



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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Erin O'Toole	Thomas W. Jarmyn Preston Lim
Senator Yuen Pau Woo	Yuen Pau Woo

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Ottawa, Ontario

--- Upon commencing on Wednesday, April 3, 2024 at 9:32 a.m.

THE REGISTRAR: Order, please.

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

The time is 9:32 a.m.

COMMISSIONER HOGUE: Good morning, everyone. Welcome, Mr. O'Toole.

HON. ERIN O'TOOLE: Good morning.

COMMISSIONER HOGUE: So I understand it's Me Rodriguez this morning.

MS. NATALIA RODRIGUEZ: Good morning, Mr. O'Toole.

HON. ERIN O'TOOLE: Good morning.

MS. NATALIA RODRIGUEZ: If we can have the witness sworn, please.

THE REGISTRAR: Good morning, Mr. O'Toole. May I please have your full name for the record, and spell your last name, please.

HON. ERIN O'TOOLE: Erin Michael O'Toole, O apostrophe, T-O-O-L-E.

--- HON. ERIN O'TOOLE, Sworn:

--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

MS. NATALIA RODRIGUEZ: Good morning again, Mr. O'Toole. As you know, I'm Natalia Rodriguez, Commission Counsel.

And we're going to start with some

1 preliminary matters. On February 23rd, 2024, you had an
2 interview with Commission Counsel, and a follow-up interview
3 on March 1st, 2024. Is that right?

4 HON. ERIN O'TOOLE: That's correct.

5 MS. NATALIA RODRIGUEZ: And an interview
6 summary was generated from that -- from those interviews; is
7 that right?

8 HON. ERIN O'TOOLE: Correct.

9 COMMISSIONER HOGUE: Ms. Rodriguez, can you
10 just speak a bit louder?

11 MS. NATALIA RODRIGUEZ: Oh, sure.

12 COMMISSIONER HOGUE: Or closer to the mic.

13 MS. NATALIA RODRIGUEZ: Yes.

14 COMMISSIONER HOGUE: Thank you.

15 MS. NATALIA RODRIGUEZ: All right, just
16 checking.

17 Okay. So I will call up the witness summary
18 at WIT 24.EN.

19 --- EXHIBIT No. WIT 24.EN:

20 Stage 1 Interview Summary: Erin

21 O'Toole

22 MS. NATALIA RODRIGUEZ: And Mr. O'Toole, what
23 you're seeing there is the interview summary that was
24 generated from your interviews with Commission Counsel. Is
25 that right?

26 HON. ERIN O'TOOLE: Yes.

27 MS. NATALIA RODRIGUEZ: And you've reviewed
28 the summary for accuracy?

1 HON. ERIN O'TOOLE: I have.

2 MS. NATALIA RODRIGUEZ: And do you have any
3 corrections, additions, or deletions to make at this time?

4 HON. ERIN O'TOOLE: I do not.

5 MS. NATALIA RODRIGUEZ: And do you adopt the
6 contents of this witness summary as part of your evidence
7 before the Commission today?

8 HON. ERIN O'TOOLE: Yes, I do.

9 MS. NATALIA RODRIGUEZ: Great. So we'll have
10 that entered into evidence. And for the record, a French
11 translation of the summary is at WIT 24.FR.

12 --- EXHIBIT No. WIT 24.FR:

13 Résumé d'entrevue de l'étape 1 : Erin
14 O'Toole

15 MS. NATALIA RODRIGUEZ: Now, just to go over
16 a little bit of your background. I understand you were a
17 Conservative Member of Parliament for Durham from 2012 to
18 2023. Is that right?

19 HON. ERIN O'TOOLE: That's correct.

20 MS. NATALIA RODRIGUEZ: And you served as
21 party leader and leader of the official opposition from 2020
22 to 2022. Is that right?

23 HON. ERIN O'TOOLE: Yes.

24 MS. NATALIA RODRIGUEZ: And under Prime
25 Minister Harper, you were Minister of Veterans Affairs.

26 HON. ERIN O'TOOLE: I was.

27 MS. NATALIA RODRIGUEZ: And you were named
28 Foreign Affairs Critic in the Conservative Shadow Cabinet of

1 party leader Andrew Scheer.

2 HON. ERIN O'TOOLE: I was, yes.

3 MS. NATALIA RODRIGUEZ: Now, can you tell us
4 a little bit about your background before politics, and how
5 that may have shaped your views as a politician?

6 HON. ERIN O'TOOLE: Well, my time in the
7 military shaped my views on national security, on foreign
8 affairs, defence. These issues, as far back as the early
9 nineties, we were looking at the NATO and NORAD alliances
10 that Canada had, but also potential flashpoints in the
11 future, including at the Taiwan Strait. Things like this I
12 was learning about as a young officer cadet at the Royal
13 Military College. And so security issues and the need to be
14 prudent and serious, with respect to influencing these sorts
15 of things, we're all cultivated during my time as an officer
16 in the Canadian Armed Forces, and so that coloured my time in
17 politics. I'm a lawyer as well, so you know, that background
18 was also very important to me as an MP on these issues of
19 national security.

20 MS. NATALIA RODRIGUEZ: Thank you. Now, I
21 understand you received a briefing by CSIS concerning foreign
22 interference on May 26, 2023, in which you received
23 classified information. Is that right?

24 HON. ERIN O'TOOLE: That's correct.

25 MS. NATALIA RODRIGUEZ: Now, I'm going to
26 take you to a document, CAN.DOC 22.

27 --- EXHIBIT No. CAN.DOC 22:

28 Commission request for summary

1 information on briefing to Erin
2 O'Toole

3 **MS. NATALIA RODRIGUEZ:** And this is entitled
4 Commission Request for Summary Information On Briefing To
5 Mr., or to Erin O'Toole, rather.

6 And so you've -- you understand that the
7 Commission requested from CSIS an unclassified summary of the
8 briefing that you received in May of 2023?

9 **HON. ERIN O'TOOLE:** Yes.

10 **MS. NATALIA RODRIGUEZ:** And this is a summary
11 that was generated. Have you had a chance to review this
12 summary?

13 **HON. ERIN O'TOOLE:** I have.

14 **MS. NATALIA RODRIGUEZ:** And now, I would ask
15 that you not disclose any of the classified information you
16 received in this briefing, but in general terms, does this
17 summary accord with the general topics and information that
18 you were provided with in that briefing? Without getting
19 into specifics, obviously.

20 **HON. ERIN O'TOOLE:** It does. In a very
21 general way, it touches on themes. I also, in one of my
22 final speeches in the House of Commons, referenced my
23 briefing in a very careful way that I wasn't revealing any
24 intelligence information or information that would reveal
25 sources to ensure that on the public record we could have
26 some sharing with the public because I think transparency is
27 important.

28 **MS. NATALIA RODRIGUEZ:** Thank you. And

1 again, without giving any details of the content of that
2 briefing, did you find the briefing to be useful in the sense
3 that you were given information that you could put into
4 action or you could do something with in order to better
5 protect yourself from foreign interference?

6 **HON. ERIN O'TOOLE:** I would have appreciated
7 the briefing a few years earlier, but yes, it was very
8 helpful in understanding what was happening.

9 **MS. NATALIA RODRIGUEZ:** Thank you. So moving
10 now to the 2019 election. I understand that your primary
11 role in that election was one of candidate. Is that right?

12 **HON. ERIN O'TOOLE:** Yes, and in Ontario I did
13 help a range of other candidates as kind of a prominent
14 member of caucus, but I didn't have any national tour
15 responsibilities as I had had in 2015.

16 **MS. NATALIA RODRIGUEZ:** Okay. So you weren't
17 part of the national campaign in 2019.

18 **HON. ERIN O'TOOLE:** I was not.

19 **MS. NATALIA RODRIGUEZ:** Okay. And were you
20 made aware of concerns in your role as candidate and
21 assisting other candidates, as you said, regarding foreign
22 interference during that election in 2019?

23 **HON. ERIN O'TOOLE:** I wasn't aware of any
24 concerns in that election. As I've said in my statement, the
25 leadership that predated the 2019 election, I did see for the
26 first time the influence of platforms like WeChat and the
27 ability to organize cultural communities based on specific
28 social media channels like WeChat.

1 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.

2 And I'm being advised just for the sake of
3 the translators that both of us need to speak a little bit
4 more slowly in order to help them in their work.

5 Thank you.

6 And were you aware of any concerns regarding
7 foreign interference prior to the 2021 election any time
8 between 2019 and 2021?

9 **HON. ERIN O' TOOLE:** Yes, in limited fashion.
10 Certainly the Chinese Ambassador made negative comments
11 towards the Conservative opposition and myself, but in terms
12 of seeing any orchestrated foreign interference, that was not
13 really on our radar prior to the election.

14 We had taken pretty strong positions with
15 respect to the Uyghur genocide, with respect to the Two
16 Michaels, with respect to Belt Road initiative, a range of
17 policies that we thought were not in our national interest
18 that the Trudeau government was pursuing or supporting, but
19 we didn't see evidence of foreign interference. There was
20 just a sense that stronger positions with respect to China
21 was probably being tracked closely by China.

22 **MS. NATALIA RODRIGUEZ:** And just to take you
23 back to 2019 for a second, were you aware of the security and
24 intelligence threats to Elections Task Force, which we've
25 been calling the SITE Task Force, in 2019 and were you aware
26 of who the representative from the Conservative Party would
27 have been to that entity?

28 **HON. ERIN O' TOOLE:** I was not aware of who

1 our representative was and I only knew that a task force to
2 look at the issue was formed. I did not know its structure,
3 nor did we get any briefings or background information on it.

4 **MS. NATALIA RODRIGUEZ:** Okay. So you knew of
5 the existence, but nothing more than that. Is that fair?

6 **HON. ERIN O'TOOLE:** That's correct.

7 **MS. NATALIA RODRIGUEZ:** Okay. So I want to
8 take you now to the 2021 election, and maybe you can tell us
9 a little bit about the discourse that was happening in
10 Parliament before it ended for the summer in 2021, some of
11 the issues that dominated the debate that, in your view, may
12 be relevant to the issues that we're dealing with today.

13 **HON. ERIN O'TOOLE:** Certainly.

14 I referenced the genocide towards the Uyghur,
15 Muslim and Turk populations in China. We had taken a very
16 careful and deliberate approach to bringing the issue and the
17 vote to declare it a genocide. I had waited until I saw
18 evidence through both U.S. sources and UK sources that made
19 me satisfied that we weren't being cavalier with the use of
20 the term "genocide", and I think discourse today is far too
21 cavalier with very, very important terms like that.

22 So that drew a lot of attention both in
23 Canada and internationally. We were the second -- the first
24 Parliament, the first assembly after the United States to
25 make such a declaration. And we knew that there was negative
26 commentary in China as a result of that.

27 But right before the election was the
28 Winnipeg lab situation which we had very, very serious

1 concerns with and, quite frankly, the Trudeau government's
2 handling of that entire episode was quite troubling. A
3 senior civil servant was called to the bar of the House of
4 Commons, something not done in a century. They were taking
5 the Speaker of the House of Commons to Court in order to not
6 comply with the Speaker's direction. So very, very
7 concerning right on the eve of the election.

8 So the Winnipeg lab scandal, as we called it
9 at the time, was probably the most pressing issue in the
10 House of Commons before the summer break and, of course,
11 there was not supposed to be an election that summer.
12 Parliament had voted to say that the will of Parliament was
13 that there should be an election only after COVID, the crisis
14 was over.

15 So the Winnipeg lab controversy came just
16 before the election.

17 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.

18 And I understand some Conservative MPs in
19 Parliament raised issues, concerns related to China-related
20 issues. And can you tell us a bit about what the response
21 was when these issues were raised in Parliament?

22 **HON. ERIN O' TOOLE:** Yes. You know, I should
23 add, too, that the Private Members Bill from MP Kenny Chiu in
24 terms of a foreign agent registry was also generating some
25 headlines and some debate in the House of Commons.

26 The troubling thing we found was that -- and
27 I remember this is the case on several occasions in the House
28 in my questioning of the Prime Minister is that the spectre

1 of any questions on the Winnipeg lab or an issue like that
2 was somehow contributing to anti-Asian discrimination or
3 anti-Asian hate in the pandemic. I thought those responses
4 were unfair at the time.

5 And then in the runup to the election, those
6 responses inadvertently echoed propaganda from China with
7 respect to any questions about the origin of COVID-19 or any
8 questions about the -- our biological laboratory in Winnipeg
9 were somehow fomenting hate and discrimination. And that was
10 not only wrong and unfair, it set a bad tone heading into the
11 election.

12 **MS. NATALIA RODRIGUEZ:** So what effect, if
13 any, do you think that those comments in Parliament may have
14 had? What's the connection that you're making there between
15 those comments and then the subsequent messaging that was
16 being circulated during the election?

17 **HON. ERIN O'TOOLE:** Well, certainly any time,
18 you know, the Prime Minister or Ministers of the government
19 use the term "racism" or "discrimination", there's an
20 intention to create chill so that we wouldn't ask questions.
21 We were being very, very careful about how we talked about
22 these issues during a public health emergency, COVID-19.

23 My concern now, particularly in retrospect,
24 is that approach the government was taking complemented
25 indirectly narratives that were being advanced by, you know,
26 China and its agents in Canada. And I think in the election,
27 we saw that explode into a campaign of misinformation on
28 social media, but also in in-person miscommunication to

1 intimidate voters, to mislead voters with respect to me, with
2 respect to certain candidates, and to our policies in
3 general. And I think it was an accidental connection, but it
4 was something that, looking back, set the tone before the
5 election. And it should have been something looked at a
6 little closer by SITE, in my view.

7 **MS. NATALIA RODRIGUEZ:** Right. And by SITE,
8 meaning the SITE Task Force.

9 **HON. ERIN O' TOOLE:** Yes.

10 **MS. NATALIA RODRIGUEZ:** So turning now to the
11 campaign, I understand that in 2021, you were obviously the
12 leader of the official opposition and so you were very much
13 involved in the national campaign. And I understand the
14 national campaign was using something called predictive
15 modelling instead of polling data for the projections.

16 Can you tell us a little bit about your
17 understanding of what the difference is between predictive
18 modelling and polling?

19 **HON. ERIN O' TOOLE:** The predictive modelling
20 really identifies groups of individuals, groups of Canadians,
21 and then generally, if you really do the data and the
22 research to understand those groups, you can be predictive of
23 their reaction to certain questions or how they might vote or
24 behave on certain issues.

25 We used it very extensively to prepare for
26 the election and to see how to best communicate our policies.

27 The Conservative Party -- I wanted to
28 modernize and use the same tools that the Liberal Party under

1 Mr. Trudeau had adopted, and they had followed the lead of
2 what the Obama campaign had done on behavioural predictive
3 modelling. Once you created the model, it was, in my
4 experience in the runup to the election and during the
5 election, extremely accurate and much more accurate than
6 polling because you saw those behaviours and those attitudes
7 in those voting blocks over time.

8 So we were -- we were intensely focused on
9 four groups within this model of I think eight or nine groups
10 that we felt if we did well enough with those four that were
11 open to our message, we could win the election.

12 MS. NATALIA RODRIGUEZ: So I want to take you
13 now to a document, EOT 4.

14 --- EXHIBIT No. EOT 4:

15 EOT0000004

16 MS. NATALIA RODRIGUEZ: And if we can scroll
17 down to the second page? Okay. So this is a document that
18 you produced.

19 And if we go to page three of that? Right.

20 So it says -- it's dated August 16, 2021 and
21 it says "CPC model". Is this an example of the modeling --
22 the output of what that modeling would have generated?

23 HON. ERIN O'TOOLE: Yes. In terms of the
24 results aggregate, yes.

25 MS. NATALIA RODRIGUEZ: Okay. Thank you.
26 And who produced this chart or this information that we see
27 here?

28 HON. ERIN O'TOOLE: It would have been my

1 campaign team, which included Dan Robertson was one of our
2 leads on creating and working with the modelers. We went to
3 a firm based out of the United Kingdom for this type of
4 specialized work. Although now I see it's -- it has come to
5 Canada.

6 So Dan Robertson, Justin Bumstead, a number
7 of people that were kind of my modeling and my numbers
8 people.

9 MS. NATALIA RODRIGUEZ: M'hm. And I
10 understand that you provided this modeling information to the
11 independent Special Rapporteur David Johnston. Is that
12 right?

13 HON. ERIN O'TOOLE: I did. I wanted to give
14 him some of the context for why, on election night, we were
15 very startled by a handful of ridings that fell completely
16 outside of the ranges for the model.

17 MS. NATALIA RODRIGUEZ: Right. And in fact,
18 you did put a package together that included not just this
19 information, but some memoranda as well that had been
20 prepared for you and for the party related to what you say
21 were irregularities in certain ridings? Is that right?

22 HON. ERIN O'TOOLE: Yes. I gave Mr. Johnston
23 basically the same package that my team had given to the SITE
24 Taskforce after the election. We were very forthright in
25 sharing what limited information we had, because we didn't go
26 into the campaign thinking that we needed to create an
27 intelligence dossier on what we saw in the field. But as
28 instances of interference were being flagged by the

1 campaigns, my campaign team said, "Well, let's raise this
2 with the SITE panel, but near the end, let's try and keep
3 track of some of this information that our organizers are
4 seeing."

5 I wish now that we'd had a much more careful
6 approach and had documented everything, but we shared with
7 the SITE Taskforce after the election what we did assemble,
8 and I shared all of the information I still had and could
9 share, I shared with Mr. Johnston.

10 **MS. NATALIA RODRIGUEZ:** Okay. So we'll go to
11 that now. It's EOT 1_R. If we go to the second page? Okay.
12 That's great right there.

13 **--- EXHIBIT No. EOT 1 R:**

14 EOT0000001_R

15 **MS. NATALIA RODRIGUEZ:** So this is the
16 briefing package that you prepared for the Special
17 Rapporteur, and it looks like it was prepared by your office,
18 and it's dated May 17, 2023. Is that right?

19 **HON. ERIN O'TOOLE:** Yes. And I gave Mr.
20 Johnston and Ms. Block copies when they arrived. And my deep
21 concern with the Special Rapporteur was I was giving him this
22 package, and later in the meeting, he told me that his
23 interim report was already in translation. So you could see
24 how I did not feel the Special Rapporteur took the process
25 seriously when an evidentiary package that my office took
26 time to prepare was a supplement to what they had already
27 sent off as a report. I did not respond well to that.

28 **MS. NATALIA RODRIGUEZ:** So we'll go to page 4

1 of this document just to see some of the information that was
2 included in here.

3 So this is a memo. It's dated May 17, 2023.
4 It's prepared by Justin Bumstead, who you referenced earlier.

5 And if we go to page 10?

6 This is another memo. It's to Jim Ross. And
7 it's from Sadiq Valliani. And again, it's a memo, the
8 subject line "Foreign Interference in our Election" and it's
9 dated three days after the election, September 24th, 2021.
10 Maybe four days.

