and  
18                  who immigrated to Canada. The stories surrounding him create  
19                  a cloud of distrust and a question of loyalty around that  
20                  community.

21                  There are volunteers, as everyone here knows,  
22                  who work on campaigns. There are people who worked very hard  
23                  on the campaign for Mr. Dong and others. There are people  
24                  who worked on his campaign who take pride in their work in  
25                  making sure that those rules we heard from Mr. --  
26                  Minister LeBlanc, making sure that those rules are followed,  
27                  making sure that election finance rules are followed, that  
28                  everything is checked and the campaign is run well and

1 smoothly. And those people are, of course, affected by  
2 stories like the ones that affected Mr. Dong.

3 There is also Mr. Dong's family. He -- as  
4 you can imagine, stories like this don't just affect him.  
5 When he gets threats, that also affects his family, and they  
6 too are impacted by all of this.

7 And perhaps most importantly for the work of  
8 this Commission, there are his constituents, and the voters  
9 generally. And those people have had their choices, their  
10 ballots called into question by this.

11 And so all of this really is why I say Mr.  
12 Dong stands entirely behind this push for transparency; to  
13 help cure this, to help repair the damage that has been done.  
14 And I say that knowing the challenges that has been raised,  
15 and one of those challenges of course is time. It surely is  
16 one of the most difficult things that you and Commission  
17 staff are facing, is how to do this, how to achieve  
18 transparency, how to achieve the depth of investigation  
19 necessary in the time allotted. So I recognize that, and  
20 still push to say that we still urge you, like other parties,  
21 to push forward, and that we, on behalf of Mr. Dong, of  
22 course, will participate and assist.

23 And the last point I wanted to touch on is an  
24 unusual circumstance in which this Commission's work arises,  
25 and that is Mr. David Johnston having done a report on this  
26 area. And that, as you know, like you, Commissioner, Mr.  
27 Johnston was able to look at documents, to review documents,  
28 unredacted documents; he was able to get clearance. And very

1       importantly, what we saw from his review of the documents,  
2       two conclusions I will point out, one was there are no --  
3       there's no reason to question the results of the 2019 and  
4       2021 elections. And second, with respect to another  
5       allegation much more specific to Mr. Dong; he found it was  
6       simply false.

7                       And so that I've -- in talking about Mr.  
8       Dong, that represents the sum of the damage that is done by  
9       the situation we're in which to some extent connects to this  
10      issue of a lack of transparency. So there is a climate  
11      created of fear, of suspicion, and sometimes that leads to  
12      stories that are not true. And I say that without expressing  
13      any doubt on the importance of these issues. Mr. Dong, and  
14      we on his behalf, absolutely stand behind the importance of  
15      this Commission uncovering attempts to interfere with our  
16      democratic institutions, absolutely. But at the end of the  
17      day ---

18                      **COMMISSIONER HOGUE:** You'll have to -- you'll  
19      have to conclude.

20                      **MR. MARK POLLEY:** Thank you.

21                      At the end of the day -- I will,  
22      Commissioner. At the end of the day, we agree, of course,  
23      that sunlight is the best disinfectant, and we urge you to  
24      reach definitive conclusions to the extent there cannot be  
25      that transparency. That's why, as you know Mr. Dong voted  
26      for a public inquiry in the House, and why, again, we will do  
27      everything we can to cooperate and help you achieve your  
28      mandate through transparency.

1                   **COMMISSIONER HOGUE:** Thank you.

2                   **MR. MARK POLLEY:** Thank you.

3                   **COMMISSIONER HOGUE:** Your turn, Maître van  
4 Ert. I think for Michael Chong.

5                   **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES**

6                   **MR. GIB van ERT:**

7                   **MR. van ERT:** Madam Commissioner, at the very  
8 outset of this week's hearings on Monday, you said some  
9 Members of Parliament have publicly asserted that they  
10 themselves have been the target of foreign interference, and  
11 that they were not notified about it in good time by Canadian  
12 authorities. My client was very heartened to hear you  
13 emphasize this aspect of your work from the start of this  
14 Commission.

15                   Now, the hearings this week are, of course,  
16 directed at something else; the challenge of balancing the  
17 undoubted need for national security confidentiality, with  
18 our growing appreciation of a concurrent need, which is to  
19 increase our country's resilience to foreign interference  
20 through some measure of transparency and public awareness.