11 And if we go to page 14?

12 This is the modeling that we saw earlier.
13 And we'll look at this a little more closely in a little bit.

14 So we can take that down now.

15 So what was your understanding then, based on
16 the modeling, on election day, of where the Conservatives
17 would end up in terms of seats that day?

18 **HON. ERIN O'TOOLE:** Yeah, reliving those last
19 few days of the campaign. Our -- we went from winning the
20 seat count a week before the election, with a small modest
21 minority, to, on election day, losing the seat count and
22 still winning the popular vote. We saw the vote changing
23 largely on the vaccine and the vaccine mandate issue.

24 But on election night, when we knew we were
25 going to lose, my campaign manager had said, "Our models and
26 how the vote goes, you should end up with about 127/128
27 seats, which will be a historic level for opposition." And
28 when you consider it was a pandemic election, we were largely

1 on the wrong side of public opinion on the vaccine mandate
2 issue, which is, in my view, why the Prime Minister called
3 the election. That was being briefed to me to say, "Calm
4 down. You did okay. You'll be able to live to fight another
5 day and stay on as leader."

6 So I went in that night feeling, "Okay.
7 We're going to end up with 127/128 seats." And as returns
8 were coming in, that night, not that I asked for any detail,
9 but that night, there was already clear indication that a
10 number of ridings were vastly outside of our modeling window
11 and the ridings were the same ridings that we had been
12 complaining about with respect to foreign interference.

13 We'd never connected the two, and even months
14 after when I spoke about ranges, I always used to say, you
15 know, between five and nine, six and nine, I would never be
16 precise. But ---

17 **MS. NATALIA RODRIGUEZ:** Sorry, in terms of
18 five and nine, in terms of what?

19 **HON. ERIN O'TOOLE:** Five to nine seats that I
20 think were possibly changed as a result of foreign
21 interference. Narrower margin seats where we had large
22 numbers of people not voting and suspicions about voter
23 suppression in those specific seats.

24 Certainly nowhere near enough to change the
25 results of the election, but for people in those seats, if
26 they were undergoing intimidation or suppression measures,
27 their democratic rights were being trampled on by foreign
28 actors.

1 So certainly it was serious. And that's how
2 I formulated that rough view in my mind, based on the
3 modeling and from our anecdotal reports from the ground in
4 the campaign about various forms of foreign interference.

5 **MS. NATALIA RODRIGUEZ:** And is that your view
6 today? That six to nine ridings were lost due to foreign
7 interference in 2021?

8 **HON. ERIN O'TOOLE:** I believe it's in that
9 range, yes.

10 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.
11 Now, you believe that the Conservative Party became a target
12 for the PRC in 2021 in the election? Is that right?

13 **HON. ERIN O'TOOLE:** Yes.

14 **MS. NATALIA RODRIGUEZ:** And in your view,
15 what made the Conservative Party a target for the PRC?

16 **HON. ERIN O'TOOLE:** I believe our policies
17 where were more in line with allies like the United States
18 that were starting to take more aggressive trade positions
19 with respect to the export of Chinese steel and aluminum,
20 things like that, our positions on human rights issues, the
21 Uyghurs in particular, but also Hong Kong and Tibet. Our
22 positions were much stronger, and I believe reflected our
23 values and interests as a country better than the policies of
24 Mr. Trudeau.

25 The Trudeau Government was viewed by our
26 allies, and I would hear this regularly from diplomats, we
27 were seen as being offside with respect to a very ambitious
28 agenda with China at a time that particularly the Five Eyes

1 Allies were being far more cautious with respect to China.

2 So I think this recognition that had the
3 Conservatives won, and if I was Prime Minister, we would have
4 had a much more wide-eyed view and realistic view from a
5 foreign policy perspective on China, that drove the interest
6 for Beijing, certainly that status quo, that the Liberal
7 Government was probably preferable in their view to a change
8 in government to Conservatives, given the vast difference in
9 our policy positions.

10 **MS. NATALIA RODRIGUEZ:** And so just to
11 clarify, the Uyghur Motion was brought by Mr. Chong, who is a
12 member of the Conservative caucus, and the Foreign Agent
13 Registry was also a Conservative Party member's -- member's
14 bill; is that right?

15 **HON. ERIN O'TOOLE:** Yes, the Foreign Agent
16 Registry, which other allies like the United States and
17 Australia use such a registry in a similar way to a lobbying
18 registry, that people have an obligation to register. That
19 was Kenny Chiu's private member's bill. Michael Chong was
20 the shadow minister for Foreign Affairs, so the issue on
21 recognizing that the weaker genocide was under his mandate.
22 And I would add that when I appointed Michael to become the
23 shadow minister for Foreign Affairs, at the speech where I
24 unveiled the caucus positions, I talked about how proud I was
25 that someone whose father immigrated to Canada from Hong
26 Kong, Hong Kong having been defended by Canadian soldiers
27 during World War II, it was truly the Canadian story that he
28 could then take strong positions in Canada's interest and

1 come from a diaspora community of China. I think that shows
2 our country at its best and Michael continues to do a great
3 job.

4 **MS. NATALIA RODRIGUEZ:** The 2021 CPC
5 platform, the Conservative Party platform for 2021 did
6 include numerous references to China. You accept that;
7 right?

8 **HON. ERIN O'TOOLE:** Yes.

9 **MS. NATALIA RODRIGUEZ:** And it did take quite
10 a hard stance against China's, it could be argued some would
11 say?

12 **HON. ERIN O'TOOLE:** I wouldn't say against
13 anything. It was an expression of our economic interest as a
14 country and of our values as a country on issues like the
15 treatment of the weaker population on issues related to Hong
16 Kong or Tibet. As I said, I think -- and I think most of our
17 allies thought at the time, the current government was a
18 little offside on these issues. We were trying to course
19 correct the country. It was not intended to be anti
20 anything. It was intended to be a reflection of what our
21 foreign policy should be.

22 **MS. NATALIA RODRIGUEZ:** So I'll take you to
23 that now. It's EOT 12.

24 **--- EXHIBIT No. EOT 12:**

25 EOT0000012

26 **MS. NATALIA RODRIGUEZ:** And this is the 2021
27 platform. And so I'll just take you to page 54 of this
28 document. If we go down? Okay. So under number four there

1 you can see "Standing Up to China's Aggression". And there's
2 a section there on China. And it's been reported, and I have
3 confirmed, that there's 31 mentions of China in this
4 platform. I'm sure you've heard this reported before.

5 **HON. ERIN O'TOOLE:** Yeah, the -- how the
6 western world addresses the rise of China, the positives and
7 negatives from that is the foreign policy challenge of our
8 day, so it was quite comprehensive, but you do notice, right
9 at the beginning we say our quarrel is not with the people of
10 China and we talked about the incredible contributions China
11 has made to the world. We always tried to make sure that
12 that was part of our narrative, so that people could see our
13 concerns were interest and values based, not anti anything.
14 It was an expression of what we think we should be as a
15 country.

16 **MS. NATALIA RODRIGUEZ:** So when you said --
17 when it says China's aggression there, what were you
18 referencing? What was the platform referencing?

19 **HON. ERIN O'TOOLE:** Well, certainly,
20 treatment of minorities in China is a very concerning
21 aggression towards religious groups, and we list most of them
22 there, or groups like Hong Kongers, conduct in the South
23 China Sea as well, there's lots of tensions there, the Taiwan
24 Strait. We thought that during the -- particularly during
25 the pandemic when Taiwan was giving us N95 masks and other
26 things, we have to have strong relations with Taiwan,
27 recognizing their democratic rights and have a mature
28 approach to that relationship, which is hard when China was

1 being quite aggressive with respect to Taiwan.

2 **MS. NATALIA RODRIGUEZ:** So given the emphasis
3 that appears to be in the platform and the other issues that
4 you mentioned with respect to the motion for the Uyghur
5 genocide and the foreign registry, what is your response to
6 the suggestion that, you know, perhaps the Conservatives lost
7 in ridings with high concentration of Chinese Canadians not
8 because of foreign interference but because of the platform
9 and how that position with respect to China may have been
10 viewed in those communities?

11 **HON. ERIN O' TOOLE:** Well, many of these
12 positions were positions that we previously had. You know,
13 the support for Hong Kong, you know, Conservative MPs have
14 been meeting and advocating for Falun Gong practitioners and
15 Tibetans going back to my time in the Harper government. So
16 some of these policies were almost a reassertion of our
17 foreign policy from the Harper government era, and we won
18 those impacted seats quite handily, even in 2015 when Alice
19 Wong held onto her seat. So particularly waves of
20 immigration from China that were Hong Kongers, or were folks
21 that were seeking religious freedom and things like this,
22 there was a recognition that it was positive to have concerns
23 with some of the positions of congress China. And that had
24 never been a problem until more recent years, and I think
25 there's been a bit more of an aggressive foreign policy
26 approach taken by China.

27 It's also why I think this inquiry is so
28 important because it is hard to determine how much foreign

1 interference will impact one person's voter intent. If one
2 person is intimidated in this country with respect to
3 exercising their democratic rights, that is concerning. The
4 results of the election itself and how many seats are in the
5 House of Commons, that's very important as well, but we
6 shouldn't look past ridings that could be impacted. And I
7 think in recent years there's been a ramping up of foreign
8 interference operations. And that's why I think -- I don't
9 think some of those seats were turned because we had a more
10 traditional or a more aggressive foreign policy posture with
11 respect to China. I think a lot of people did not vote
12 because they were intimidated.

13 **MS. NATALIA RODRIGUEZ:** So you believe then,
14 just to kind of summarize, that this was not -- that the
15 ridings that were lost in those areas where the modelling was
16 off was not due to some grassroots kind of Chinese community
17 distaste perhaps for the platform. It was instances of
18 foreign interference perpetrated by the PRC?

19 **HON. ERIN O'TOOLE:** I think that's a fair
20 summary. And my position prior to being leader was the
21 shadow minister for Foreign Affairs, so I had been talking
22 about many of these policies for many years, several years
23 before I became leader, and there had never been a ground
24 swell of concern. In fact, in many cases, the Chinese
25 Canadian community wanted to make sure that the plight of the
26 Uyghurs, Hong Kong, or other things were highlighted. And
27 Kenny Chiu, a very prominent voice on these issues, was
28 elected for the first time in 2019. So I think that's how I

1 form my opinion on this, that the foreign interference was
2 much more determinative than a policy platform that had 30
3 references to China in it.

4 **MS. NATALIA RODRIGUEZ:** So I'll take you now
5 to some of the documents we now have on the government side
6 on some of these issues. CAN-5824.

7 **--- EXHIBIT No. CAN 5824:**

8 SITE TF Update On Foreign
9 Interference Threats To Canadian
10 Democratic Institutions - 2021

11 **MS. NATALIA RODRIGUEZ:** And so this is dated
12 September 13, 2021, so it would be a week before the
13 election. It's a SITE threat assessment. It's called "SITE
14 Task Force Update on Foreign Interference Threats to Canadian
15 Democratic Institutions 2021". So under the section
16 "Information Environment", it says there,

17 "RRM Canada has observed what may be
18 a Chinese communist party information
19 operation that aims to discourage
20 voters from voting for the
21 Conservative Party of Canada." (As
22 read)

23 And I understand you've now had a chance to
24 see this document. You did not see it at the time ---

25 **HON. ERIN O' TOOLE:** No.

26 **MS. NATALIA RODRIGUEZ:** --- is my
27 understanding?

28 **HON. ERIN O' TOOLE:** No.

1 **MS. NATALIA RODRIGUEZ:** Were you ever -- were
2 you made aware at the time -- so this is again to situate us
3 in time, a week before the election that RRM Canada, which is
4 a Rapid Response Mechanism Canada had made this observation.

5 **HON. ERIN O'TOOLE:** No, this was not raised
6 to our attention. And in fact, we were raising instances of
7 foreign interference that we witnessed, and the SITE
8 Committee tended to downplay them, and we were given the
9 impression that there were no concerns about foreign
10 interference, which is why these documents now are --
11 contradict that.

12 **MS. NATALIA RODRIGUEZ:** And so when you say,
13 "tended to downplay them", what do you mean by that?

14 **HON. ERIN O'TOOLE:** Well, I appointed one of
15 my most trusted and accomplished friends to be my designate,
16 Mr. Soliman, and when he was briefed at the outset, after
17 having gotten security clearance to participate in the task
18 force work, he said it started off with a briefing that there
19 were no real problems from 2019, and they didn't expect any
20 serious problems in '21, was how that task force started.

21 It -- we were kind of lulled into a sense of
22 complacency, that everything should be fine, there was no --
23 there were no problems in 2019. We now know that not to be
24 the case. We now know from the Globe and Mail reporting, and
25 Sam Cooper, that there were issues in 2019 of financing and
26 other things.

27 So our impression is that the SITE process
28 was not as complete, not as professional, and not as

1 transparent as it should have been when there were reports by
2 this and CSIS-generated intelligence warning of attempts to
3 interfere.

4 **MS. NATALIA RODRIGUEZ:** So I'm going to turn
5 now to one of the RRM Canada daily briefs for the period of
6 time during the campaign.

7 It's at CAN 124. And -- thank you, that's
8 good.

9 **--- EXHIBIT No. CAN 124:**

10 RRM Canada Daily Brief

11 **MS. NATALIA RODRIGUEZ:** And if you look at
12 where it says, "Scan performed", or sorry, "Scan covers",
13 rather, it looks like it covers the time period between
14 September 10 and September 12, 2021, so about 10 days before
15 the election. And the last bullet point there:

16 "A *Global Times* WeChat article that
17 suggested [that] CPC 'almost wants to
18 break diplomatic relations with
19 China' is now being actively shared
20 among Canadian WeChat news accounts.
21 The Canadian versions resemble the
22 *Global Times* article in format and
23 tone, and question whether Canadians
24 of Chinese heritage should vote for
25 the CPC."

26 So again, this is talking about a *Global*
27 *Times* article that seems to be spreading some misinformation
28 about the CPC campaign.

1 Did you see this article that's being
2 referenced here at the time?

3 HON. ERIN O'TOOLE: I did not see the article
4 at the time, no.

5 MS. NATALIA RODRIGUEZ: And did anybody bring
6 this article to your attention? Did anybody say, you know,
7 "This is what we're" -- and when I say anyone, I mean someone
8 in an official capacity, not from within your campaign, but
9 from within a government agency or department?

10 HON. ERIN O'TOOLE: No one from a government
11 agency or department, no.

12 MS. NATALIA RODRIGUEZ: And was this
13 emblematic of the things that you were hearing on the ground
14 in terms of misinformation in certain areas?

15 HON. ERIN O'TOOLE: Yes. Anecdotally, we
16 heard things on three or four themes. One that I was going
17 to sever ties; we were going to cancel the use of WeChat
18 immediately if we formed government. There was one that we
19 were going to require Chinese Canadians to register or limit
20 their travel. There were also many horrific reports about
21 Mr. Chiu, in particular, on a personal level, that he hated
22 his race, and just horrific claims, were some of the
23 anecdotal reports we heard both during the campaign and in
24 our assessment afterwards.

25 MS. NATALIA RODRIGUEZ: Thank you.

26 Now, there are other daily RRM's. And just
27 for the record, I don't need them brought up, just in the
28 interest of time, CAN 126, CAN 130 and CAN 132.

1 --- EXHIBIT No. CAN 126:

2 RRM Canada Daily Brief

3 --- EXHIBIT No. CAN 130:

4 RRM Canada Daily Brief

5 --- EXHIBIT No. CAN 132:

6 RRM Canada Daily Brief

7 **MS. NATALIA RODRIGUEZ:** And you have seen
8 these; correct?

9 **HON. ERIN O'TOOLE:** Yes.

10 **MS. NATALIA RODRIGUEZ:** They cover the period
11 from September 13 to September 15, 2021, and they reference
12 different articles from Chinese state media taking an
13 interest in the perceived China policies in the Conservative
14 Party, an embassy spokesperson quoting some CPC related
15 issues, saying that "The political party leaders have made
16 unwarranted attacks on China's human rights", and others.

17 So you've had a chance ---

18 **COMMISSIONER HOGUE:** Ms. Rodriguez, can we go
19 back to the document, please? I would just to see the origin
20 of the document.

21 **MS. NATALIA RODRIGUEZ:** Oh, sure. I wasn't
22 going to put those up in the interest of time, but I can.

23 **COMMISSIONER HOGUE:** No, but just the one
24 that we looked to ---

25 **MS. NATALIA RODRIGUEZ:** That we looked at;
26 124. So the last bullet point there.

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

28 **MS. NATALIA RODRIGUEZ:** And so the three

1 other dailies also talk about misinformation being circulated
2 in Chinese state media, and in Canadian media, Chinese
3 language media.

4 And so my question to you is you've had a
5 chance to review those. I've put the doc IDs on the record.
6 Was any of that information conveyed to you by any official
7 within the government?

8 **HON. ERIN O'TOOLE:** No, it was not.

9 **MS. NATALIA RODRIGUEZ:** And did anybody let
10 you know that RRM Canada was flagging or had flagged this
11 kind of online content?

12 **HON. ERIN O'TOOLE:** No, we were not informed
13 of that. And around the same time, because these documents
14 are dated, our participant, Mr. Soliman, and my chief of
15 staff, Tausha Michaud, were raising reports we were getting
16 from the field, so from various ridings in British Columbia
17 and in Ontario. These type of reports we were sharing and
18 getting no communication the other way. Clearly, they knew
19 some of the instances we were reporting were actually
20 occurring, but that was never confirmed to us in the campaign
21 ---

22 **MS. NATALIA RODRIGUEZ:** Okay. And ---

23 **HON. ERIN O'TOOLE:** --- or after.

24 **MS. NATALIA RODRIGUEZ:** And so to be clear,
25 during the campaign some candidates and some ridings and some
26 campaign staff saw disinformation circulated on social media
27 regarding the Conservative Party, is that right, and you
28 specifically as leader as well?

1 **HON. ERIN O'TOOLE:** Yes. Yes.

2 **MS. NATALIA RODRIGUEZ:** And ---

3 **HON. ERIN O'TOOLE:** And in some cases in
4 person. Social media, and in some cases of in-person
5 advertising and voters' intimidation.

6 **MS. NATALIA RODRIGUEZ:** Okay. And so those
7 concerns were then raised during the campaign period, so
8 during the writ period, to SITE through Mr. Solomon and
9 Ms. Michaud; is that correct?

10 **HON. ERIN O'TOOLE:** That's correct, and as I
11 said, we weren't actively preparing a dossier during the
12 campaign, we did when it concluded because we wanted the
13 cases looked into, but we were reporting anecdotal instances
14 throughout the campaign.

15 **MS. NATALIA RODRIGUEZ:** And I understand you
16 were also hearing from certain candidates about issues that
17 they were receiving during their campaigns. Can you tell us
18 a little bit about who you were sharing concerns from and
19 what those concerns were?

20 **HON. ERIN O'TOOLE:** Yes. The one I remember
21 the most is Kenny Chiu. The level and volume and tone of the
22 misinformation towards Mr. Chiu was horrendous, and he was
23 fearful for his own wellbeing and that of his family. And it
24 -- it was a personal attack, as I said, of a racially
25 motivated nature, suggesting that he was a race traitor and
26 that the simple thing of a foreign registry with some start
27 of a plan to really hinder the ability for Chinese Canadians
28 to visit family, to remain in family, it was.... So we

1 heard, and I heard directly from him during the campaign, a
2 little bit from the campaign of Mr. Bob Saroya in Ontario,
3 and I think that wasn't through Bob but through one of his
4 campaign workers. But we -- some of our organisers were on
5 WeChat and also saw instances.

6 So we knew it was happening, we just weren't
7 able to get a sense that the SITE and the government knew it
8 was happening. And there was no -- there was no desire to
9 put out a public warning about misinformation, and that's
10 what I think needed to happen. Because I was informed in the
11 run up to the campaign that there are 600,000 WeChat account
12 users in British Columbia alone. And these are Canadians
13 that don't want the evening news, and don't read the Globe
14 and Mail or the National Post. So they're getting almost all
15 of their information from channels that cannot be trusted.

16 **MS. NATALIA RODRIGUEZ:** So you mentioned
17 right now about wanting to give a warning. Can you expand on
18 that notion?

19 **HON. ERIN O'TOOLE:** We wanted a caution, a
20 public notice to voters to be wary of information that they
21 were obtaining from social media, particularly foreign
22 controlled, foreign language social media. The SITE process
23 has a threshold and, you know, was the threshold met for
24 there to be some notice? We believe there was.

25 At times I thought about making some sort of
26 statement, but I was fearful of that being perceived, or
27 opponents in the campaign using that as some sort of wedge in
28 a narrative that we were being discriminatory.

1 So the -- in my view, the process failed in
2 this case, because a notice would have been helpful to
3 Canadians that were being targeted, because these sites, with
4 algorithms that are controlled by foreign governments, those
5 are the people that are vulnerable and that are at risk, and
6 that I think were failed by our system.

7 **MS. NATALIA RODRIGUEZ:** So to be clear, did
8 you request that a warning be issued or was it your
9 expectation that one would be issued?

10 **HON. ERIN O' TOOLE:** It was our expectation
11 that one would be issued because it was in the sort of
12 originating documents for the taskforce itself.

13 It was only afterwards, in the Rosenberg
14 Report that I saw a discussion that they did not feel the
15 threshold was met. But of course, my views on the Rosenberg
16 Report was that it was not a proper report. But it was
17 available to be used if there was evidence of misinformation.
18 We now know there was evidence of misinformation, but there
19 was no caution -- or no notice, no warning given.

20 **MS. NATALIA RODRIGUEZ:** Okay. And you
21 considered doing that yourself. Why didn't you, in the end?

22 **HON. ERIN O' TOOLE:** I remember the last time
23 I was in British Columbia during the campaign, I thought
24 about it, because I was hearing from some of our organizers
25 saying, "We've got to do something about this. This is out
26 of control. I heard from Kenny and his team just how
27 targeted and how everyone was tense." Like, people were
28 fearful with the amount of misinformation in the Richmond

1 seats.

2 But our -- we were doing well at that point
3 in the campaign, and so, you know, you're consciously -- they
4 say in politics, don't get off message. So I would have
5 thought that that might have seemed a little bit off message.
6 And it might have contributed, if I started talking about
7 foreign interference from China, portrayals of me being
8 obsessed with China and mentioning 31 times in the platform,
9 these sort of narratives, I might have been accidentally
10 reinforcing that, which is why I think some of these
11 safeguards for our system need to be out of the hands of
12 politicians who are in the midst of a campaign. We need
13 structural, and professional, and independent impartial
14 organizations to determine safeguards to protect people's
15 franchise.

16 MS. NATALIA RODRIGUEZ: So I'll take you to a
17 document, CAN3781.

18 --- EXHIBIT No. CAN 3781:

19 Threats to Canadian Federal Election
20 2021

21 MS. NATALIA RODRIGUEZ: So this one's -- this
22 is a Security and Intelligence Threats to Election Taskforce
23 summary. It's dated September -- December 17, 2021. And so
24 this is now some months after the election. And if we go to
25 the "Summary of Key Observations" at the bottom there, the
26 first bullet -- sorry, just up a bit more. Thank you. It
27 says:

28 "The People's Republic of China [...]"

1 sought to clandestinely and
2 deceptively influence Canada's 2021
3 federal election."

4 So just to stop you there, was this something
5 that after the election was conveyed to you?

6 **HON. ERIN O'TOOLE:** No.

7 **MS. NATALIA RODRIGUEZ:** And the next bullet
8 point says:

9 "SITE [Taskforce] also observed
10 online/media activities aimed at
11 discouraging Canadians, particularly
12 of Chinese heritage, from supporting
13 the Conservative Party of Canada [...],
14 party leader Erin O'Toole, and
15 particularly former Stevenston-
16 Richmond East candidate Kenny Chiu
17 [in] GE44."

18 And then it goes on to say that they have:

19 "...observed indicators of potential
20 coordination between various Canada-
21 based Chinese language news outlets
22 as well as PRC and CCP news outlets."

23 So again, was this ever confirmed to you,
24 relayed to you, at any time during your time as leader, which
25 was until February of 2022?

26 **HON. ERIN O'TOOLE:** No. And in fact, as I
27 mentioned earlier, we were always -- these issues were always
28 downplayed, essentially, when we raised them with the SITE

1 Taskforce. And you know, these conclusions so quickly after
2 the election show that some people within intelligence and
3 within government knew what we were raising were valid and
4 real issues and shows why we're here today.

5 **MS. NATALIA RODRIGUEZ:** Right. And so if I
6 understand your evidence earlier, you believe, or it's your
7 understanding, that the party lost some seats in 2021 due to
8 foreign interference? Is that right?

9 **HON. ERIN O'TOOLE:** It's my view ---

10 **MS. NATALIA RODRIGUEZ:** Yes.

11 **HON. ERIN O'TOOLE:** --- that a certain number
12 of seats were lost. Yes.

13 **MS. NATALIA RODRIGUEZ:** But it is not your
14 view that the election was lost by the Conservative Party due
15 to foreign interference? Is that fair?

16 **HON. ERIN O'TOOLE:** That is fair. And I've
17 always stated that as well.

18 **MS. NATALIA RODRIGUEZ:** Okay. And so what
19 impact, if any, do you consider that foreign interference had
20 with respect to your ouster as leader of the Conservative
21 Party?

22 **HON. ERIN O'TOOLE:** Well the small number of
23 seats would not have impacted the minority government that
24 Canada has right now. But the difference of two, three, five
25 seats, may have allowed me more of a moral justification to
26 remain as leader. There were other forces at play that may
27 not have done that. But when I fell two seats below the
28 threshold met in 2019, that became a very compelling

1 narrative. And in fact, a petition was started within a day
2 and a half of the election results, and the lower result than
3 2019 was raised, as was the turning away of Chinese Canadian
4 voters from me were raised as reasons for launching the
5 petition to force my removal as leader.

6 **MS. NATALIA RODRIGUEZ:** Is there anything you
7 would have done differently in 2021, either as leader or as a
8 candidate, if you knew then what you know now?

9 **HON. ERIN O'TOOLE:** I wish I could have a do
10 over. What I certainly would have done is made sure that we
11 had a much more sophisticated approach to WeChat in
12 particular, but Mandarin and Cantonese advertising
13 publications and campaign workers to counter what was a
14 deluge of misinformation against us. We were just not
15 prepared on that platform period. You know, our social media
16 strategies and our policy development was all still primarily
17 focused at traditional media and the what you might call
18 Silicone Valley platforms, like Facebook, and Twitter, and
19 things like this. We did not have the capacity to really
20 even understand what was going on on WeChat and some of the
21 other, and I would have prepared in a very significant way
22 had we known.

23 The other thing, I probably would have
24 demanded a public warning of some sort. Now that I've seen
25 both the reporting that, in many ways, led to this inquiry,
26 but even some of the limited disclosures here, folks within
27 the government knew that there was a level of foreign
28 interference occurring. And I think we owe it to the tens of

1 thousands, hundreds of thousands of Canadians that it was
2 targeted at, we owed it to them to warn them and to perhaps
3 give them alternative sources for unbiased news or the
4 ability to report instances of intimidation.

5 This is -- you know, one vote matters in our
6 democracy, and I think we have to do a little bit more,
7 particularly for the Chinese/Canadian population, but also
8 some other diaspora organizations to make sure that they're
9 not being intimidated to exercise their full rights here.

10 **MS. NATALIA RODRIGUEZ:** Now, you have said,
11 and you've expressed the view that there was a failure of
12 SITE to meaningfully consider the evidence of foreign
13 interference that your party brought forward during the
14 election and after the election. Can you expand on that?

15 **HON. ERIN O'TOOLE:** Yes. You know, the
16 reporting, particularly from the Global Mail that revealed
17 the financial and the problems in the 2019 election, in my
18 view, that should have been the starting point for the 2021
19 SITE Task Force and our participation in it, to say there
20 were some problems of foreign interference in the last
21 election; therefore, we have to do even more to safeguard our
22 parliamentary democracy this time. Actually, the opposite
23 happened. Our SITE Task Force, and my participants in it,
24 were given a sense that everything was fine, that there were
25 no significant problems from 2019, and that the -- we were
26 very confident in the fact that there would be minimal to no
27 foreign interference in the 2021 election. And as I said, as
28 we were raising issues, driving towards the need for public

1 notice and a caution of some, our concerns were always
2 downplayed by the task force. And, you know, Mr. Soliman has
3 been on the record with having that concern. I have that
4 concern. Even in the days after the election, we continued
5 to work with the SITE Task Force and with the Public Safety
6 and Intelligence officials on it, and we kept doing that
7 right up until Mr. Trudeau formed his cabinet and the
8 caretaker period ended, and then we were just cut off.

9 MS. NATALIA RODRIGUEZ: So I'll take you to
10 CAN 6739.

11 --- EXHIBIT No. CAN 6739:

12 Fwd: Follow up

13 MS. NATALIA RODRIGUEZ: And just to pick up
14 on that notion that it was not just during the election but
15 afterwards. If we go to the bottom of the page, so it looks
16 like it's an email from Tausha Michaud and it's dated
17 September 30th, 2021, so this would be about a week after the
18 election, or 10 days rather.

19 "As promised, I've attached a
20 document that outlines some key
21 concerns and includes a dropbox link
22 to screenshots from WeChat."

23 And it looks like she sends it there to
24 somebody with a PCO email address. And if we go up, so we
25 have some individuals there, I believe, members of SITE.

26 "Howdy SITE friends,
27 Just received the attached from CPC
28 claiming it shows FI [foreign

1 interference] by PRC in 9 ridings
2 during the election.
3 As you know, we have been engaged by
4 CPC in an ongoing dialogue around
5 these issues. If you could take a
6 look, and let [blank] and [me] know
7 if there is anything in here it would
8 be appreciated."

9 And so this is what you were referring to,
10 that after the election, more information was provided to
11 SITE. Did you receive a formal response to this submission
12 that was done by Ms. Michaud on September 30th? Any -- a
13 letter, some sort of concluding report or anything of that
14 nature?

15 **HON. ERIN O'TOOLE:** No, we did not. It was
16 generally a one-way communication. And as I said, we
17 prepared this impromptu dossier the last few weeks of the
18 campaign. I asked that we share that with the SITE process,
19 even after we lost, to make sure that we could look into
20 these things to safeguard our system.

21 **MS. NATALIA RODRIGUEZ:** And I will conclude
22 with an opportunity to see if there's anything else that we
23 have not covered today that you would like to tell us about
24 the issues that we've been discussing, foreign interference
25 in the 2019 or 2021 elections.

26 **HON. ERIN O'TOOLE:** I think my witness
27 statement goes into a few of the other experiences and
28 perspectives I have from my time in public life. The one

1 thing I would just add at the end is we did not raise any of
2 this on election night or in the weeks after because our
3 democratic result was clear, and it was more important to me
4 to safeguard our institutions and our democracy rather than
5 to express disappointment in the loss of a few seats. But as
6 I said, I've seen enough to know that the process last time
7 failed and failed a lot of Canadians, and so I really hope
8 that we look to safeguard these institutions in a non-
9 partisan way, and I really hope this inquiry can do that
10 because I think this problem will only get worse, and so we
11 have to create the tools to really have a robust system that
12 values every single voter.

13 **MS. NATALIA RODRIGUEZ:** Thank you, Mr.
14 O'Toole. Those are my questions for you.

15 Thank you, Commissioner.

16 **COMMISSIONER HOGUE:** I have one question for
17 you Mr. O'Toole. Am I right in understanding that actually
18 all the discussion that took place between any of your team
19 members about foreign interference were with SITE and no
20 direct -- no discussion took place with CSIS, or with the
21 Panel of Five, or with any other agencies, or it was always
22 with SITE and only with SITE?

23 **HON. ERIN O'TOOLE:** I believe so, yes. My
24 challenge here is I had designates, I had two designates for
25 the SITE process, Mr. Soliman and Ms. Michaud, who would then
26 report to me and I would share things I was hearing. I
27 believe the SITE panel and task force did have a designate
28 from CSIS involved, and I do believe from time to time some

1 of the Group of Five may have been involved, but I don't know
2 how frequently. And I know that most of the calls and the
3 meetings were done with a group, and so you'd have to ask.

4 COMMISSIONER HOGUE: Okay. But it would have
5 been through SITE?

6 HON. ERIN O'TOOLE: Through SITE, yes.

7 COMMISSIONER HOGUE: Okay. And you were not
8 provided with any names, or phone numbers, or agency that you
9 may call upon if you were encountering any foreign
10 interference problems or nothing of that sort?

11 HON. ERIN O'TOOLE: No.

12 COMMISSIONER HOGUE: Thank you.

13 So we'll start the cross-examinations. The
14 first one on the list today, let me see, is -- I think it's
15 counsel for Michael Chong. Am I right, yes?

16 MR. GIB VAN ERT: Thank you, Commissioner.

17 --- CROSS-EXAMINATION BY MR. GIB VAN ERT:

18 MR. GIB VAN ERT: Good morning, Mr. O'Toole.

19 HON. ERIN O'TOOLE: Morning.

20 MR. GIB VAN ERT: You expressed the view in
21 your testimony this morning that you fear a lot of people
22 didn't vote in the 2021 election because they felt
23 intimidated. In evidence yesterday, the National Director of
24 the Liberal Party, Mr. Ishmael, addressed that point in
25 response to a question from counsel for the Human Rights
26 Coalition, one of the parties to these proceedings. And her
27 question was specifically around coercion of international
28 students. And Mr. Ishmael expressed the view, I think I'm

1 being fair to him, that that was not an urgent concern
2 because of the secrecy of the ballot. He emphasized ballot
3 secrecy. And I take it from your evidence that you don't
4 share Mr. Ishmael's confidence that ballot secrecy is enough
5 to encourage people to go to the polls without fear of
6 foreign coercion. Would you just tell the Commissioner what
7 your thoughts are about it? To what extent does the secrecy
8 of the ballot in this country give us some reason to feel
9 confident that foreign coercion of diaspora communities isn't
10 going to be a problem here?

11 **HON. ERIN O'TOOLE:** It's a very good question
12 and something that I think needs to be well understood by the
13 inquiry. How someone votes is completely secret, and thank
14 goodness for that. That's an essential element of our
15 democratic right to vote. But whether you did vote in an
16 election is publicly available, and so the political parties
17 know whether a household has voted in all of the last four
18 general elections federally or in none of them. So sometimes
19 extra door knocking, extra literature can be directed towards
20 people that they know vote. And so if you don't know if
21 they're leaning your way or leaning to the other team's way,
22 you may not spend the extra time to try and communicate with
23 that voter. But if you know that they're a constant always
24 voting, parties spend time on them, that fact that whether
25 you've voted or not, I believe, is something that has caused
26 some concerns within diaspora communities, particularly the
27 Chinese Canadian community because I heard anecdotal reports
28 from some of our MPs that lost that voters said, "I didn't

1 think you needed my vote. I thought you were fine. I'm
2 sorry I didn't get out to vote." And in some cases, they
3 were told that people didn't want to be seen on the voters'
4 list if that riding stayed Conservative.

5 If people had family in China, business or
6 economic interests that depended on favourable treatment.
7 You know, I'm not sure that factored into how many people's
8 decision, but some voters, from what I've been told, thought
9 it was best to just not vote. That way if the vote -- if the
10 riding stayed conservative no one could suggest that they
11 were a part of voting for the Conservative.

12 So there is -- this fact that it is well
13 known if people vote or not, I don't think is well understood
14 because the secrecy is what everyone knows about voting. The
15 secrecy is just who you mark the X by, it's not whether you
16 showed up or not.

17 **MR. GIB van ERT:** Thank you. Also, in your
18 statement, and I think you repeated it in your oral evidence
19 this morning, you expressed concerns that the SITE but also
20 the Critical Election Interference Public Protocol Panel,
21 sometimes known as the Panel of Five, failed in their duty to
22 inform and warn Canadians.

23 I anticipate that later in these proceedings,
24 the Commission will hear evidence of a meeting of the panel
25 on the 9th of September 2019, where the panel decided that in
26 its future deliberations it would assess potential
27 interference activities for their impact on a single national
28 election as opposed to potential impacts on 338 individual

1 elections across the county. There will be evidence before
2 this Commission that the panel decided to approach foreign
3 interference as a national matter, rather than as a riding by
4 riding basis.

5 Would you tell the Commissioner what you
6 think of that approach to assessing whether there has been
7 foreign interference in elections?

8 **HON. ERIN O'TOOLE:** Yeah. I think that was
9 an improper decision to make because it doesn't recognise our
10 first past the post system where a general election is 338
11 individual elections, and our system is structured to support
12 that, and that the composition of the House of Commons is
13 separate from the election itself.

14 And what I think their decision did was
15 discounted some ridings in the Lower Mainland and in the GTA
16 as rounding error ridings, and I think that's unfair to those
17 voters. And to suggest that an election is free and fair
18 from foreign interference is not accurate if some people are
19 impacted. Whether or not it flipped the result in a riding
20 or in a few ridings, each vote matters.