21                   In their evidence, the experts and witnesses  
22 you've heard have made clear that the protection of Canada  
23 from interference by our adversaries requires constant  
24 vigilance, constant vigilance by our elected officials and  
25 our public servants. Mr. Chong came into these hearings with  
26 profound respect for the work our national security agencies  
27 do to keep this country safe, and to live up to the promises  
28 we have made to our allies. The evidence we've heard so far

1       reaffirms Mr. Chong's confidence in our national security  
2       protections.

3                       But something has clearly gone wrong.  
4       Despite the expertise and dedication of our national security  
5       community, Mr. Chong and his family have been exposed to  
6       threats of coercion by PRC officials and agents operating in  
7       this country. Other MPs have also been targets, and almost  
8       all of what we know of these events has come, not from  
9       awareness raising sessions, like the one we've had this week,  
10      or from statements by Cabinet Ministers or from briefing of  
11      MPs by officials or from testimony at Parliamentary hearings,  
12      instead almost all of what we know so far comes from  
13      newspaper reports based on sources in the intelligence  
14      community.

15                      So this Commission is an opportunity for the  
16      Canadian public to understand the true extent of foreign  
17      interference in this country; and I emphasize for the  
18      Canadian public to understand and learn. It won't be enough,  
19      Commissioner, for you and your counsel to learn what has gone  
20      wrong and to write it up in some confidential annex that most  
21      people will never see, because it is for the public; the  
22      public has the ultimate responsibility in our democracy to  
23      judge political decisions taken by the Ministry.

24                      Mr. Chong fully appreciates that much of the  
25      work that you must do will necessarily take place behind  
26      closed doors; he appreciates that. But we ask that you  
27      always bear in mind the purpose of national security  
28      confidentiality, and you know it well, it's to protect

1 national security sources, methods, and information from  
2 disclosure which could be harmful to Canada. But not to  
3 protect the Ministry or elected officials from scrutiny of  
4 their handling of the national security file.

5 Whether the government has failed to protect  
6 Mr. Chong and his family, or other MPs, or diaspora  
7 communities across this country, those are questions this  
8 Commission can explore here, in public, by calling witnesses  
9 and demanding documents and making findings.

10 The witnesses before you this week have  
11 warned against the practice of overclaiming that can creep  
12 into our national security culture. Mr. Fadden pointedly  
13 observed that this country is less transparent about national  
14 security matters than our American, British, and Australian  
15 allies. That should give you pause.

16 If I may put it a little broadly, Madam  
17 Commissioner [no interpretation].

18 Throughout the coming hearings, Canada can be  
19 expected to resist disclosure, to resist discussion, to  
20 resist determinations. And sometimes they'll just be doing  
21 their job. As I've said, we acknowledge that this is  
22 difficult work, and there are confidences that have to be  
23 protected. But when you hear Canada make those submissions,  
24 we ask, Commissioner, that each time you be asking yourself,  
25 "Is this truly needed to protect national security, or am I  
26 being asked to protect something else?"

27 Thank you.

28 **COMMISSIONER HOGUE:** Thank you.



1 Mr. Choudhry, acting for Jenny Kwan.

2 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES**

3 **MR. SUJIT CHOUDHRY:**

4 **MR. SUJIT CHOUDHRY:** Commissioner, MP Kwan  
5 thanks you again for granting her standing. She thanks you  
6 for your public service in taking on this enormous, and I'm  
7 sure what at times will be a thankless task; and looks  
8 forward to assisting you in whatever way possible.

9 In addressing how to balance national  
10 security with public transparency, there are five issues we  
11 believe you should consider.

12 First, we are here because of explosive  
13 allegations that strike at the heart of the integrity of  
14 Canada's parliamentary democracy. These allegations are  
15 known to everyone in this room, and I will not repeat them.  
16 What I will say is that these allegations provide the  
17 necessary context within which the Commission must balance  
18 national security with public transparency. It is also known  
19 that MP Kwan, MP Chong, and former MP O'Toole were all  
20 targets of foreign interference, and they were unaware that  
21 they were targets until May of 2023.

22 These matters could not be more serious.  
23 Their importance transcends the outcome of the vote in any  
24 riding, or for that matter, the seat count in the House.  
25 They strike at three pillars of the Canadian constitutional  
26 order: political freedom, free from repression,  
27 parliamentary democracy, and competitive multi-party  
28 politics. Because of the subject matter of this inquiry,

1 maximum public transparency is imperative.