21 So I do think that was a decision that was
22 incorrect to make. I also think it doesn't reflect our
23 history as a parliamentary democracy first past the post
24 system with its pros and cons. They should have taken the
25 approach that if they knew several ridings were being heavily
26 targeted, that that was sufficient under the protocol to have
27 a public notice and warning. You could have constrained to
28 media and the Lower Mainland of British Columbia or GTA

1 or....

2 You know, there was a lot of ways to actually
3 address this in a way that wasn't making it seem like the
4 entire election in all ridings were at risk, but I think
5 targeted warnings and messaging, particularly in Mandarin and
6 Cantonese, and in the case of 2021, was warranted, and it was
7 a mistake to not raise the alarm.

8 MR. GIB van ERT: Thank you, Mr. O'Toole.

9 HON. ERIN O'TOOLE: Thank you.

10 COMMISSIONER HOGUE: Thank you.

11 Next one is counsel for the Sikh Coalition.

12 Mr. Singh.

13 MR. PRABJOT SINGH: Thank you, Commissioner.

14 Again, for the record, it's Prabhjot Singh as counsel for the
15 Sikh Coalition.

16 --- CROSS-EXAMINATION BY MR. PRABJOT SINGH:

17 MR. PRABJOT SINGH: Thank you, Mr. O'Toole.

18 I just have a few questions for you.

19 Based on the testimony you've given so far,
20 it sounds like your experience in terms of understanding
21 foreign interference was mostly after the fact. After the
22 election is when the briefings happened and you were informed
23 about potential targeting of yourself and your party. Is
24 that correct?

25 HON. ERIN O'TOOLE: About how the targeting
26 was done? Yes. The fact that, you know, there was the risk
27 and potential of it, I was aware of for several years before
28 becoming leader.

1 **MR. PRABJOT SINGH:** Okay. And it's your
2 understanding that you have been targeted specifically
3 because of the Conservative Party platform and positions
4 taken around China and some of the messaging around that
5 position; correct?

6 **HON. ERIN O'TOOLE:** Correct.

7 **MR. PRABJOT SINGH:** Do you recall the first
8 time that you first heard about the threat of Indian foreign
9 interference in Canadian elections?

10 **HON. ERIN O'TOOLE:** It has been a live issue.
11 I'm trying to think of.... The first time was probably in
12 relation to the Prime Minister's state visit to India. I was
13 the Foreign Affairs shadow minister for the Conservatives at
14 the time. There was a lot of discussion on how we needed to
15 prosecute his trip in the House of Commons, and there was --
16 there was debate on the issues where foreign interference and
17 electoral, and even in the case of Mr. Atwal, who was on the
18 trip, and had been convicted in a -- in an attack on an
19 Indian politician in Canada. That was the first time I
20 really heard of the subject in the case of the Indian
21 diaspora.

22 **MR. PRABJOT SINGH:** And in that case, was it
23 your understanding that members of the intelligence community
24 believed that state or non state actors from India engaged in
25 a disinformation campaign against the Prime Minister at the
26 time?

27 **HON. ERIN O'TOOLE:** Yes. That was -- that
28 was the issue that I wanted to raise following the Prime

1 Minister's trip. The National Security Advisor, Daniel Jean,
2 did side briefings with the media with respect to the Prime
3 Minister's trip. And his suggestion to some of the members
4 of the media that the reason the trip had such terrible media
5 coverage was a result of interference by the Indian
6 Government.

7 And I took very serious issue with the fact
8 that that sounded more like the job of a director of
9 communications and not the job the national safety -- public
10 safety and security advisor of the Prime Minister. I don't
11 feel they should be spinning the media, and you know, I said
12 that publicly with respect to Mr. Jean.

13 Mr. Scheer at the time, you know, took --
14 wanted to bring another vote in the House of Commons on the
15 United India, and we didn't raise the Daniel Jean issue, and
16 I think that was a bit of a mistake because it upset many
17 diaspora groups in Canada, that vote. It was -- as Foreign
18 Affairs shadow minister, it was on my motion that was tabled.

19 Ultimately, the Daniel Jean issue came out
20 and was prosecuted at the committee, but that whole issue I
21 think was a bit misplayed and caused more tensions within
22 diaspora communities rather than looking at the role of the
23 national security advisor and how the Prime Minister
24 approached that state visit from invitation to prominent
25 Canadians to attend these sorts of things.

26 So you know, the intersection of potential
27 foreign interference and diaspora politics in Canada is
28 something that I think this Inquiry really needs to dive into

1 to make sure that regardless of how you came to Canada and
2 where you worship, where you work, you should be able to
3 exercise your franchise free from interference from other
4 states or from coercion in Canada by a group.

5 **MR. PRABJOT SINGH:** I don't want to dwell on
6 this for too long. You earlier gave testimony that your
7 suggestion that non partisan bodies should advise about
8 potential foreign interference activity potentially while
9 it's happening in order to actually warn communities, but it
10 sounds like you take issue with a public servant at a senior
11 level within the intelligence community providing that kind
12 of live intervention at that time.

13 **HON. ERIN O'TOOLE:** Well, his -- Mr. Jean's
14 intervention was based on stopping the bleeding from media
15 stories that were very negative on the Prime Minister.
16 That's not the role of a National Security Advisor. That's
17 the role of a Director of Communications.

18 I do think that the parties both in the House
19 of Commons and their electoral parties that run nominations
20 and that run general elections do need linkages directly with
21 our security agencies so that issues can be flagged like the
22 financing issue from 2019 and so that parties can be aware if
23 there's a security concern of any type before a nomination is
24 completed, before someone gets elected to Parliament, before
25 -- before that potential interference goes right into our
26 Parliament.

27 And so I think how these agencies have the
28 ability to properly, professionally and discretely brief the

1 House of Commons and the political parties is something I
2 hope the Inquiry provides some recommendations on.

3 **MR. PRABJOT SINGH:** So you provided some
4 evidence about how you believe that China or the PRC targeted
5 yourself because of policy positions your Party took and you
6 didn't learn about these until after the fact.

7 Is it possible that yourself or your caucus
8 may have been targeted for Indian foreign interference
9 because of policy positions that may have aligned with Indian
10 interests without your knowledge, of course? Is that
11 something that's possible that could have happened?

12 **HON. ERIN O'TOOLE:** It is possible. I will
13 say that when we did table the motion to vote on a united
14 India and this was -- as I said, I wanted to pursue the
15 Daniel Jean aspect of the Prime Minister's trip. That motion
16 and the mere tabling of it upset the Sikh community a great
17 deal. Several hundred of them called my offices in Ottawa
18 and Bowmanville.

19 And so I do know that these issues related to
20 the potential for foreign interference really strike diaspora
21 communities on an emotional level and so that the parties
22 have to be professional and mature about how they address
23 them because they can really make a community feel
24 marginalized or unheard. They can be seen to be ignoring
25 obvious attempts to interfere. So this is why I'm saying I
26 think the professionalization both for the House of Commons
27 and our Parliament is separate from the electoral machines of
28 the Party.

1 And I think there needs to be a responsible
2 way for both the electoral machines of the parties and the
3 House of Commons to get timely, discrete briefings on
4 intelligence issues in the hope that all parties will handle
5 it responsibly.

6 **MR. PRABJOT SINGH:** In the leadup to the 2021
7 election, were you ever made aware of a potential
8 disinformation campaign that targeted your Liberal and NDP
9 counterparts that was mutually amplified by Indian
10 disinformation networks as well as far right Canadian
11 platforms?

12 **HON. ERIN O'TOOLE:** I don't know of any
13 specific campaign or any specific evidence. I do know that
14 the farmers' protests in India that occurred, I think, in
15 around 2020, 2021 drew quite a response politically in
16 Canada. And I tried to, you know, raise food security and
17 the issues of farming families in a way that was responsible
18 and wasn't trying to exacerbate tensions.

19 Each of the parties, I think, tried to
20 approach that issue responsibly, but obviously that was --
21 because of the farmers' protests were largely in Punjab, it
22 was a natural issue that brought tensions between Sikh and
23 Hindu communities in Canada and so had no information on any
24 possible foreign interference, but certainly there was
25 diaspora concerns to approach the issue responsibly, and I
26 tried to do that.

27 **MR. PRABJOT SINGH:** And would it surprise you
28 if the -- some of these documents that you've mentioned from

1 the SITE Task Force that you weren't privy to prior, would it
2 surprise you if there was information that there was
3 coordinated disinformation emanating from India trying to
4 exacerbate potential tensions between communities in Canada?

5 **HON. ERIN O'TOOLE:** I don't want to speculate
6 on what may or may not be there, but when I was living at
7 Stornoway in the lockdown of COVID, we couldn't really go out
8 much, I did notice at one point in the farmers' protest
9 period of time the RCMP put close protection on the Higher
10 Commissioner from India, who was my next-door neighbour. And
11 I know that we only do that with diplomats if there's a
12 perceived threat and Canada has an obligation to safeguard
13 against threats. But I only saw that tensions were rising.
14 I don't have any knowledge of any information or -- and I
15 don't want to speculate.

16 But I am trying to share what I did see at
17 the time.

18 **MR. PRABJOT SINGH:** And during the relevant
19 electoral periods, were you ever briefed by security and
20 intelligence on the potential Indian threat to foreign
21 interference?

22 **HON. ERIN O'TOOLE:** No.

23 **MR. PRABJOT SINGH:** Had you been adequately
24 briefed by security and intelligence, would that have
25 increased your situational awareness and your ability to more
26 carefully take precautions for yourself and understand the
27 possibilities of disinformation and the impacts on
28 communities?

1 **HON. ERIN O'TOOLE:** I do think these
2 briefings should take place and I've said -- and I said this
3 to CSIS when I received my briefing. Particularly now that
4 Parliament has a permanent hybrid quality to it, there -- I
5 think each MP should have more secure means of having virtual
6 offices, whether it's VPNs or -- I think we need a far more
7 sophisticated approach to signals and communications
8 intelligence for Parliamentarians and more knowledge.

9 Electors trust them to go to Parliament to
10 represent their issues. We need to trust them to be able to
11 weigh information knowing that intelligence is not evidence,
12 but it's an indication that should help form smart decision-
13 making.

14 I think we need to trust our Parliamentarians
15 more. That's why structures to allow for more of an
16 interface with intelligence services where needed is, I
17 think, prudent and important.

18 **MR. PRABJOT SINGH:** And so ---

19 **COMMISSIONER HOGUE:** Mr. Singh, you already
20 exhausted your time, so I will ask you to conclude. You may
21 ask the last question.

22 **MR. PRABJOT SINGH:** This is my final
23 question.

24 **COMMISSIONER HOGUE:** Thank you.

25 **MR. PRABJOT SINGH:** So in terms of your
26 suggestion or your observation and based on your experience,
27 what you would like to see is more timely non-partisan
28 briefings and information from the security and intelligence

1 community to be able to inform the decisions of Members of
2 Parliament. Is that fair?

3 HON. ERIN O'TOOLE: Yes.

4 MR. PRABJOT SINGH: Thank you. Those are all
5 my questions.

6 Thank you, Commissioner.

7 COMMISSIONER HOGUE: Thank you.

8 Mr. Sirois, counsel for the RCDA.

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

10 MR. GUILLAUME SIROIS: Good morning, Mr.
11 O'Toole, madame la Commissaire.

12 HON. ERIN O'TOOLE: Good morning.

13 MR. GUILLAUME SIROIS: I'm Guillaume Sirois,
14 counsel for the Russian Canadian Democratic Alliance. I'm
15 going to ask you some questions regarding Russian
16 interference specifically.

17 In your witness summary, you say that in the
18 final days leading up to the 2021 election, the CPC saw its
19 projected seat count drop and you attribute much of this drop
20 to the COVID-19 issue but also to the gains by the People's
21 Party of Canada. Is that right?

22 HON. ERIN O'TOOLE: Yes.

23 MR. GUILLAUME SIROIS: And why would gains by
24 the PPC cause a drop in projected seats for CPC?

25 HON. ERIN O'TOOLE: Our experience in the
26 campaign and in our assessments afterwards was the seat
27 makeup of the House -- so we maintained a slight win in the
28 popular vote, but the seat makeup changed dramatically due

1 largely to the vaccine mandate issue. That issue caused
2 several repercussions for us.

3 In the final 10 days of the campaign, the
4 vaccine mandates provincially came into force in Ontario.
5 Premier Kenny in Alberta changed his view on vaccine mandates
6 when hospital ICUs were filling up. And what that did was
7 two things.

8 My position was I was very pro vaccine. I
9 was not in favour of a mandate that would lead to people
10 losing their jobs or their ability to travel. The splits
11 that emerged were the PPC vote went up for people that were I
12 might describe as vaccine hesitant or anti-vax. But the soft
13 suburban vote in Ontario, some of the vote that was going to
14 vote NDP went to the Government and to the Liberals in the
15 final days. So we lost in part because some of our vote bled
16 off to the right, and some of the centrist vote that we were
17 getting midway through the campaign was lost on the vaccine
18 issue in the final week.

19 It was a range of factors, but that's largely
20 why the dispersion of our votes was not sufficient to win the
21 seat count.

22 **MR. GUILLAUME SIROIS:** Okay. So you
23 attribute most of this loss of seat to the PPC due to the
24 covid -- your Covid-19 stance during the election. But in
25 your summary also I saw that one in two or one in three
26 voters for the PPC would have voted for the CPC. Is it
27 something that you agree? Is there, like ---

28 **HON. ERIN O'TOOLE:** Yes. The PPC vote was a

1 live issue. I never mentioned Mr. Bernier at all in the
2 campaign. You know, I am very disappointed in his conduct
3 since leaving our party.

4 But in the final week, I did make an appeal,
5 in the last few days, to PPC voters that if they wanted to
6 see the Liberal Government replaced, we were the vehicle, and
7 that a vote for the PPC was actually indirectly helping Mr.
8 Trudeau. That was as far as I would go to appeal to ardent
9 PPC supporters.

10 But why I say it was a real issue is most of
11 the provinces, as I said, were the ones imposing
12 restrictions. And the restrictions and vaccine mandates
13 really caused that vote to go from two percent to six/seven
14 percent. In some parts of southwestern Ontario, the vote
15 went into double digits.

16 In some cases, we still held on to those
17 seats in Leamington and places like that. But in a lot of
18 more suburban/ex-urban centers, that split was enough for us
19 to lose.

20 So our modelling showed on Friday I was
21 winning the seat count, and on Monday I lost the seat count.
22 It was a tough weekend.

23 **MR. GUILLAUME SIROIS:** Understood. Thank
24 you. I'm going to -- I will now show you three reports from
25 the Rapid Response Mechanism of Canada, also known as the RRM
26 Canada. The first of which will be CAN000125.

27 **--- EXHIBIT No. CAN 125:**

28 RRM Canada Weekly Trend Analysis

1 **MR. GUILLAUME SIROIS:** And for the benefit of
2 the public, while the document is being pulled, RRM Canada
3 was responsible for monitoring the digital information
4 environment for foreign state sponsored disinformation during
5 the 2021 election.

6 So this document is report number three, so
7 the RRM Canada weekly trend analysis for the week of
8 September 2 to 8.

9 I would like to go to the second page,
10 please. The first full paragraph there under the two bullet
11 points. I will read some excerpts from that paragraph.

12 "Yonder monitoring identified
13 accounts that may be associated with
14 Russian state-sponsored actors who on
15 a very small scale have amplified
16 content supportive of accounts of two
17 candidates of the Peoples' Party of
18 Canada. [...] RRM notes that both PPC
19 posts involved anti-vaccine and anti-
20 lockdown content."

21 Is this the first time you are hearing about
22 this?

23 **HON. ERIN O'TOOLE:** Yes.

24 **MR. GUILLAUME SIROIS:** More generally, have
25 you witnessed amplification of PPC related content by a
26 foreign state during the 2021 election before today?

27 **HON. ERIN O'TOOLE:** Yes. There was always a
28 fear that some of the troll farms and some of the Russian

1 influence was boosting some of the messages from the PPC,
2 both on anti-LGBTQ type messaging, for example. But
3 certainly when covid happened, the restriction/vaccine issue
4 I believe was amplified by those channels. But I wasn't
5 aware of any of the tracking of it.

6 **MR. GUILLAUME SIROIS:** Okay. And so I
7 understand correctly your statement that it was not only just
8 PPC related content, but also anti-vaccine and anti-lockdown
9 that you heard before today that was being amplified by
10 Russia?

11 **HON. ERIN O'TOOLE:** Yes.

12 **MR. GUILLAUME SIROIS:** Okay. I will go now
13 to CAN000134,

14 **--- EXHIBIT No. CAN 134:**

15 RRM Canada Weekly Trend Analysis

16 **MR. GUILLAUME SIROIS:** Which is the
17 subsequent weekly report from RRM Canada for the September 9
18 to 15 period. As you can see from the first page, this is
19 the report for the week of September 9 to 15. I would like
20 to go to the second page again, please.

21 It's the same kind of paragraph. Similar
22 information. I will read again some excerpts from that
23 paragraph. The firm, being the Yonder firm that we
24 discussed, which I assume is a firm that the Government
25 contracted to conduct those analyses:

26 "The firm has seen less engagement
27 from accounts that generally amplify
28 Chinese state sources, but more

1 engagement from accounts that
2 generally amplify Russian state
3 sources. [...] In general, Yonder
4 reports that Chinese and China state-
5 aligned accounts amplify messages by,
6 or are supportive of, the LPC while
7 Russia-friendly accounts amplify
8 Peoples Part[y] of Canada-related
9 content."

10 So according to this report, it's a bit like
11 you said at the beginning of your testimony with me today.
12 you have -- votes are being dragged on both sides. So the
13 China is supporting the Liberals, and Russia is supporting
14 the PPC. None of this helps the Conservatives; right?

15 **HON. ERIN O'TOOLE:** Well from -- and this is
16 the first time that I've seen this document, but that was our
17 impression from the field, that the lockdown and the vaccine
18 issue had a support bleeding center-right and right, and you
19 know, I do think the Chinese FI has been more localized and
20 targeted, but it did affect some seats as well. This is
21 talking about a broader support of the Liberal Party.

22 The gain the party, the Liberal Party, had in
23 the final week, our tracking showed came a little bit at the
24 expense of the NDP and less us, but a little bit to us.

25 At the end of the day, it was close until the
26 end, and these splits, you know, are why I'm in the private
27 sector, largely now, and not in Parliament, but it was a
28 tough campaign. That's why I still believe we shouldn't have

1 had one in the confines of a vaccine over health-related and
2 restrictions of things that were necessary, but were going to
3 be challenging in a civil society.

4 **MR. GUILLAUME SIROIS:** And the report says
5 that the amplification from Russia increased during the
6 period of September 9th to September 15th. Could you clarify
7 if this timeframe aligns with the period during which the
8 Conservative Party experienced a decline in projected seats
9 at the final stages of the election?