2 Second, maximum public transparency is  
3 imperative because of the process that preceded this one.  
4 Commissioner, as you know, this inquiry was created in the  
5 wake of the controversy over the Independent Special  
6 Rapporteur's report. With the deepest and greatest respect  
7 for the Special Rapporteur, it must be acknowledged that that  
8 process was a failure. One reason that process failed is the  
9 issue of transparency. That process by its very design was  
10 not transparent and the Special Rapporteur opposed the  
11 creation of a public inquiry that would have brought better  
12 transparency.

13 The House of Commons, the opposition parties,  
14 and Canada's diasporas took the view that transparency was  
15 essential, not optional. The Commission must learn from the  
16 experience of the Special Rapporteur and not make the same  
17 mistake, no matter how challenging that task will be.

18 Third, Canada's diasporas have insisted upon  
19 maximum transparency. There is a consensus that Canada's  
20 diasporas are disproportionately at risk from transnational  
21 repression. They have consistently called for a public  
22 inquiry because they fear that repression. Ms. Kwan is  
23 particularly aware of these fears in the Chinese diaspora.

24 The fear of transnational repression has  
25 undermined diaspora's trust in the integrity of Canada's  
26 constitutional democracy. They look to this Commission to  
27 provide a roadmap to parliament and the government for how to  
28 restore their trust, so that they can participate fully in

1 Canadian political life without fear.

2 Constitutional democracy ultimately rests on  
3 public trust. Free and fair elections create a virtuous  
4 cycle that reinforces that trust. A lack of confidence in  
5 the integrity of electoral democracy can create a vicious  
6 cycle that undermines trust. Trust in democracy is fragile.  
7 As we can see across the world, once lost, public trust in  
8 democracy is very hard to restore. It should never be taken  
9 for granted and is a very precious thing. Canada is not  
10 immune from this risk.

11 Fourth, history teaches us that governments  
12 overclaim national security. This week we have spoken  
13 frequently about the Justice O'Connor's report in the Arar  
14 Inquiry. The context was very different, but the tension  
15 between public transparency and national security  
16 confidentiality was the same. Justice O'Connor sharply  
17 criticized the government for overclaiming national security.  
18 Had the government taken a different course, the public  
19 hearings would have been more forthcoming.

20 While history does not repeat itself,  
21 Commissioner Hogue, it rhymes. The risk of overclaiming  
22 still exists. The Commission must be alert to this risk  
23 because precisely because of what happened in the Arar  
24 Inquiry.

25 Fifth and finally, a public inquiry can be  
26 much more creative procedurally than a court. The Arar  
27 Inquiry's use of an amicus curae was a pioneering Canadian  
28 procedural innovation. This was the first time an amicus was

1 used in a national security context in an in-camera *ex parte*  
2 proceeding. It has since become a central part of Canadian  
3 public law practice.

4 This Commission should also be procedurally  
5 innovative and bold. Just as this Commission should be  
6 transparent as possible, it should broaden the scope for  
7 participation to the greatest extent possible. The  
8 assumption this week is that there are two options, full  
9 public hearings or in parte ex camera [*sic*] hearings with  
10 Commission counsel and the government. We would urge you,  
11 Commissioner, to consider intermediate options. The nature  
12 of the direct and substantial interest of a party might be  
13 the basis for the Commissioner to give it some participatory  
14 rights in some of its hearings. Thank you.

15 **COMMISSIONER HOGUE:** Thank you.

16 I think we are now going on Zoom. Michael  
17 Wilson acting for the Conservative Party.

18 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

19 **MR. MICHAEL WILSON:**

20 **MR. MICHAEL WILSON:** Good afternoon,  
21 Commissioner. My name is Michael Wilson.

22 **COMMISSIONER HOGUE:** Oh, you have to turn  
23 down your mic or we have to do it. I'm not sure. Is it  
24 controlled from here or ---

25 **MR. MICHAEL WILSON:** Good afternoon,  
26 Commissioner. Can you hear me now?

27 **COMMISSIONER HOGUE:** Oh, okay.

28 **MR. MICHAEL WILSON:** Excellent. My name is

1 Michael Wilson, and I am legal counsel to the Conservative  
2 Party of Canada. I intend to be brief as you've already  
3 heard from many parties this morning advocating for the need  
4 for a transparent and open process, including the thoughtful  
5 submissions of Mr. Mather, the Centre for Free Expression.  
6 We agree with much of those submissions. And I do want to  
7 emphasize what former Commissioner -- or CSIS Director  
8 Richard Fadden said on Wednesday, and I quote, "In a  
9 democracy, absent clear constitutional or legal direction to  
10 the contrary, openness and transparency is the default."

11 It is against that default that our courts  
12 have recognized that the government must be required to  
13 demonstrate any alleged injury to national security through  
14 the disclosure of information is not only possible, but  
15 probable. And it's that default and that standard that we  
16 submit the Commission should keep in mind and should employ  
17 in scrutinizing and testing claims of national security  
18 confidentiality made by the government in this process.

19 Thank you. Those are our submissions.

20 **COMMISSIONER HOGUE:** Thank you.

21 Next one is Thomas Jarmyn I think also on  
22 Zoom.

23 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

24 **MR. THOMAS JARMYN:**

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

26 Mr. O'Toole would like to thank you for the  
27 opportunity to speak here in this process and to thank you  
28 for your -- and your staff for your ongoing work.

1 Foreign interference is an issue he's  
2 followed closely during his years in public life, and this  
3 process is an opportunity to improve our collective  
4 understanding of these activities and to build trust in our  
5 institutions and our parliamentary democracy.

6 It is clear from the documents already before  
7 the Commission and, in fact, before parliament in the past  
8 few years, there's been a long-term effort by a number of  
9 countries to bend the trajectory of our democratic discourse.  
10 The question this week is, where do we strike the balance  
11 between transparency and national security, both of which are  
12 in the public interest. And in striking that balance, I  
13 think the Professor West concept of deep secrets and shallow  
14 secrets is a helpful one.

15 Details of operations and actions taken by  
16 security agencies and what they found out fall into this  
17 category of deep secrets. It's very possible this  
18 information can't be made publicly available without  
19 compromising methods, sources, or, in fact, given the recency  
20 of the events before the Commission, even ongoing operations.  
21 It's not the raw detail though that's important. It's the  
22 advice and conclusions that are generated as a result of  
23 those operations.

24 So we would suggest, with respect to the  
25 operations, the use of summaries, statements of conclusion,  
26 after the Commission's reviewed the entirety of the file to  
27 validate it, can be helpful in allowing Canadians to  
28 understand what was happening. But it's in the second --

1       it's in the shallow secrets that we suggest the default  
2       should be to transparency and disclosure. And that is what  
3       do internal actors in government, and I mean government writ  
4       large, including the various infrastructure of elections, do  
5       with that information and how are they structured to respond  
6       to it. Questions like was the site task force or collecting  
7       intelligence with respect to these matters, was its mandate  
8       broad enough? Did it have the ability to meet the  
9       intelligence to evidence challenge to allow it to pass  
10      information to Commissioner of Elections Canada. What about  
11      the Critical Election Incident Committee? What did it do if  
12      it received information that it found outside its very  
13      limited mandate of the five-week period or activities that  
14      weren't covered by another piece of legislation? Did the  
15      focus on the five-week writ period really limit the ability  
16      of either of those bodies to respond to the threats to our  
17      ongoing democratic process when this threat is one that has  
18      spanned years?

19                   There is evidence before Parliament that our  
20      -- in 2021, a request from CSIS for a warrant authorisation  
21      sat without action for months. Why did that happen, and what  
22      were the consequences of that? Questions like these are most  
23      shallow secrets, and they ensure -- to ensure public  
24      confidence the evidence around their answer deserves maximum  
25      transparency.

26                   So Mr. O'Toole submits that an approach to  
27      classification that relies upon summary, providing statements  
28      of conclusion with respect to raw intelligence in operations,

1 while releasing, with minimal or no redaction, information,  
2 or documents regarding how government responded to that --  
3 the advice stemming from those operations, is the best  
4 service the Commission could do to both Canada and our  
5 democratic process.

6 Thank you very much for the time to speak.

7 **COMMISSIONER HOGUE:** Thank you, Mr. Jarmyn.

8 Next one is Mrs. Wilson representing the  
9 Churchill Society.

10 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

11 **MS. MALLIHA WILSON:**

12 **MS. MALLIHA WILSON:** Thank you, Commissioner,  
13 for this opportunity. It's very much appreciated.

14 I act for the Churchill Society for the  
15 Advancement of Parliamentary Democracy, and as in the name,  
16 it's obvious that we are interested in the advancement of  
17 democratic principles.