10 **HON. ERIN O'TOOLE:** I can't say on a day-to-
11 day basis where we were. We had a surge early in the
12 campaign. Early in the campaign, covid was less of a
13 concern. There was slight opening up. You know, there was
14 the ability for the first time to publicly gather on limited
15 bases. So people weren't worried as much about the measures
16 and restrictions.

17 Later on in the campaign, it coincided with
18 the early part of what was the Delta wave. There were
19 pressures on the Alberta hospital system, a few provincial
20 vaccine mandates came into force, like in Ontario and New
21 Brunswick. So the second part of the campaign was much more
22 covid-centric, is when we lost our momentum. I can't track
23 it on a daily basis, but that's generally how we saw it
24 happening.

25 **MR. GUILLAUME SIROIS:** I understand, but does
26 that generally align, September 9 to September 15, where
27 September 15 is one -- approximately one week before the
28 election?

1 **HON. ERIN O'TOOLE:** That's when our momentum
2 stopped and we then -- well there were a range of other
3 issues that we had, the gun issue and some other issues that
4 were issues in the media, issues with some of our opponents.
5 But generally, it's the same timeframe.

6 **MR. GUILLAUME SIROIS:** And so you said there
7 was a bunch of issues during that time period. But just I
8 want to make sure I understand properly. One of the
9 important issues was the anti-vaccine and anti-lockdown
10 content?

11 **HON. ERIN O'TOOLE:** That was the most
12 important issue.

13 **MR. GUILLAUME SIROIS:** Okay. Thank you. And
14 I want to, just for the record, pull the last report from the
15 RRM on that point. It's CAN000141.

16 **--- EXHIBIT No. CAN 141:**

17 RRM Canada Weekly Trend Analysis

18 **MR. GUILLAUME SIROIS:** This one was issued
19 after the election. It's for the period of September 16 to
20 23. Again, I want to go to the second page, the same
21 paragraph. That starts with Yonder again.

22 So -- and this paragraph reads in part:

23 "In general, Yonder reports that
24 Chinese and China state-aligned
25 accounts continued to amplify
26 messages by or supportive of the LPC,
27 while Russia-friendly accounts
28 continue to amplify Peoples Party of

1 Canada...related content."

2 So I believe that means that since at least
3 September -- about September 2 to 8 period, until after the
4 election, this firm, Yonder, reported that there was a
5 foreign state, or at least Russia friendly accounts,
6 amplifying content related to the Peoples Party of Canada.
7 Is it information that would have been of interest to you had
8 it been communicated?

9 **HON. ERIN O'TOOLE:** Yes. I think this is the
10 type of information that I thought was going to be shared on
11 a -- kind of a live rolling basis with my designate to the
12 SITE Committee Task Force, but it was not.

13 **MR. GUILLAUME SIROIS:** And I want to go
14 briefly on your -- so the Peoples Party of Canada did not win
15 a seat but as you explained earlier, they did perform quite
16 well during the election. They're -- they tripled their vote
17 share from 1.6 percent to 4.9 percent. And I want to know
18 what, if you remember, what was the Conservative's position
19 regarding Russia during the 2021 election?

20 **HON. ERIN O'TOOLE:** Well, I was banned to go
21 to Russia, as was the previous leader, Andrew Scheer. You
22 know, I'm wearing my Ukraine pin today. You know, we were
23 very, very strongly opposed to the Putin regime going back to
24 Mr. Harper, who probably his most famous comment as prime
25 minister was confronting Vladimir Putin, asking him to get
26 out of Ukraine during the illegal occupation of Crimea. So
27 we were very, very strongly opposed to the Putin regime, as
28 was the Trudeau Government, I might add, despite early on

1 there was a -- Minister Dion wanted to warm relations with
2 Russia. Ms. Freeland and other members of that caucus pushed
3 to adopt a very strong position countering Putin's
4 aggression.

5 So this was one area where I think the
6 Liberals and Conservatives were generally on the same page,
7 but we were probably known as the slightly stronger tone
8 against -- in Operation Unifier and some of the missions in
9 Latvia and Crimea and Ukraine were all initiatives of the
10 Conservative Government, so we opposed the Putin regime and
11 Russia under his control.

12 **MR. GUILLAUME SIROIS:** And I know -- do you
13 remember the PPC's position regarding Russia or foreign
14 policy generally?

15 **HON. ERIN O'TOOLE:** You know, I have a lot of
16 concerns of PPC and some of the far right narratives in the
17 United States, particularly with respect to funding the war
18 in Ukraine, being very influenced by Russian propaganda and
19 social media manipulation. I can't speak to, you know, the
20 degree of it during the 2021 campaign, but it's certainly an
21 issue that I've read about.

22 I've watched it unfold in the United States,
23 where the Republican Party has virtually changed their
24 original position, in my view, because of some of this
25 influence. I've seen it in Canada as well, and I've spoken
26 out against it. I do think Mr. Bernier tries to harness some
27 of these forces. Whether accidentally or whether it's
28 coordinated I can't speak to.

1 **COMMISSIONER HOGUE:** M. Sirois, your time is
2 exhausted. So if you have a last question, I'm going to
3 allow the last question, but after that, we'll take the
4 break.

5 **MR. GUILLAUME SIROIS:** Maybe just one last
6 question. Thank you, Madam Commissioner.

7 In your witness summary, you say that this
8 SITE Task Force and the CIEPP failed. After hearing this
9 evidence today, which I understand is the first time you are
10 hearing about that, do you still hold that same belief?

11 **HON. ERIN O'TOOLE:** Yes, absolutely.
12 Clearly, my focus during the campaign in 2021, and post, when
13 we continued to work with the SITE Task Force, my concern
14 primarily focussed on foreign interference coming from
15 Beijing. I never really gave as much thought to the
16 potential for Russian interference or other forms of
17 interference, but that's what I think is a good thing about
18 the mandate of this Inquiry is it can look broader than just
19 the issue of China. Some of what I'm seeing now in the RRM
20 reporting is equally concerning about Russia.

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

22 **COMMISSIONER HOGUE:** Thank you.

23 So we'll take 20 minutes break. So we'll
24 come back at 11:35.

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

26 The hearing is in recess until 11:45.

27 --- Upon recessing at 11:13 a.m./

28 --- Upon resuming at 11:43 a.m.

1 **THE REGISTRAR:** Order please.

2 This sitting of the Foreign Interference
3 Commission is back in session.

4 **--- MR. ERIN O'TOOLE, Resumed**

5 **COMMISSIONER HOGUE:** So next one is counsel
6 for the Human Rights Coalition.

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

8 **MS. HANNAH TAYLOR:** Good morning, Mr.
9 O'Toole.

10 **HON. ERIN O'TOOLE:** Good morning.

11 **MS. HANNAH TAYLOR:** You mentioned this
12 morning that you had a sense that the Conservative Party's
13 stronger positions on China were probably being tracked
14 closely by the Chinese government prior to the 2021 election.
15 You would agree that it's likely these stronger positions as
16 well as the Conservative Party's support of targeted diaspora
17 communities such as the Falun Gong, Uyghur and Hong Kong
18 communities in its 2021 platform, support of the Uyghur
19 genocide motion and advocacy for the Foreign Influence
20 Registry that likely made it a -- that likely made the Party
21 a target of the Chinese government.

22 **HON. ERIN O'TOOLE:** Yes, that's correct.

23 **MS. HANNAH TAYLOR:** From your perspective,
24 has your treatment by the Chinese government in the 2021
25 election as well as the experiences of other politicians and
26 leaders who've supported targeted communities created an
27 environment in which other politicians, leaders and parties
28 may feel they cannot take a stance against China without

1 facing consequences?

2 **HON. ERIN O'TOOLE:** There is a risk of that
3 chill, people not championing minority rights or human rights
4 because of fear of interference or, you know, electoral
5 challenge as a result. So I have more respect for people
6 that do despite some of those risks.

7 **MS. HANNAH TAYLOR:** You mentioned this
8 morning that the CSIS briefing you received in 2023 was
9 helpful for understanding what was happening regarding
10 foreign interference issues but that you would have
11 appreciated getting the briefing a few years earlier.

12 Based on your interview summary, it's my
13 understanding that you believe that if an intelligence agency
14 develops a credible belief that a Party or candidate is the
15 target of foreign interference then the agency should brief
16 the Party or candidate even if the threat posed by foreign
17 interference is minimal. Is that correct?

18 **HON. ERIN O'TOOLE:** Yes. If they have some
19 sort of a risk towards them or their family as a result of
20 their public service and positions they're taking, I think if
21 an agency of the federal government is aware of that, that
22 Parliamentarian deserves to be notified and deserves support
23 to make sure that risks are minimized or mitigated.

24 **MS. HANNAH TAYLOR:** And would you agree that
25 members of targeted diaspora communities should be similarly
26 briefed in a timely manner when an intelligence agency
27 develops a credible belief that they or their family members
28 are a target of foreign interference?

1 HON. ERIN O'TOOLE: Yes, I believe they
2 deserve that same right.

3 MS. HANNAH TAYLOR: Thanks, Mr. O'Toole.

4 COMMISSIONER HOGUE: Thank you.

5 So government?

6 --- CROSS-EXAMINATION BY MR. GREGORY TZEMENAKIS:

7 MR. GREGORY TZEMENAKIS: Good morning, sir.

8 HON. ERIN O'TOOLE: Good morning.

9 MR. GREGORY TZEMENAKIS: My name is Gregory
10 Tzemenakis. I'm counsel for the Attorney General of Canada
11 and I just have some clarification questions.

12 So your evidence -- in your evidence this
13 morning, you stated that the Conservative Party of Canada did
14 not lose the general election in 2021 due to foreign
15 interference activities, but they may have lost somewhere
16 between six to nine seats as a result of foreign interference
17 activities; correct?

18 HON. ERIN O'TOOLE: That's correct.

19 MR. GREGORY TZEMENAKIS: And I also heard you
20 to say, sir, that those seats may have also been impacted by
21 other factors, such as the position taken by the party on
22 motions in the House of Commons; possibly an understanding in
23 relation to the party's platform, or a misunderstanding in
24 relation to the party's platform; and positions taken in
25 relation to vaccines and vaccine mandates. Is that a fair
26 summary?

27 HON. ERIN O'TOOLE: All the issues that were
28 germane in the '21 election would have applied to all those

1 voters as well.

2 The modelling and the historic voting
3 patterns of the Chinese-Canadian diaspora, in particular, is
4 what helped formulate my opinion, but I've always said hat
5 seat range, up to nine, is my opinion, based on all these
6 considerations.

7 **MR. GREGORY TZEMENAKIS:** Thank you.

8 I want to move to just a couple of questions
9 on information flow and, in particular, from the party to the
10 SITE Task Force.

11 So this morning -- and I'm going to start off
12 with a general question, to make sure I understood exactly
13 what you said this morning. I understood you to say that the
14 foreign interference activities that the party was monitoring
15 were raised by your representatives to the SITE Task Force
16 during the writ period in the 2021 election, is that right?

17 **HON. ERIN O'TOOLE:** No. I wouldn't use the
18 term, "Monitoring"; we were not set up to monitor foreign
19 interference in the 2021 election. What I did say on a few
20 occasions was that we developed an informal dossier and
21 started sharing examples that our field organizers, our
22 candidates, and our party officials were seeing on an *ad hoc*
23 basis, but the monitoring we thought was being done and was
24 being done by RRM ---

25 **MR. GREGORY TZEMENAKIS:** So ---

26 **HON. ERIN O'TOOLE:** What we were doing was
27 sharing kind of anecdotal reports to counter the sort of
28 impression being left by SITE that there were no issues of

1 concern. We were seeing issues of concern, and we were
2 flagging them.

3 **MR. GREGORY TZEMENAKIS:** So I'm going to
4 rephrase my question. The point that I'm trying to make is
5 your evidence this morning was that there was sharing of
6 information b the party to a SITE Task Force ---

7 **HON. ERIN O'TOOLE:** Yes.

8 **MR. GREGORY TZEMENAKIS:** --- during this
9 period. And would it surprise you to learn that this may not
10 actually have been done by the party during the writ period?

11 **HON. ERIN O'TOOLE:** Some of the sharing would
12 have been verbal in meetings that we were seeing cases. Some
13 of the evidentiary record, like photographs of the Foodmart
14 and things like that, were shared afterwards, yes.

15 **MR. GREGORY TZEMENAKIS:** To be fair, I expect
16 that the evidence that will come on Friday by the SITE Task
17 Force in 2021 will be that there were concerns shared, but
18 that they were only shared after the writ period and after
19 the election result. And so I want to give you the
20 opportunity to help us, if that accords with your
21 recollection or if your understanding -- you're still
22 confident in your position that some information was shared
23 during the writ period?

24 **HON. ERIN O'TOOLE:** Our party was raising
25 instances of what we believed was FI. In terms of
26 evidentiary sharing, that happened after the election.

27 I must specify that I was not directly
28 involved with the Task Force, my designates were, Mr. Soliman

1 and Ms. Michaud. From what I understand, in the tail end of
2 the campaign, we were raising reports from the ground that we
3 were hearing with respect to FI. We formalized those into
4 the dossier after.

5 **MR. GREGORY TZEMENAKIS:** Thank you. And I
6 heard you to -- just coming back to the point of formalizing
7 those activities into the dossier, and you were taken earlier
8 -- we don't need to pull this up -- to CAN 6739, which was an
9 email from Ms. Michaud forwarding information to the SITE
10 Task Force for consideration. Do you recall that discussion
11 you had ---

12 **HON. ERIN O'TOOLE:** Yes.

13 **MR. GREGORY TZEMENAKIS:** --- with Commission
14 counsel? And did I understand correctly, sir, you to say
15 that you did not receive a response to that inquiry? And I'm
16 just trying to understand, when you say, "You" is it you in
17 your personal capacity as leader, or are you suggesting that
18 the party did not receive a response to those inquiries?

19 **HON. ERIN O'TOOLE:** I did not receive a
20 response, nor was I offered an opportunity to meet with the
21 Task Force or the group of five. And I'm assuming that my
22 chief of staff did not either, but she may have. I can't be
23 certain of that.

24 **MR. GREGORY TZEMENAKIS:** To be fair, the
25 evidence that will come a little bit later is that there was
26 a verbal briefing given to both Mr. Soliman and Ms. Michaud
27 on October 22nd, 2021 in response to the allegations. Does
28 that date ring a bell?

1 **HON. ERIN O'TOOLE:** No. Because I think
2 we've -- our recollection is that on several occasions when
3 things were said, the National Security Advisor to the Prime
4 Minister told a Parliamentary Committee that she had
5 responded to Mr. Soliman, when she had not.

6 So I would love to see the evidentiary
7 record, but my own experience was that our communication with
8 the SITE Task Force was generally a one-way street.

9 And my concern when you use the term,
10 "Monitoring" our monitoring from the election, we weren't set
11 up to monitor the election for foreign interference, but the
12 SITE Task Force was. And the sharing we did with the Task
13 Force was, again, one way. We didn't get the rapid response
14 mechanism reports; we didn't get what I'm seeing now in real
15 time during the campaign, and I think that's a fundamental
16 failure of the system.

17 **MR. GREGORY TZEMENAKIS:** Let me just touch on
18 that point. So your evidence today is that there was a
19 failure in the system because the SITE Task Force or the
20 panel of five should have made an announcement during the
21 writ period, based on the alleged foreign interference
22 activities that were being shared with them; is that fair?

23 **HON. ERIN O'TOOLE:** That's -- the protocol, I
24 think, warranted some sort of warning to diaspora communities
25 relying on WeChat, for example, yes. But as I said in my
26 earlier testimony, when my designates in the first meeting
27 regarding the '21 election were told that there were no
28 problems with the 2019 election, and a year after the

1 election I read that there were instances of problems in the
2 2019 election; in my view, that should have been the starting
3 point for the Task Force. We knew there were some problems
4 in 2019. We're going to be more vigilant in '21 to make sure
5 that the interference, whether it's significant or not, plays
6 no role in any of the ridings in the country.

7 **MR. GREGORY TZEMENAKIS:** And did I understand
8 correctly that as leader of the party you could have made a
9 public announcement yourself, but after careful consideration
10 you chose not to make an announcement, based on the foreign
11 interference -- alleged foreign interference activities that
12 were being brought to your attention?

13 **HON. ERIN O'TOOLE:** I did make that decision
14 not to formally say anything because of what I perceived to
15 be negative ramifications of that. I also thought the system
16 was working and if there was knowledge of the reports we were
17 hearing that the protocol would indicate the need for some
18 sort of warning.

19 You know, looking back, I might have made a
20 different decision if I'd been seeing the RRM reports on a
21 daily basis.

22 **MR. GREGORY TZEMENAKIS:** And the question
23 that I have, sir, is when you say there was an alleged
24 failure in the system, is that your -- when did you formulate
25 that view? Did you formulate that view during the writ
26 period, or did you formulate that view with the benefit of
27 retrospection and further consideration looking back?

28 **HON. ERIN O'TOOLE:** In the final week of the

1 campaign, when some of our candidates and volunteers were
2 very worried about the level of foreign interference and some
3 of the narratives on WeChat, including narratives about me,
4 that's when I determined that we were not prepared as a
5 country for the level and methods of foreign interference.

6 And I'll use an example. I don't believe our
7 agencies have adequate line of sight into WeChat. There are
8 two different platforms of WeChat; one for mainland China,
9 one for the diaspora globally. If you monitor it as a
10 foreign account, you may not get the same algorithmic flow
11 that some other users get.

12 Does CSE, do our intelligence agencies even
13 know what's really happening here? I don't think they do.
14 And what I do know is a lot of Canadians, hundreds of
15 thousands of Canadians, now rely on these channels. TikTok
16 is now included in that. That wasn't as big of a concern in
17 2021.

18 So I think that we have to make sure that
19 we're giving our intelligence agencies the resources to
20 properly monitor this, and if we don't have the ability to
21 properly monitor, perhaps there should be some restrictions
22 as we've been seeing with TikTok.

23 **MR. GREGORY TZEMENAKIS:** So I appreciate that
24 my time is coming to an end. Thank you for that answer.

25 I have just one more question and it's about
26 the public announcement. In hindsight, do you agree that an
27 announcement by yourself as leader might have afforded an
28 opportunity to address the concerns you discussed this

1 morning regarding misinformation, whether it be in the riding
2 of Mr. Chiu -- apologies, it's not my phone -- whether it be
3 in the riding of Mr. Chui or in the ridings in the lower
4 mainland or in the GTA?

5 **HON. ERIN O'TOOLE:** I regret that I didn't
6 make a statement, because I do feel Mr. Chiu, Mr. Sirois, and
7 a few other candidates, were exposed to a level of
8 misinformation that I think was profoundly unfair.