18 I'm going to focus on two issues that have  
19 been raised this week. One is the balancing of public  
20 interest in the disclosure of information versus the  
21 protection of national security; and the second one is the  
22 techniques, such as redaction, summaries, *in-camera* hearings,  
23 that will be used by the Commission in order to achieve this  
24 balance.

25 And you know, there's one benefit in going  
26 towards the end was that what I want to say has been said,  
27 but I'm going to drill a bit deeper.

28 The Arar Commission, I think it was a good



1 bird's eye view of the challenges that can exist in dealing  
2 with this kind of issue and all the attempts that were made  
3 to obtaining information from the government. And it would  
4 be naïve to think that much has changed in government, and a  
5 government that has been jealously guarding its information  
6 is all of a sudden going to be very cooperative in this  
7 front.

8           And this does not come from any, I think, ill  
9 motive, it's just that it's an honestly held belief to do  
10 your -- that to do your job well, you have to guard this  
11 information. And the public interest, on the other hand, may  
12 have changed or tilted to make this -- in the public interest  
13 to release more information.

14           And in that regard, I urge the Commission to  
15 do what Justice O'Connor did and appoint an *amicus* because  
16 the role of Commission counsel is very different from the  
17 kind of role that Mr. Ron Atkey played as *amicus* for the  
18 O'Connor Inquiry. And it was much more of an adversarial  
19 push and pull kind of role, and I think it was necessary  
20 then, and this is a suggestion only, it may well be necessary  
21 now, and it's something to be kept in mind.

22           The Society also suggests that there be a  
23 transparency in its proceedings, as well as the methods it  
24 uses to get document production. Hence, one way is through  
25 the *amicus*.

26           But this becomes much more important when we  
27 think of the interest that various diaspora groups have in  
28 this hearing, and this is different from previous public

1 inquiry hearings, and this is a new element that judicial  
2 proceedings are having to deal with in a changing Canada.  
3 And we urge the Commission to ensure to the greatest extent  
4 possible information related to credible threats be made  
5 available to affected individuals in diaspora groups, and at  
6 the same, we urge the Commission to ensure such disclosure of  
7 confidential information not put these individuals and groups  
8 in additional risk -- at additional risk.

9 Now, this is obviously a difficult task and  
10 requires a lot of expertise, but if you look at how again it  
11 was done in the Arar Inquiry in terms of the ascertaining  
12 what was information that should be disclosed and whether  
13 that was all of the information or not, a process of cross-  
14 examination was entered into to test the evidence and the  
15 parties.

16 The second part, though, I think where  
17 Justice O'Connor had some trouble, was that length of time it  
18 took to do all this. And a suggestion that the Society is  
19 putting forward is for dispute -- is it strips dispute  
20 resolution process, to have a summary dispute resolution  
21 process, such as the appointment of a Federal Court judge,  
22 just to deal with this Commission's disclosure issues on a  
23 summary basis so that you don't have to start a process at --  
24 from the beginning with all the timeframes and so on, but  
25 it's a shortened timeframe and so on. So it be a summary  
26 process. This has been used, I don't think in inquiries such  
27 as this, but in other proceedings as well, where there needed  
28 to be speed in legal proceedings.

1           The Society also has concerns about *in-camera*  
2   hearings. It's a legal tool to use and is used frequently,  
3   but it should be balanced against the type of hearing that  
4   this is supposed to be. You've heard from others that it  
5   should be an open hearing, and to resort to *in-camera*  
6   hearings in the way it is proposed is problematic.

7           We urge the Commission to really go by the  
8   spirit of the open court principle and -- because it builds  
9   trust, the Supreme Court has spoken on this, and especially  
10  given that we're dealing with diaspora groups and new  
11  Canadians, and so on, it is very important. And the open  
12  court principle can be used in a way that protects  
13  confidentiality. There are many variations of the open court  
14  principle. It doesn't mean that everybody hears everything  
15  all the time, but without having to resort to sort of the  
16  criminal court type *in-camera* hearings.

17          Finally, we understand that foreign  
18  interference is an extremely complex area, and disinformation  
19  and all that that entails, truth-seeking, chaotic ambiguity,  
20  all these technological things are very hard. We appreciate  
21  the difficult job that the Commission has and that you have,  
22  Commissioner, but we are advocating for a speedy resolution  
23  of disclosure, an open court principle, and a full testing of  
24  the evidence provided by the security services, and we would  
25  be happy to help in any way we can.

26          Thank you very much.

27          **COMMISSIONER HOGUE:** Thank you, Mrs. Wilson.

28          Next one is Daniel Stanton. Is he in the

1 room, I think? Yes. Representing the Pillar Society.

2 --- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR

3 MR. DANIEL STANTON:

4 MR. DANIEL STANTON: Good afternoon,  
5 Commissioner, esteemed colleagues.

6 The Pillar Society is impressed by the  
7 quality and openness of the expert panels we saw here this  
8 week, and their success in demystifying aspects of national  
9 security work, particularly, the declassification challenge  
10 we are faced with.

11 Our colleague participants, expert panelists,  
12 and the Commission understand the need to find that comfort  
13 zone between unnecessarily jeopardising the sources and  
14 methods of collecting intelligence and the reflexive tendency  
15 of the government to keep the lion's share of reporting  
16 classified.

17 In an article published this week in Foreign  
18 Affairs Magazine, CIA Director William Burns talks at length  
19 about:

20 "'Strategic declassification,' the  
21 intentional public disclosure of  
22 certain secrets to undercut rivals  
23 [like Russia,] and rally allies [like  
24 Ukraine.]"

25 Let us look at our declassification exercise  
26 as more than simply transparency for Canadians, but as an  
27 effective tool to counter foreign interference from Canada's  
28 adversaries. We feel that strategic summaries of the

1 redacted reporting are perhaps the most effective tool to  
2 strike that balance between maintaining national security and  
3 educating Canadians about this comprehensive and persistent  
4 national security threat. Raw reporting cannot and should  
5 not be declassified. It is intelligence. It is not  
6 evidence, and it is open to a wide range of  
7 misinterpretations.

8 While senates may question the integrity of  
9 executive summaries, the Commission's mandate is not to win  
10 over the deep state aficionados. And considering the  
11 alternatives, as Winston Churchill once said, this may be as  
12 good as it gets.

13 We heard this week about third-party  
14 reporting and the Five Eyes, which we are told are following  
15 these proceedings with rapt attention. The Five Eyes  
16 alliance has withstood existential threats from Kim Philby to  
17 Edward Snowden. It is a most resilient alliance of 12  
18 intelligence agencies which we've worked very closely with  
19 for many decades. The Five Eyes are not like the Eye of  
20 Sauron, looking down at these proceedings with grave concern.  
21 Foreign interference investigations are not counterespionage  
22 operations, and for the most part, do not involve foreign  
23 intelligence service professionals. Knowing the nature of  
24 foreign interference investigations in Canada, we doubt there  
25 is much third-party information in the reporting. What is  
26 there may be corroborative, may be tangential to an  
27 investigation, but any third party that is foundational to  
28 case building can easily be reviewed *ex parte*, or perhaps

1 excised from an executive summary. Thank you.

2 **COMMISSIONER HOGUE:** Thank you.

3 Next one is Mr. Pozumka -- Poziomka, sorry,  
4 for Democracy Watch. I think you're on Zoom.

5 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALE PAR**

6 **MR. WADE POZIOMKA:**

7 **MR. WADE POZIOMKA:** I am. Good afternoon,  
8 Madam Commissioner, Commission counsel.

9 **COMMISSIONER HOGUE:** Oh, it's all clear.  
10 Okay.

11 **MR. WADE POZIOMKO:** Oh, can you hear me okay?

12 **COMMISSIONER HOGUE:** Yes, it's okay now.

13 **MR. WADE POZIOMKO:** Okay. Thank you. Good  
14 afternoon, Madam Commissioner, Commission counsel and staff  
15 and members of the public. My name is Wade Poziomko, and I'm  
16 counsel for Democracy Watch. My submissions will be brief.

17 We've heard more than once now in this  
18 Commission U.S. Supreme Court Justice Brandeis's statement  
19 from his 1913 article in Harper's that said,

20 "Publicity is justly commended as a  
21 remedy for social and industrial  
22 diseases. Sunlight is said to be the  
23 best of disinfectants; electric light  
24 the most efficient policeman."

25 From what we've heard and seen in documents  
26 disclosed this week, while the Commissioner and counsel have  
27 been given the highest levels of security clearance and been  
28 given unredacted versions of all CSIS and other national

1 security documents, some documents provided to the Commission  
2 have redactions based on cabinet confidence. CSIS, the Privy  
3 Council and cabinet have made it clear that the Commission  
4 will face an ongoing challenge concerning what information it  
5 will be allowed to even refer to, let alone make public  
6 during its hearings and in its interim and final reports.