9 I will say this. The Winnipeg lab
10 experience, which I talked about earlier, is how the House of
11 Commons wrapped up before the election. When we were
12 bringing up valid public policy questions about potential
13 espionage, potential partnerships with the Wuhan Virology
14 Institute, the Prime Minister and the Government would
15 respond by saying, "Make sure you're not perpetuating anti-
16 Asian hate or discrimination."

17 It was that inadvertent chill around any
18 conversation of this that led me not to say anything publicly
19 and why I'm in favour of an inquiry and mechanisms so that
20 these decisions are taken out of the crucible of electoral
21 politics and are administered and delivered by trusted sort
22 of agencies and public officials so that the politics
23 doesn't, you know, stop or prevent a message from getting to
24 voters.

25 But it is a regret I have, that now that I
26 see everything, I didn't err on the side of making the
27 message, even if it was going to be construed as, you know,
28 our attempts to save the campaign or whatever the political

1 spin might have been. I regret not doing that for those
2 candidates that ended up losing, I feel because of the level
3 of foreign interference.

4 **MR. GREGORY TZEMENAKIS:** Thank you for your
5 time, Mr. O'Toole.

6 **COMMISSIONER HOGUE:** Thank you.

7 **MR. GREGORY TZEMENAKIS:** Merci, Madam.

8 **COMMISSIONER HOGUE:** It's now for Mr.
9 O'Toole's counsel. Mr. Jarmyn.

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

11 **MR. THOMAS JARMYN:** Mr. O'Toole, I've just
12 got one question. You finished off discussing with my friend
13 the impact -- or that the chill was one of the reasons you
14 didn't make a statement. Were there any other reasons that
15 factored into your choice not to make a statement with
16 respect to the potential foreign interference?

17 **HON. ERIN O'TOOLE:** The strength of our
18 institutions and our democracy is something that's very
19 important to me, and the pandemic put a strain on a lot of
20 public confidence in institutions and I was very much worried
21 that if we were suggesting some seats were lost or that our
22 electoral fortunes were being impacted by a foreign actor,
23 that some people in the political realm would suggest I was
24 following the approach of the United States and that the
25 election was stolen and all these sorts of things. That's
26 why I never mentioned it period while I was leader of the
27 Party. We worked with the mechanisms, we worked with SITE,
28 worked with Mr. Johnston. And why I'm so hopeful that this

1 Inquiry can take a proper look at this, so that it doesn't
2 become politicized and that we can start restoring our trust
3 in some of these institutions. That's part of the reason I
4 was so cautious, but also part of the reason why I'm so
5 hopeful that this Inquiry really makes some strong
6 recommendations on how we can safeguard things going forward.

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

8 Thank you, Commissioner.

9 **COMMISSIONER HOGUE:** Thank you.

10 Any re-examination, Maître Rodriguez?

11 **--- RE-EXAMINATION BY MS. NATALIA RODRIGUEZ:**

12 **MS. NATALIA RODRIGUEZ:** Just very briefly.

13 Mr. O'Toole, I just want to clarify some of
14 the evidence that you gave in cross-examination in response
15 to my friend the counsel for the Attorney General's
16 questions.

17 I just wanted to understand your evidence.
18 Is it your evidence that you passed on concerns about what
19 you were seeing on the ground during the writ period to your
20 SITE designates? Is that accurate?

21 **HON. ERIN O'TOOLE:** There was -- as we were
22 seeing instances and hearing reports on the ground from the
23 campaign, kind of our central campaign team was talking about
24 it: myself, my chief of staff, the national campaign manager.
25 And the national campaign chair, Mr. Soliman, was also my
26 SITE designate, as was Ms. Michaud. So it was these
27 discussions that I believe Mr. Soliman took to the Taskforce
28 meetings.

1 I was very proud of the professionalism and
2 approach of our team, so I have full trust that they would
3 raise these issues as the SITE process went on.

4 The dossier we talked about was after the
5 campaign, we still had a window when the Government was still
6 in caretaker mode, where we were wanting them to look at
7 things that I don't think they looked at during the writ. We
8 never mentioned publicly that this was going on, but that was
9 still being conducted by largely those four people, with data
10 people and modeling people providing input as well.

11 **MS. NATALIA RODRIGUEZ:** Did you ask either
12 one of them to pass on those concerns to site? Or was it
13 simply your expectation that they would do so?

14 **HON. ERIN O'TOOLE:** It was my expectation
15 from the commentary and what we were hearing and discussing
16 on the ground.

17 **MS. NATALIA RODRIGUEZ:** And did you receive
18 any information from them that they had in fact passed
19 information on to SITE during that time?

20 **HON. ERIN O'TOOLE:** It was only after the
21 fact, after I was leader, when some of the media reports were
22 coming out in the Globe and Mail, that I said we were
23 flagging these issues and was told, yes, we had been.

24 **MS. NATALIA RODRIGUEZ:** And so to your
25 knowledge though, were those concerns in fact passed on to
26 SITE?

27 **HON. ERIN O'TOOLE:** I certainly know when we
28 prepared the dossier, we provided evidence of the WeChat,

1 evidence of some of the other instances of foreign
2 interference. But I don't know which ones were communicated
3 verbally during the writ itself. That'd be a question for
4 Mr. Soliman.

5 **MS. NATALIA RODRIGUEZ:** Okay. Thank you very
6 much.

7 **COMMISSIONER HOGUE:** Just I have one question
8 for you. Can you tell me if, at the best of your knowledge
9 for sure, the terms of the Critical Election Incident Public
10 Protocol were discussed with the various political parties
11 before they'd be drafted and implemented?

12 **HON. ERIN O'TOOLE:** No, not with me. They
13 may have been in 2019, but I wasn't part of that election
14 team. But there was no discussion of the protocol when I was
15 leader.

16 **COMMISSIONER HOGUE:** And have you been
17 consulted, when I say you, I mean your Party, have been
18 consulted about the composition of the panel of five?

19 **HON. ERIN O'TOOLE:** No, we were not.

20 **COMMISSIONER HOGUE:** Thank you. Thank you
21 very much for your time.

22 **HON. ERIN O'TOOLE:** Thank you.

23 **COMMISSIONER HOGUE:** And you're free to go,
24 or to stay if you wish.

25 **HON. ERIN O'TOOLE:** Thank you very much.

26 **COMMISSIONER HOGUE:** So do we have to break
27 for a few minutes for the five minutes? Just the time to
28 have the next witness with us.

1 **THE REGISTRAR:** Order. The sitting will take
2 a recess for five minutes.

3 --- Upon recessing at 12:05 p.m./

4 --- Upon resuming at 12:17 p.m./

5 **THE REGISTRAR:** Order please.

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

8 **COMMISSIONER HOGUE:** Good morning, Mr. Chiu.

9 **MR. MATTHEW FERGUSON:** Madam Commissioner,
10 Matthew Ferguson for Commission Counsel. We call the next
11 witness, who is Kenny Chiu.

12 **THE REGISTRAR:** Mr. Chiu, would you like to
13 be affirmed for the record or would you like to be sworn?

14 **MR. KENNY CHIU:** (Off mic)

15 **THE REGISTRAR:** May I please have your full
16 name and state your -- spell your last name for the record.

17 **MR. KENNY CHIU:** My name, it's Kenny Chiu,
18 C-H-I-U.

19 --- MR. KENNY CHIU, Sworn:

20 --- EXAMINATION IN-CHIEF BY MR. MATTHEW FERGUSON:

21 **MR. MATTHEW FERGUSON:** Good day, Mr. Chiu.

22 **MR. KENNY CHIU:** Hello.

23 **MR. MATTHEW FERGUSON:** You were interviewed
24 by Commission Counsel in person on February 26, 2024, and
25 again on March 5th, 2024, via video link. Do you remember
26 that?

27 **MR. KENNY CHIU:** Yes.

28 **MR. MATTHEW FERGUSON:** A summary of that

1 interview was prepared.

2 And Mr. Court Operator, I'll call that
3 document. It is WIT 14.

4 --- EXHIBIT No. WIT 14.EN:

5 Stage 1 Interview Summary: Kenny Chiu

6 --- EXHIBIT No. WIT 14.FR:

7 Résumé d'entrevue de l'étape 1 :

8 Kenny Chiu

9 MR. MATTHEW FERGUSON: Now, I've called the
10 document on the screen. Mr. Chiu, have you reviewed this
11 document, which is the interview summary, for accuracy?

12 MR. KENNY CHIU: Yes, I have.

13 MR. MATTHEW FERGUSON: Okay. have you had an
14 opportunity to make corrections or changes to the summary?

15 MR. KENNY CHIU: Yes, I have.

16 MR. MATTHEW FERGUSON: Okay. Are there any
17 amendments or changes you would like to make at this time?

18 MR. KENNY CHIU: No.

19 MR. MATTHEW FERGUSON: And do you adopt this
20 interview summary as part of your evidence here today?

21 MR. KENNY CHIU: Yes.

22 MR. MATTHEW FERGUSON: I'll now enter the
23 witness summary into evidence, as well as WIT 14.FR, which is
24 the French translation of the summary.

25 I'll now call another document on the screen,
26 which is CAN.DOC 24, C-A-N-D-O-C 2-4.

27 --- EXHIBIT No. CAN.DOC 24:

28 Summary information on briefing to

1 Kenny Chiu

2 **MR. MATTHEW FERGUSON:** Now, Mr. Chiu, I
3 understand that you received a briefing from CSIS on
4 September 18, 2023?

5 **MR. KENNY CHIU:** That is correct.

6 **MR. MATTHEW FERGUSON:** Okay. At the request
7 of the Commission, the Government of Canada has produced a
8 summary of that briefing in a format suitable for public
9 disclosure. We will be reviewing parts of that summary
10 today. In accordance with the Commission's obligations to
11 prevent the disclosure of information protected by national
12 security confidentiality, I will ask -- I will not ask
13 questions intended to elicit information that remains
14 classified. I understand that you may not be able to answer
15 aspects of my questions. Please simply indicate that that's
16 the case where you cannot answer for this reason, and I will
17 move on.

18 In this particular case, have you reviewed
19 this document?

20 **MR. KENNY CHIU:** Yes, I have.

21 **MR. MATTHEW FERGUSON:** Do you accept -- I
22 understand you also accepted that the document be
23 declassified and your witness -- your names -- your name be
24 mentioned in the summary.

25 **MR. KENNY CHIU:** That is correct.

26 **MR. MATTHEW FERGUSON:** Okay. And without
27 getting into specifics of the briefing you received, does the
28 document provide an accurate general description of that

1 briefing?

2 **MR. KENNY CHIU:** Yes.

3 **MR. MATTHEW FERGUSON:** Then I will enter this
4 as well into evidence.

5 Now, Mr. Chiu, you are the former MP for
6 Steveston East Richmond?

7 **MR. KENNY CHIU:** Steveston-Richmond East.

8 **MR. MATTHEW FERGUSON:** I was going to ask you
9 to correct me if I got that wrong. So it's Steveston East
10 Richmond.

11 **MR. KENNY CHIU:** Steveston-Richmond East.

12 **MR. MATTHEW FERGUSON:** Richmond East. Okay,
13 I'm going to make a note of that, not just a mental note.
14 Thank you.

15 From 2019 to 2021?

16 **MR. KENNY CHIU:** Correct.

17 **MR. MATTHEW FERGUSON:** You were born in Hong
18 Kong and raised there as well?

19 **MR. KENNY CHIU:** Correct.

20 **MR. MATTHEW FERGUSON:** You immigrated to
21 Canada in 1982 to complete Grade 12 as an international
22 students in Winnipeg?

23 **MR. KENNY CHIU:** Correct.

24 **MR. MATTHEW FERGUSON:** You are fluent in
25 Cantonese, English and Mandarin?

26 **MR. KENNY CHIU:** Yes.

27 **MR. MATTHEW FERGUSON:** And you hold a
28 Bachelor of Science from the University of Saskatchewan.

1 **MR. KENNY CHIU:** Correct.

2 **MR. MATTHEW FERGUSON:** You then returned to
3 Hong Kong after university and -- after university, and you
4 came back to Canada with your parents in 1989.

5 **MR. KENNY CHIU:** Correct.

6 **MR. MATTHEW FERGUSON:** Can you briefly
7 summarise how, if we look at how you got into politics now.
8 I understand that at some point in time you became a
9 schoolboard trustee in Richmond.

10 **MR. KENNY CHIU:** June 4th Tiananmen Square
11 massacre in 1989 was the watershed moment for myself. That
12 is when I have decided that I'm not going to be one of those
13 Canadians who take advantage of Canada, while, after becoming
14 a citizen, continue to make better income by staying behind.
15 I have decided at that moment, '89, before I became the --
16 landed immigrant, to be a full-fledged Canadian citizen. And
17 that's when I started my journey in Canada.

18 So when I came to Canada, I pay very close
19 attention to what happens, particularly to the national
20 political situation. I have had a very high regard of
21 Canada's political system, be it a democracy, and so I pay
22 very close attention to what's transpired, the discussion of
23 the Charlottetown Accord, Meech Lake Accord.

24 And then later on, when I -- on the day of
25 wedding, I was actually in Hong Kong doing the banquet
26 circuits, and -- but it was exactly the time when Quebecers
27 were deciding whether to leave Canada, the referendum. And
28 so I was so concerned that I actually have my colleague back

1 then in Richmond send me in an email, email was actually
2 quite, you know, not as popular as then, to let me know
3 whether I have a country to come back to. So that's the
4 level of concern that I have for Canada.

5 And when my wife and I had a family and then
6 the -- they enter into the public school system, we decided
7 that rather than sitting on the side, be a spectator, we
8 decided to move forward and be a contributor. And so I put
9 my name forward to be a Richmond Schoolboard trustee, and in
10 2011, I was elected one.

11 **MR. MATTHEW FERGUSON:** Okay. And you also, I
12 understand, have -- were a frequent commentator on Chinese
13 language TV and radio throughout the 2000s, giving a
14 conservative perspective on Mandarin and Cantonese language -
15 --

16 **MR. KENNY CHIU:** Yes.

17 **MR. MATTHEW FERGUSON:** --- TV and radio.

18 **MR. KENNY CHIU:** That is correct. And coming
19 from Saskatchewan, when I was living in Hong Kong, I became
20 very critical of the lack of welfare system. So I was a bit
21 of a Hong Kong socialist. But then when I came to Canada, I
22 realised the tax burden, on the middle class especially, had
23 mandated me to be a more right of centre person. So I have
24 decided then that I would support a right of centre political
25 thinking and party and philosophy, and at that time, I choose
26 that path, yeah.

27 **MR. MATTHEW FERGUSON:** Okay. And you then --
28 after your tenure as the -- as schoolboard trustee, you ran

1 as a Conservative in Steveston-Richmond East ---

2 **MR. KENNY CHIU:** Yes.

3 **MR. MATTHEW FERGUSON:** --- in 2015, and at
4 that time you lost to the Liberal candidate. Is that
5 correct?

6 **MR. KENNY CHIU:** That is correct. I lost to
7 Mr. Joe Peschisolido. He was originally a Conservative MP
8 under Canadian Alliance. He changed to the Liberal caucus in
9 2002. I was the -- one -- I was one of them, the campaign
10 team that helped him get elected in year 2000. So it was a
11 yes to versus Peschisolido campaign in 2015.

12 **MR. MATTHEW FERGUSON:** Okay. And you had a
13 rematch in 2019; is that correct?

14 **MR. KENNY CHIU:** That is correct.

15 **MR. MATTHEW FERGUSON:** Okay. And you ran
16 again in Steveston-Richmond East, and this time you took the
17 seat. You were elected MP.

18 **MR. KENNY CHIU:** Correct.

19 **MR. MATTHEW FERGUSON:** Now, Steveston-
20 Richmond East I understand is a riding with a large
21 concentration of Chinese Canadians which make up roughly 50
22 percent of the electoral district. Is that correct?

23 **MR. KENNY CHIU:** That's what I found, too,
24 yes.

25 **MR. MATTHEW FERGUSON:** Okay. Now, if we just
26 touch on the 2019 campaign, what I'd like to get to focus
27 more with you is the 2021 election campaign. But so we could
28 have maybe a point of reference or perspective of the

1 differences with 2021, can you briefly describe how that
2 campaign was run in 2019?

3 **MR. KENNY CHIU:** It was a little bit
4 different from 2015. In 2015, much like my 2011 school board
5 trustee campaign, around me I have many supporters and
6 friends who would come to help me campaign. I remember being
7 invited after I was elected as a school board trustee to a
8 Canadian Association or Alliance of Canadian Associations
9 gathering.

10 **MR. MATTHEW FERGUSON:** Is that the acronym
11 CACA that we see in your witness statement?

12 **MR. KENNY CHIU:** I believe so, yes.

13 **MR. MATTHEW FERGUSON:** Okay.

14 **MR. KENNY CHIU:** And in attendance are all
15 the ethnic Chinese elected officials, mostly our school
16 boards and city councillors. And they presented me a plaque
17 which I'm still keeping. And that was 2011.

18 In 2015, I noticed that a few of them has
19 faded off, but by and large they're still very supporting.
20 Through their connection, I was able to rent a campaign
21 office, for example. But that has dramatically changed in
22 2019.

23 I noticed that not too many of them had come
24 out in support of me any more. They would try not to be, you
25 know, seen as with me campaigning, going door knocking,
26 volunteering services, et cetera. I attribute that to my
27 commentary with media such as Radio Free Asia in support of a
28 more open situation in Hong Kong, but I didn't pay too much

1 attention to it. And that was 2019.

2 **MR. MATTHEW FERGUSON:** And in 2019, were you
3 talking about issues as related to the People's Republic of
4 China?

5 I understand there was the Hong Kong ---

6 **MR. KENNY CHIU:** Yeah.

7 **MR. MATTHEW FERGUSON:** --- anti-extradition
8 law protest in 2019 as well.

9 **MR. KENNY CHIU:** Yeah.

10 **MR. MATTHEW FERGUSON:** Were you addressing
11 those things on the campaign trail?

12 **MR. KENNY CHIU:** No. It was intentional. We
13 are running a Canadian election in Canada in October 2019 and
14 it is not -- it's not -- the Chinese Communist Party, it's
15 not one of the parties that is running in Canadian election,
16 so I deliberately control myself to not to comment in
17 something that has happened in Hong Kong in 2019.

18 Even though there is a lot of pressure coming
19 from constituents of Chinese Hong Kong background advocating
20 and, you know, asking me to take a public stand, I decided
21 not to so, therefore, throughout the entire campaign, you
22 would not find any commentary that are proactively giving out
23 from me.

24 **MR. MATTHEW FERGUSON:** And what about your
25 access to the local media in Richmond or the Greater
26 Vancouver Area during the 2019 election campaign?