7 Democracy Watch is concerned that the  
8 Commission might never acquire all of the information needed  
9 to determine what information was provided to all government  
10 institutions, including cabinet and government officials,  
11 which includes the Prime Minister and cabinet ministers about  
12 foreign interference activities from 2015 on, nor to  
13 determine when each piece of information was provided to  
14 these institutions, nor what decisions and actions these  
15 institutions and officials took after receiving each piece of  
16 information.

17 As a result, given that the Commission has  
18 thus far been being denied access to complete versions of  
19 some documents on the basis of cabinet confidence and the  
20 risk that the Commission could possibly be denied the right  
21 to shine a light on key information, Democracy Watch's  
22 position is that the Commission may reluctantly have no  
23 choice but to consider in its report that it's unable to set  
24 out conclusions concerning the facts as to what happened  
25 since 2015, and instead make it clear that restrictions on  
26 the information disclosed to the Commission and restrictions  
27 on the information that the Commission can disclose to the  
28 public mean that the factual findings cannot be reached. We

1 hope that doesn't happen.

2 In response to a question that Democracy  
3 Watch filed a couple of days ago, we received confirmation  
4 today from the Commission that the Cabinet and Privy Council  
5 Office have provided the Commission with the redacted  
6 versions of some documents that were not provided to the  
7 Special Rapporteur last spring. And we have heard Minister  
8 LeBlanc say that the Commission is free to request that the  
9 Cabinet and PCO provide unredacted versions of these cabinet  
10 confidence redacted documents. We urge the Commission to  
11 request as soon as possible unredacted versions of these  
12 cabinet confidence redacted documents, and also to request  
13 that the Cabinet and PCO provide a written explanation to the  
14 Commission of why the documents were provided to the  
15 Commission with redactions, and also why unredacted versions  
16 of those documents were not made available to the Special  
17 Rapporteur.

18 We also urge the Commission to make public  
19 the Cabinet and PCO's response to those two questions as soon  
20 as that response is received. It's important that the public  
21 has an answer to those two questions, and the Commission  
22 must, at the very least, be able to see unredacted versions  
23 of all documents from all government institutions and  
24 officials in order for the Commission to be in a position in  
25 which it can fulfil its mandate.

26 Thank you very much for the opportunity to  
27 make brief submissions, Madam Commissioner.

28 **COMMISSIONER HOGUE:** Thank you.



1 Government of Canada, Mr. Brucker. Brucker?

2 **MR. GREGORY TZEMENAKIS:** My name?

3 **COMMISSIONER HOGUE:** Yes, Brucker?

4 **MR. GREGORY TZEMENAKIS:** No, Gregory

5 Tzemenakis.

6 **COMMISSIONER HOGUE:** I'm sorry.

7 **MR. GREGORY TZEMENAKIS:** That's not a

8 problem.

9 **--- CLOSING SUBMISSIONS BY/REPRÉSENTATIONS FINALES PAR**

10 **MR. GREGORY TZEMENAKIS:**

11 **MR. GREGORY TZEMENAKIS:** Good afternoon,

12 Commissioner, colleagues.

13 **COMMISSIONER HOGUE:** I imagine that you get

14 used to that. I should be okay next time.

15 **MR. GREGORY TZEMENAKIS:** It's a good Greek

16 name, Commissioner.

17 Commissioner, the threat of foreign

18 interference in federal electoral processes and democratic

19 institutions is real, evolving, and is growing both in scope

20 and in substance. Addressing the threat requires a whole

21 society approach.

22 We have to be sensitized to the threat in

23 order to improve their resiliency. We have to work together

24 to reinforce our democratic institutions.

25 The Government of Canada's commitment in

26 strengthening Canada's democratic institutions and building

27 resiliency is illustrated by the establishment of this public

28 inquiry. The Terms of Reference direct the inquiry to

1 maximize transparency, while taking all necessary steps to  
2 prevent the disclosure of information that would be injurious  
3 to the critical interests of Canada and its allies.

4 As noted, it is all the more in the public  
5 interest to make sure that our security and intelligence  
6 agencies can fulfil their mandate. For example, we cannot  
7 disclose the sources and the information that we received  
8 from our foreign partners.

9 We must be mindful that we cannot directly or  
10 indirectly empower Canada's adversaries with the means to  
11 allow them to engage in further acts of foreign interference.  
12 There does not need to be a dichotomy between transparency  
13 and the protection of national security information. We must  
14 recognize the public has an interest in protecting some of  
15 that information as well, and that the public interest in  
16 this discussion also includes privacy rights, democratic  
17 rights, and the freedom of expression.

18 This week we heard [no interpretation].

19 We'd just like to remind you that as both the  
20 Deputy National Security and Intelligence Advisor to the  
21 Prime Minister, Mr. Dan Rogers, and CSIS Director Vigneault  
22 noted yesterday, there has been an ongoing shift in the  
23 government towards openness of national security information.  
24 This is due in large part to increased national security  
25 prosecutions and other legal proceedings, Canada's oversight  
26 and review bodies, such as the National Security -- excuse  
27 me, National Security Intelligence Review Agency, who work  
28 with classified information and produce public reports, and

1 Federal Court decisions on matters related to national  
2 security.

3 The question before you this week is, how do  
4 we balance that exercise, what opportunities are available.  
5 The Government of Canada's approach to this inquiry is not  
6 business as usual. Business as usual would mean to simply  
7 redact documents. The Government of Canada is interested in  
8 a more engaged process with the Commission in order to make  
9 use of the limited time available to ensure that as much  
10 information can be made public in a way that still protects  
11 national security. The Government thus proposes the  
12 following:

13 Number 1, continuing to provide the  
14 Commission with all relevant information, classified and  
15 unclassified.

16 Number 2, supporting writing to release,  
17 which means working with the Commission to ensure that the  
18 intelligence and information it deems appropriate to release  
19 to the public can be publicly shared.

20 Number 3, choosing a proportionate and select  
21 group of documents to redact.

22 Number 4, holding *in camera* hearings leading  
23 to a public summary. Where those *in camera* hearings are  
24 needed to fully canvass the issue, the government commits to  
25 working with the Commission to provide public summaries of  
26 those hearings similar to the way it did for the interviews  
27 in advance of this hearing.

28 Number 5, canvassing questions from parties,

1 participants and the public for use in the *in camera*  
2 hearings. Certain questions or lines of questions proposed  
3 by participants should be put to government witnesses by  
4 Commission counsel.

5 The government agrees that when the public's  
6 access to information is limited, it needs to have confidence  
7 that there will be an independent and impartial process led  
8 by your counsel to test the evidence and challenge the claims  
9 of national security. The Commission is well equipped to  
10 fulfil this function.

11 In closing, let me repeat what the Honourable  
12 Minister LeBlanc confirmed today. Canadians can be assured  
13 that the questions and challenges the Commission will have  
14 with respect to national security confidentiality will be  
15 taken with the utmost seriousness by the Government of Canada  
16 and a commitment to work with the Commission going forward.

17 At the end of the day, the government is  
18 fundamentally committed to preserving the integrity of  
19 Canada's electoral processes and democratic institution and  
20 the need for transparency in order to enhance Canadians'  
21 trust and confidence in democracy.

22 Thank you.

23 **COMMISSIONER HOGUE:** Thank you.

24 ...all participants and all counsels of the  
25 Commission and other Commission employees for all the work  
26 which was accomplished this week, and I would like to  
27 emphasize that the tone of the exchanges was very respectful  
28 and cordial. I think it's a very good beginning considering

1 what lies ahead, and I would like to emphasize this because  
2 this is not always the case. So thank you very much to all  
3 of you.

4 We are looking forward for receiving and  
5 reading your written submission and you are all encouraged to  
6 provide us with these submissions. And I think we will  
7 probably see all of you in the near future.

8 So have a good weekend, all.

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

10 This sitting of the Foreign Interference  
11 Commission has adjourned.

12 --- Upon adjourning at 3:54 p.m.

13 --- L'audience est suspendue à 15 h 54

14

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

16

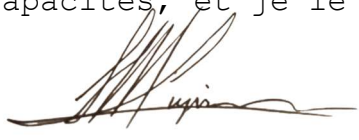
17 I, Sandrine Marineau-Lupien, a certified court reporter,  
18 hereby certify the foregoing pages to be an accurate  
19 transcription of my notes/records to the best of my skill and  
20 ability, and I so swear.

21

22 Je, Sandrine Marineau-Lupien, une sténographe officiel,  
23 certifie que les pages ci-hauts sont une transcription  
24 conforme de mes notes/enregistrements au meilleur de mes  
25 capacités, et je le jure.

26

27



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28

Sandrine Marineau-Lupien