27 **MR. KENNY CHIU:** Unless they ask me for my
28 position and comment, I would honestly provide them, but

1 otherwise, I would not proactively -- Canada has ---

2 **MR. MATTHEW FERGUSON:** Sorry. Perhaps my
3 question wasn't clear.

4 I'm not just speaking about China-related
5 issues, but what was your access like -- what was your access
6 like to the local media in Greater Vancouver Area in the 2019
7 year just at large?

8 **MR. KENNY CHIU:** It's pretty good, especially
9 I've, you know, developed a little bit of a rapport with the
10 local media, Richmond News, and also many of the Chinese
11 media, printed media, for example. They are still -- they
12 are aware of me and where I stand, so yes, I have a good
13 relationship with them.

14 **MR. MATTHEW FERGUSON:** So after -- as of
15 October 2019, you were elected to the House of Commons. Do
16 you remember the first thing you did after you were elected
17 to the House of Commons?

18 **MR. KENNY CHIU:** I received an invitation --
19 again, I'm -- Madam Commissioner, I'm a very opinionated
20 person and so I have my ---

21 **MR. MATTHEW FERGUSON:** As a politician?

22 **MR. KENNY CHIU:** View on what happened and
23 what is the problem with Hong Kong. From my perspective,
24 it's because the government there was trying to resolve a
25 political problem using police brute force and not a
26 political solution. And that's why I had taken up the
27 invitation to join in international election observation
28 mission in Hong Kong because there is -- there was a

1 municipal election. It's called a district council election
2 in Hong Kong.

3 And in my view, the open and fair election
4 conducted there would have been a great testimony how they
5 can pacify, how can they resolve many of the political
6 problems.

7 **MR. MATTHEW FERGUSON:** And in Hong Kong at
8 the time, there was the protests, the demonstrations that
9 were occurring in relation to the anti-extradition laws. Is
10 that correct?

11 **MR. KENNY CHIU:** Yes. It's -- it entered
12 into a vicious cycle to the point that, you know, Molotov
13 cocktails were being used against police, you know, against
14 the police brutality, so yeah.

15 **MR. MATTHEW FERGUSON:** And when you came back
16 to Canada after that trip, did you receive any feedback from
17 your constituents with regard to your trip to Hong Kong?

18 **MR. KENNY CHIU:** Yes, I have.
19 I have volunteers, you know, only a month,
20 month and a half ago in my campaign telling me that they will
21 not volunteer for me in the next campaign. They will not
22 even vote for me. Whether they will vote for me or not, they
23 will have to have a deep thought about that.

24 It was because they believe, in their view,
25 that I was in support of rioters in Hong Kong.

26 **MR. MATTHEW FERGUSON:** When you use the term
27 "rioters", is that your term or is it the term that someone
28 else is using to describe the people that were demonstrating

1 to ---

2 **MR. KENNY CHIU:** I do not agree with that
3 term. That term is used by those who are pro Hong Kong
4 government, pro China seeing what happened in Hong Kong,
5 especially toward the later part of the protest. Yes, that's
6 the term that they have used.

7 **MR. MATTHEW FERGUSON:** Okay. And moving on
8 to some of your work in the House of Commons during the 43rd
9 Parliament, obviously there was the COVID-19 pandemic that
10 struck in March of 2000 (sic) but when things got up and
11 running again, I understand that at some point you became
12 involved in the subcommittee on International Human Rights of
13 the Standing Committee on Foreign Affairs and International
14 Development.

15 **MR. KENNY CHIU:** Correct.

16 **MR. MATTHEW FERGUSON:** Okay. Can you speak
17 to your time on that subcommittee?

18 **MR. KENNY CHIU:** Mr. O'Toole, the then
19 Conservative leader, appointed me after he became a leader.
20 And when I joined the subcommittee of International Human
21 Rights, it had already completed a thorough study, and the
22 study lasted over a year and a half. And they were ready to
23 publish a report on how the Uyghur Muslim has been treated in
24 Xinjiang.

25 And so I joined them at that moment and they
26 then released the report to the House of Commons to, I think,
27 Foreign Affairs Committee and committee tabled that to the
28 House of Commons. Yeah. And that's the background of it,

1 yeah.

2 We also study many other human rights issues,
3 of course, as that's the committee's mandate.

4 **MR. MATTHEW FERGUSON:** It wasn't just focused
5 on China.

6 **MR. KENNY CHIU:** No.

7 **MR. MATTHEW FERGUSON:** Okay. And on March
8 27, 2021, the People's Republic of China sanctioned Mr.
9 Michael Chong individually and the subcommittee generally.
10 As a member of the subcommittee, what did you take that to
11 mean, that you were sanctioned as a member of the
12 subcommittee?

13 **MR. KENNY CHIU:** I guess understandably that
14 is a very confusing signal because sanctions -- international
15 sanctions are very seldomly applied to a Parliamentary
16 committee. And I remember there were committee members who
17 actually stepped down officially as a community member, only
18 to be replaced by somebody else, but in all future committee
19 meetings, he would actually attend as a substitute of that
20 substitute. My reading of that is this is how fearful people
21 are. These are Canadian parliamentarian of the Chinese
22 sanction. And coming from Hong Kong and understanding the
23 Chinese Communist Parties, People Republic of China, I do
24 understand where they're coming from.

25 **MR. MATTHEW FERGUSON:** And did you take that
26 to mean as -- did you take that to mean that you could not
27 return or travel to China?

28 **MR. KENNY CHIU:** Only the Chinese state would

1 be able to answer your question in black and white.

2 **MR. MATTHEW FERGUSON:** But did you take that
3 to mean that you couldn't?

4 **MR. KENNY CHIU:** I -- yes. I -- that's how I
5 interpret it, yes.

6 **MR. MATTHEW FERGUSON:** I'd like to move on to
7 a piece of legislation that you tabled during the 43rd
8 Parliament. Bill C282, an Act to establish the Foreign
9 Influence Registry, that is at -- I'll call the doc ID KCH
10 finishing with 69.

11 **--- EXHIBIT No. KCH 69:**

12 Bill C-282 An Act to establish a
13 Foreign Intfluence Registry

14 **MR. MATTHEW FERGUSON:** And we could just
15 scroll through the document. So this is Bill C282 -- excuse
16 me, just go back to the first page. An Act to establish the
17 Foreign Influence Registry, the first reading on April 13,
18 2021. And we can go now to the next page. Okay, the next
19 page. Right. Thank you.

20 Now, Mr. Chiu, I understand that this was a
21 private member's bill that you tabled in the House of Commons
22 in April of 2021?

23 **MR. KENNY CHIU:** Correct.

24 **MR. MATTHEW FERGUSON:** Okay. Can you speak a
25 bit about this bill. What was it -- what was it designed to
26 do? What was the purpose of this particular bill?

27 **MR. KENNY CHIU:** This is actually the result
28 of a year-and-a-half study of my staff and myself. I believe

1 Canada needs transparency into foreign influencers ---

2 **MR. MATTHEW FERGUSON:** M'hm.

3 **MR. KENNY CHIU:** --- and to protect our
4 interest. So at first we were modelling a legislative
5 proposal under the U.S. FARA Scheme, but we noticed that, you
6 know, countries such as the Chinese Communist Party
7 controlled China, and also the general public in Canada has a
8 innate anti-Americanism built in. So we decided not to do
9 that. Besides the FARA Scheme perhaps is too thorough as a
10 lowest hanging fruit to deploy, so we decided to model,
11 switch ourselves and model after the Australian model
12 instead. In Australian, it's called the Foreign Influence
13 Transparency Scheme. And that's how we model what we propose
14 eventually after.

15 **MR. MATTHEW FERGUSON:** Okay. And what was
16 your particular goal or -- in bringing this bill?

17 **MR. KENNY CHIU:** My observation, you know,
18 having lived in Canada for several decades, is that there
19 have been a lot of shadowy activities happening under table.
20 And there has also been signs that I read that are increasing
21 foreign influence in our country. I do not want to deny
22 people's rights to carry out those political activity, mostly
23 our political lobbying. So that's why I think, you know, the
24 best would be -- some light would be the best disinfectant,
25 so, you know, keep on doing what you do, just as long as you
26 disclose it, then it's all fine.

27 **MR. MATTHEW FERGUSON:** So your bill wasn't
28 designed to prohibit lobbying ---

1 **MR. KENNY CHIU:** No.

2 **MR. MATTHEW FERGUSON:** --- on behalf of
3 foreign governments ---

4 **MR. KENNY CHIU:** Of course, I would not want
5 to do that.

6 **MR. MATTHEW FERGUSON:** Okay. And did your --
7 does the bill mention any specific countries?

8 **MR. KENNY CHIU:** No, it was by design not to
9 mention any specific country, to remove politics from the
10 whole thing. I have to sign the bill to let the Privy
11 Counsel officers and also the bureaucrats, basically, to
12 define which countries that Canada are subjected to foreign
13 interference and the foreign influence; and, therefore,
14 mandate, you know, in that appendix the list of countries
15 that would -- they would add those name to it and it would
16 enforce the law against them.

17 **MR. MATTHEW FERGUSON:** Okay. And does your
18 bill make any reference or employ the terms foreign --
19 hostile foreign state?

20 **MR. KENNY CHIU:** I don't remember that we
21 have.

22 **MR. MATTHEW FERGUSON:** Okay. And I
23 understand you brought this bill as a private member's bill?

24 **MR. KENNY CHIU:** Right.

25 **MR. MATTHEW FERGUSON:** And I understand when
26 you brought this bill your party was not the governing party?

27 **MR. KENNY CHIU:** Correct.

28 **MR. MATTHEW FERGUSON:** Okay. Did you have

1 the support of your party's caucus?

2 **MR. KENNY CHIU:** Yes.

3 **MR. MATTHEW FERGUSON:** Okay. And what
4 happened with this bill? It was tabled in April of 2021, and
5 went to first reading. What happened after that?

6 **MR. KENNY CHIU:** The dissolution of the 43rd
7 Parliament pretty much puts an end to it.

8 **MR. MATTHEW FERGUSON:** With respect to this
9 particular bill, did you solicit the views of your
10 constituents before or after you presented it?

11 **MR. KENNY CHIU:** It was the first reading, so
12 the initial proposal no, but I actually have a press
13 conference, a virtual press conference called when I tabled
14 that, and there have been very few feedback coming from, you
15 know, constituents on that.

16 **MR. MATTHEW FERGUSON:** Okay. Now if I move
17 to the 2021 general election, the writs of election were
18 dropped on August 15, 2021. And can you talk to us about
19 getting your campaign up and running and the experiences that
20 you encountered during that campaign in 2021?

21 **MR. KENNY CHIU:** Well, it was during the
22 pandemic.

23 **MR. MATTHEW FERGUSON:** M'hm.

24 **MR. KENNY CHIU:** And I remember it was just
25 months before that, before the Parliament rises or arose, we
26 started the discussion and the trying to find facts -- fact
27 finding on the Winnipeg National Microbiology Lab, what
28 happened, under what circumstances the scientists were

1 dismissed, their security clearance removed. And there were
2 a lot of talk about anti-Asian racism even coming from the
3 government MPs and even the Prime Ministers in response to
4 our questioning. And as I explained to you, Madam
5 Commissioner, I have a very high regard of Canada's democracy
6 and it was a very disillusion moment when I see that the
7 Parliament of Canada had asked four times for documents for
8 the National Microbiology Lab situations and the government
9 keep on ignoring it and even took the Parliament represented
10 by the speaker to court. And then when that didn't work, the
11 government decided -- or the governing party decided to pull
12 the plug and call an election on that in the midst of a
13 COVID-19 pandemic that we were suffering. So it was a very
14 chaotic moment. It was also a very polarized moment. People
15 -- you know, there have been supportive of a mandate, you
16 know, against mandates, masking and all that.

17 **MR. MATTHEW FERGUSON:** Okay. And when the --
18 so if I go directly to the result and then we can maybe ---

19 **MR. KENNY CHIU:** Sure.

20 **MR. MATTHEW FERGUSON:** --- move back from
21 there, you ran for re-election in Steveston-Richmond East and
22 lost to the Liberal candidate by a margin of almost nine per
23 cent.

24 **MR. KENNY CHIU:** Yes.

25 **MR. MATTHEW FERGUSON:** Obviously, you lived
26 through that campaign and have had time to reflect and
27 conduct a postmortem on the campaign loss.

28 **MR. KENNY CHIU:** Yeah.

1 **MR. MATTHEW FERGUSON:** Can you speak to what
2 you believe are the factors that led you -- or led you losing
3 your seat by a 9 per cent margin only 23 months after you
4 were elected?

5 **MR. KENNY CHIU:** It was surreal. But when we
6 looked at the voter turnout rate and also in light of some of
7 the misinformation that has been grounding many of the
8 constituents, we understand what happened a little bit
9 better. The voter turnout rate in Steveston-Richmond East in
10 the past three elections has been continuously dropping; from
11 2015's 60.25 percent to 2019's 56.94 percent, to 2021's 52.77
12 percent. In other words, over 3,000 eligible voters did not
13 vote in 2021 when they had voted just a mere 23 months ago.

14 And my opponent garnered -- the number of
15 votes that he garnered was actually lower than the vote that
16 I had in the 2015 election.

17 **MR. MATTHEW FERGUSON:** The 2015 election
18 which you lost?

19 **MR. KENNY CHIU:** Yes, that's right.

20 **MR. MATTHEW FERGUSON:** Right.

21 **MR. KENNY CHIU:** But I had 16,630.

22 **MR. MATTHEW FERGUSON:** Okay. So what you're
23 saying is you had a higher vote count in 2015 during an
24 election loss than your opponent had in 2021 for an election
25 victory?

26 **MR. KENNY CHIU:** Correct.

27 **MR. MATTHEW FERGUSON:** Okay.

28 **MR. KENNY CHIU:** It was very unusual and

1 surreal, but, you know, given the polarized opinions in
2 China, Hong Kong, the Covid-19 pandemic and all that, and
3 also with my experience, my observation of China getting
4 involved, I wasn't surprised.

5 My staff, however, they were. My English-
6 speaking staff, ---

7 **MR. MATTHEW FERGUSON:** M'hm.

8 **MR. KENNY CHIU:** --- campaign staff. They
9 were shocked.

10 **MR. MATTHEW FERGUSON:** And obviously we'll be
11 talking about the misinformation and disinformation, the
12 false allegations that were spreading on social media.

13 I will tender, at this time, I'll call up
14 documents -- well I'll tender at this time, KCH1 through 27.

15 **--- EXHIBIT No. KCH 1-27:**

16 Chat screenshots: Current Events

17 Discussion. News Coverage. (24/7)

18 **MR. MATTHEW FERGUSON:** And we'll go through
19 some of those. Those are essentially messages that you've
20 provided to -- or screenshots of messages you've provided to
21 the Commission.

22 And just for everyone's reference, there is a
23 document that translates much of these -- or all of these
24 Chinese language texts, and it's KCH 70.

25 **--- EXHIBIT No. KCH 70:**

26 Translation of KCH 1-27

27 **MR. MATTHEW FERGUSON:** So if we go to KCH1 to
28 start with? And can we just scroll -- maybe zoom out a

1 little bit so we can have a bigger -- okay.

2 And Mr. Chiu, obviously you've provided these
3 to the Commission. Can you -- I understand that these are
4 dated -- or there's no date on them, but you've indicated
5 that it was around September 3rd or September 5th that these
6 messages were captured?

7 **MR. KENNY CHIU:** Correct.

8 **MR. MATTHEW FERGUSON:** Okay. Now, if I look
9 at the first message -- and I won't impress anyone with my
10 Chinese reading skills. I'm referring to the translations at
11 KCH70. But that first message at top, it says -- it
12 translates to:

13 "It would be so ironic if the Chinese
14 elect an anti-Chinese political
15 party, wouldn't it?"

16 And then it goes on to say, the next message,
17 at -- by the individual Anthony -- no, just the next message:

18 "Conservative Party- anti-Chinese [...]
19 anti-China, a garbage political party
20 that discriminates against the
21 Chinese!!!"

22 When did you first start -- when did you or
23 your campaign staff first notice these messages circulating
24 on Chinese language social media?

25 **MR. KENNY CHIU:** At the beginning of
26 September. That's when I started receiving screenshots such
27 as this.

28 Understandably, of course, I would not be

1 privileged to be on the receiving end directly of these
2 messages. I'm not members of these chat rooms and groups.
3 So there's zero opportunity for me to counter, and disprove,
4 and argue.

5 I think that is by design, of course.

6 **MR. MATTHEW FERGUSON:** What do you mean by
7 you think it's by design?

8 **MR. KENNY CHIU:** Well I don't believe, you
9 know, people who would like me to present them evidence why
10 we are not, and why I believe there has been a lot of
11 disinformation being used against my Party leader then, Mr.
12 O'Toole, like, the Conservative Party, and also myself. So,
13 you know, if they give me a chance because I read the
14 language, I speak the language, I would be very effective in
15 countering this disinformation.

16 **MR. MATTHEW FERGUSON:** Okay. So you had no
17 line of sight into these chat groups?

18 **MR. KENNY CHIU:** Correct. And what I have
19 provided to the Commission, it's only a sample that has been
20 reported to me ---

21 **MR. MATTHEW FERGUSON:** M'hm.

22 **MR. KENNY CHIU:** --- by my campaign
23 volunteers, who happen to be also ethnic Chinese and were in
24 this group.

25 **MR. MATTHEW FERGUSON:** Right. So it's beyond
26 the messages that -- the one to 27? There's many more
27 messages and this is just ---

28 **MR. KENNY CHIU:** That's right.

1 **MR. MATTHEW FERGUSON:** --- a sampling?

2 **MR. KENNY CHIU:** Yes.

3 **MR. MATTHEW FERGUSON:** Okay. If I continue
4 on to KCH4?

5 And at KCH4, the first message at the top,
6 and in the lighter text at 7:47 p.m. reads:

7 "What matters is [that] O'Toole
8 (vomiting) from Conservative Party is
9 just Trump's follower. Putting him
10 in power is detrimental to Chinese
11 Canadians and to the country's long-
12 term interests."

13 Is that correct?

14 **MR. KENNY CHIU:** Yes. That's approximately
15 correct for the translation.

16 **MR. MATTHEW FERGUSON:** Okay. And it goes --
17 if I go on to KCH18? I'm sorry, KCH11. And this text -- if
18 we just scroll out a little bit?

19 And it indicates near the top, "It is too
20 ironic..." And part of the text -- an excerpt of the text I'm
21 reading is:

22 "It is too ironic that in the federal
23 election, the Chinese vote for an
24 anti-Chinese Party (Conservative
25 Party), which is unacceptable to me
26 personally. China is the motherland
27 of the Chinese..."

28 What do you take that to -- how do you

1 interpret that, Mr. Chiu, as a Chinese Canadian?

2 **MR. KENNY CHIU:** That fits very well of a
3 global narrative that the Chinese Communist Party has been
4 using around the world.

5 **MR. MATTHEW FERGUSON:** M'hm.

6 **MR. KENNY CHIU:** Not just in Canada, but also
7 in Australia, the U.S., U.K., New Zealand, that they are the
8 only legitimate representative of the welfare of ethnic
9 Chinese around the world, regardless whether you're from Hong
10 Kong, Taiwan, or China, or South East Asia, other places.
11 People such as myself, who has not lived one day under their
12 rule, they still believe they are the legitimate
13 spokesperson, advocate, for our benefit. So it fits very
14 well with that narrative.

15 **MR. MATTHEW FERGUSON:** And then if I go to
16 KCH16? We'll start with KCH16. Just scroll out a little
17 bit. This message by a user named Patrick. And then through
18 17, 18, and 19. Go down to 18 -- 17. And I understand here
19 -- yeah, so it's at 17 -- or 18, rather.

20 This is -- the last two text messages were
21 referring to matters of Parliament and beginning to discuss
22 your Foreign Influence Bill. Is that correct?

23 **MR. KENNY CHIU:** That is correct.

24 **MR. MATTHEW FERGUSON:** Okay. And these --
25 again, these are messages that are dated around September 3rd
26 or September 5th?

27 **MR. KENNY CHIU:** That is correct.

28 **MR. MATTHEW FERGUSON:** Okay. What -- if --

1 before I get into your attempts to counter or -- attempts to
2 counter the narrative, can you speak to your experience on
3 the ground? There obviously wasn't just an online campaign
4 against you. What was your experience like going door to
5 door, for example? Meeting with the constituents?

6 **MR. KENNY CHIU:** It was very confusing. Like
7 I said, the pandemic, COVID-19, masking mandates, all these
8 are polarising issues, but as an ethnic Chinese, I have no
9 problem wearing a mask myself. Even when go door knocking.
10 Doors that have been opened to me near 20-some months ago, as
11 soon as they heard my Chinese name, (speaking Chinese), they
12 would shut the door in my face.

13 And there have been families, a house I
14 vividly remember door knocking, and they were very supportive
15 in 2019, that they will vote for me, that they would actually
16 allow us to put a lawn sign on their property. This time,
17 when we knock on the door, the lady who opened the door, I
18 even remember her face, she had become emotional, with a deep
19 sense of hurt and hate, and she -- I mean, we didn't bother
20 asking for a lawn sign because she said she is not going to
21 vote for us "because we hate China, because we hate them."

22 **MR. MATTHEW FERGUSON:** Now, if we could speak
23 a bit about how you attempted to counter the narrative and
24 respond to these allegations that surrounded your private
25 members bill and the maligning of you and your party as anti
26 China, I understand you reached out to media.

27 **MR. KENNY CHIU:** Correct.

28 **MR. MATTHEW FERGUSON:** Okay. And perhaps in

1 the interest of time, I won't call up the document on the
2 screen, but I'll reference it as CCC ending in 10.

3 **--- EXHIBIT No. CCC 10:**

4 Article: Conservatives face ugly
5 barrage over party's China policy
6 [Vancouver Sun]

7 **MR. MATTHEW FERGUSON:** It's a Richmond News
8 article titled Richmond Candidate Attacked on WeChat for
9 Proposed Foreign Influence Legislation, dated September 7,
10 2021.

11 And it cites one of the posts circulating on
12 WeChat as stating:

13 "'This bill is going to have
14 extremely negative consequences for
15 immigrants from mainland China. It
16 will also harm economic, cultural and
17 technological exchanges between
18 Canada and China...'"

19 And:

20 "'Although the bill [does not] list
21 which countries belong to the foreign
22 forces, considering the [sourced]
23 relationship between Canada and
24 China...(and Chiu's) anti-China
25 background, undoubtedly this bill is
26 targeting mainland Chinese
27 associations and aims to control or
28 monitor mainland Chinese speech and

1 behaviours...'"

2 Why did you reach out to the English language
3 media in regards to these social media posts on WeChat in
4 Chinese language?

5 **MR. KENNY CHIU:** It was a campaign
6 calculation because of lack of support, and also means to
7 counter foreign interference in our riding, particularly
8 targeting Mainland Chinese and also Hong Kong Chinese
9 Canadians, we have decided to appeal to the non Chinese
10 speaking population in Richmond. The more we exposed this,
11 we were hoping that we would be able to earn some votes that
12 would compensate what we have lost in the Chinese speaking
13 side that actually is subject to foreign interference.

14 **MR. MATTHEW FERGUSON:** In another article,
15 this time the Vancouver Sun, later on on September 14th, you
16 are reported as saying in relation to the social media
17 attacks that "The barrage and falsification, disinformation
18 and personal attacks, it's beyond" your expectation.

19 That's a document at -- I'm sorry, that was
20 CCCC010. I made a mistake in calling up the last document.
21 I'll just reference it. The Richmond News article was KCH
22 68.

23 **--- EXHIBIT No. KCH 68:**

24 Article: Richmond candidate attacked
25 on WeChat for proposed 'Foreign
26 Influence' legislation

27 **MR. MATTHEW FERGUSON:** So going back to the
28 Vancouver Sun article, you -- it's mentioned that you -- the

1 barrage and falsification, disinformation and personal
2 attacks was beyond your expectation. Why was it beyond your
3 expectation?

4 **MR. KENNY CHIU:** I -- my experience in the
5 House of Commons had led me to believe that the Government of
6 Canada has set up, you know, all these mechanisms to monitor
7 irregularities during the elections. I was a rookie MP, so
8 I'm not, you know, at -- an expert in SITE Task Force, in
9 CIEPP. You know, even the fact that I understand what NSICOP
10 means, NSIRA means, it's already, you know, top marks from my
11 perspective. So I have a very high expectation that I will
12 be protected. And when things come like a tsunami, to me, I
13 was caught by surprise that things like that would allow, and
14 the Government of Canada did not have any clarification to
15 clear my names.

16 **MR. MATTHEW FERGUSON:** Okay. I'm going to
17 get to some of that a bit later, but I just want to stay with
18 this article for a second. Because it -- in the article, it
19 goes on to cite you as refusing to speculate whether the
20 Chinese Government or its agents are behind the campaign.
21 And you are quoted as saying:

22 "'By observation, the message is the
23 same...[b]ut I have no evidence....

24 They...'" (As read)

25 Referring to China:

26 "'...and its agents) are the
27 most....'"

28 "But I have no evidence":

1 "'They (China and its agents) are the
2 most experienced infiltrators. They
3 have done it for so many years.
4 They're not going to get caught.'"

5 So I understand this, is that at this point
6 you're refusing to speculate whether there was a state-
7 sponsored campaign, but in your interview summary, and
8 elsewhere, you have stated that foreign interference by China
9 was a significant factor in your election loss.

10 Has your view as to whether there was PRC
11 Government-sponsored disinformation campaign against you, has
12 that evolved?

13 **MR. KENNY CHIU:** Well, as we go into election
14 more and longer, and when I start collecting a collection of
15 these screenshots and see how some of the argument, how
16 ridiculous some of the argument is, how hurtful it is, yeah,
17 I understand that somebody is activating using emotion,
18 weaponizing emotions of our -- of my electorates. And my
19 understanding of the geopolitical situations that Canada is
20 in, by elimination it's unlikely that other country --
21 hostile country would be doing that, and it would likely be
22 China. And you know, the fact that I stopped having
23 volunteers coming from that background, it's also a sign to
24 me that somebody behind the scenes has actually warned them.

25 If I may actually put on one point about the
26 Richmond News article.

27 **MR. MATTHEW FERGUSON:** Sure.

28 **MR. KENNY CHIU:** You notice Richmond News

1 article was written by a reporter, her name is Nono Shen.
2 She is actually a Mainland Chinese, and she has also been
3 privy to many of this information. She even receives some of
4 them. That's why when I speak to her and I ask for
5 clarification opportunity, I do not have to explain any of
6 the background, and right away she would start interviewing
7 me and asking me valid and relevant questions.

8 Daphne from Vancouver Sun, for example, there
9 is a lot of background explanation that I have to go through.
10 And that highlights the difference of, and the powerfulness,
11 and effectiveness of segregated disinformation campaign.

12 **MR. MATTHEW FERGUSON:** In your witness
13 summary, there was a mention that while this -- these false
14 allegations maligning your bill and as well as maligning the
15 Conservative Party were circulating, you referred to sort of
16 a media shunning of you in the ---

17 **MR. KENNY CHIU:** Yes.

18 **MR. MATTHEW FERGUSON:** --- Greater Vancouver
19 area. Can you speak to that?

20 **MR. KENNY CHIU:** The distancing of my friends
21 and also former colleagues when I was a commentator at the --
22 at these radio stations, newspapers, outlets, and also online
23 form TVs, did not start during the election, it was actually
24 started. You know, when the Uyghur votes was conducted, for
25 example, that had already happened. It -- you know, I was
26 not given a chance to go live on air to explain myself. So
27 during the election, when I -- when I call up on a press
28 conference, it was actually very poorly attended. Whoever

1 attended didn't come. I don't even know if they actually
2 have reported what we have asked.

3 **MR. MATTHEW FERGUSON:** So you tried to reach
4 out to Chinese language media in Canada, and they did not
5 pick up the story or give you a platform?

6 **MR. KENNY CHIU:** In Greater Vancouver. News
7 medias in Greater Vancouver. Ethnic news media in Greater
8 Vancouver.

9 **MR. MATTHEW FERGUSON:** Okay. I'm going to
10 refer you another -- now to a document, CCC 4.

11 **--- EXHIBIT No. CCC 4:**

12 Article [Today Commercial News]

13 **MR. MATTHEW FERGUSON:** Do you recognize this
14 document, Mr. Chiu? Have you seen this before? This is a
15 ---

16 **MR. KENNY CHIU:** Can you slow down a little
17 bit, ---

18 **MR. MATTHEW FERGUSON:** Yeah.

19 **MR. KENNY CHIU:** --- so that I can see the
20 title?

21 **MR. MATTHEW FERGUSON:** This is an article in
22 the *Today Commercial News* ---

23 **MR. KENNY CHIU:** Yeah.

24 **MR. MATTHEW FERGUSON:** --- that appeared on
25 September 9, 2021 titled, "Conservative MP Chiu introduced
26 the registration of foreign forces bill. The registration of
27 foreign forces bill to suppress the Chinese community." The
28 article states, as in the title, that you introduced this

1 bill to suppress the Chinese community in Canada.

2 Did you see this article at the time?

3 **MR. KENNY CHIU:** Yes, I have. It's hard not
4 to. Yeah, I have.

5 **MR. MATTHEW FERGUSON:** And can you tell us
6 what this bill gets wrong about -- sorry; what this article
7 gets wrong about your bill? Was your intent to suppress the
8 Chinese community?

9 **MR. KENNY CHIU:** Never. As a Chinese-
10 Canadian, I understand how difficult it is to be involved, or
11 to involve with Canadian political activities. And I also
12 understand the close relationship with your birthplace, your
13 place of origin. It would not be morally correct to prevent
14 people from engaging in activities such as, you know, keeping
15 in touch with the former schools and the alumni association
16 and all that. So it was never my intent.

17 In fact, by not having a transparency scheme
18 for those special interest people who've been conducting
19 their business under table, it actually hurts the diaspora
20 community's reputation, you know, as a whole. So my thought
21 was by having transparency, by putting everything under the
22 sunlight, you know, we would be able to safeguard our future
23 in Canada.

24 **MR. MATTHEW FERGUSON:** The article also
25 mentions -- refers to you as being anti-China. How do you
26 respond to being called anti-China?

27 **MR. KENNY CHIU:** I do not believe I am anti-
28 China. I do not support the Chinese Communist Party because

1 of the historical reasons since they got into power in 1949.
2 That is a matter of fact. But China, it's a country
3 representing many people. You know, billion -- over one
4 billion of them, 1.4, I believe. And you know, it's where my
5 cultural heritage is, and why would I be hating China?

6 **MR. MATTHEW FERGUSON:** I'd like to walk you
7 now through some of the Government of Canada directions we
8 received in the last days and weeks -- that the Commission
9 has received. I'll turn now to CAN 00144.

10 **--- EXHIBIT No. CAN 144:**

11 RRM Canada Open Data Analysis October
12 8, 2021

13 **MR. MATTHEW FERGUSON:** This is a document,
14 Mr. Chiu, that received a public release, and it relates to
15 the Rapid Response Mechanism of the Global Affairs Canada.
16 This is an Open Data Analysis report. It's titled, "Chinese
17 state media and Canadian WeChat News Accounts Spread False
18 Narrative about the Conservative Party and Former Candidate
19 Kenny Chiu." It states at page one, I think it's the second
20 bullet:

21 "We do not have clear evidence of a
22 PRC-directed operation, but we have
23 observed strong indicators of a
24 coordinated campaign as well as [the]
25 links between the campaign and the
26 PRC."

27 First of all, have you seen this report
28 before today?

1 MR. KENNY CHIU: No.

2 MR. MATTHEW FERGUSON: The fourth bullet on
3 the first page refers to:

4 "Three of the Chinese-language news
5 accounts that first circulated a
6 false narrative about Chiu are
7 members of a media partnership with
8 the Chinese state-run media agency,
9 China News Service..., which
10 [according to the RRM] may be under
11 the direct control of the United
12 Front Work Department..., [which is]
13 China's main department for gathering
14 intelligence and influencing diaspora
15 Chinese communities overseas."

16 Can I just stop here, at the small
17 parentheses, and refer to the document CAN 4821?

18 **--- EXHIBIT No. CAN 4821:**

19 SITE TF Analysis 25 October 2021

20 MR. MATTHEW FERGUSON: Scroll down a bit to
21 -- keep going, please. Right. Now stop here at "For
22 example".

23 So if you see the -- yes, that bullet there.
24 "At least three of these Chinese..." Sorry; this is from the
25 SITE Task Force. It's the same month but from a different
26 entity:

27 "At least three of these Canadian
28 Chinese-language news sites that

1 first circulated a false narrative
2 about Chiu are very likely members of
3 a media partnership with the Chinese
4 state-run media agency, *China News*
5 *Service...*"

6 And here's the distinction:

7 "...which is under the direct control
8 of the CCP's United Front Work
9 Department..."

10 Were you aware of this, Mr. Chiu?

11 **MR. KENNY CHIU:** No.

12 **MR. MATTHEW FERGUSON:** Okay. I'll go back to
13 the last document, CAN 144.

14 We can scroll down to page -- I believe it's
15 page 2. And at page 2 -- keep going, please. Keep scrolling
16 down. Right.

17 Now it's a "Timeline of events," and I'll go
18 -- I'll jump, in the interests of time, to page 7. Here we
19 go. So on page 7 on -- it is mentioned in this report by the
20 RRM:

21 "On September 6, 105.9 Yes My Radio, a
22 Greater Toronto Area radio station
23 that broadcasts in Mandarin,
24 published an anonymous blog post on
25 the open web titled 'please pay
26 attention to Kenny Chiu's 'foreign
27 power registration act/'..."

28 Were you aware of this article of blog post

1 on 105.9 Yes My Radio?

2 MR. KENNY CHIU: No.

3 MR. MATTHEW FERGUSON: Okay. Do you have any
4 idea why a radio station or a media in the Greater Toronto
5 Area would be interested in you as a candidate in the Greater
6 Vancouver Region?

7 MR. KENNY CHIU: No, I don't understand that,
8 why they would have a focus on a candidate on Steveston-
9 Richmond East in British Columbia.

10 MR. MATTHEW FERGUSON: Okay. The -- so you
11 were not aware of this at the time. It's mentioned in this
12 report -- if we keep going down the page, it's mentioned:

13 "The content of the 105.9 Yes My
14 Radio post bear some similarities to
15 the content of the third WeChat group
16 message reported by *Glacier Media*,
17 and they are likely one in the
18 same,..."

19 It then mentions a series of articles that
20 were circulating in Chinese-language media in Canada on 105.9
21 Yes My Radio, then another news site, another Chinese news
22 site, *Global Chinese Convergence Media* CGC TV. Are you aware
23 of CGC TV?

24 MR. KENNY CHIU: No, never heard of it.

25 MR. MATTHEW FERGUSON: Okay. And the last
26 one was the *Today Commercial News*, and you mentioned that
27 that you saw at the time.

28 MR. KENNY CHIU: Correct.

1 **MR. MATTHEW FERGUSON:** Okay. And so you
2 weren't aware of any of these reportings -- reports at the
3 time?

4 **MR. KENNY CHIU:** No.

5 **MR. MATTHEW FERGUSON:** It goes on to page 9,
6 that's page -- and it mentions at page 9 -- if you go down
7 there just a bit -- that there's also, "...a WeChat account
8 called "CouponKing54.ca [sic]," which had 60,000 subscribers,
9 that:

10 "...shared an anonymous article
11 titled 'Why should Chinese oppose
12 Conservative MP Kenny Chiu'?"

13 And it mentions that it contains:

14 "The content of the article is nearly
15 identical to the one published by
16 *Today Commercial News*,..."

17 I understand that CouponKing51.ca that's
18 something that you saw; is that correct?

19 **MR. KENNY CHIU:** I'm not aware of their
20 existence.

21 **MR. MATTHEW FERGUSON:** Okay. It's not a site
22 that you visit?

23 **MR. KENNY CHIU:** No.

24 **MR. MATTHEW FERGUSON:** Okay. I understand
25 you've had a chance to review this report today?

26 **MR. KENNY CHIU:** Correct.

27 **MR. MATTHEW FERGUSON:** Is there anything in
28 the report that is news to you, besides these last mentions

1 of the media reporting around that time?

2 MR. KENNY CHIU: There's an observation that
3 I would like to draw your attention to.

4 MR. MATTHEW FERGUSON: M'hm.

5 MR. KENNY CHIU: In the *Today Commercial*
6 *News*, the official publication of that attack piece, you'll
7 notice that they have a link to the private member bill C-
8 282.

9 MR. MATTHEW FERGUSON: Right.

10 MR. KENNY CHIU: But there was a typo. There
11 was a missing dot, "ww." and the dot was missing.

12 MR. MATTHEW FERGUSON: So it was a broken
13 link.

14 MR. KENNY CHIU: It's broken link, so anybody
15 who's interested to find the truth, they would not find that.

16 Secondly, if you go back to some of the
17 screenshots that I provided you, similar lines of attack were
18 used with that same broken link that was embedded. Maybe
19 it's just a coincidence, but it's unlikely, from my
20 perspective.

21 MR. MATTHEW FERGUSON: I'm aware of the time.
22 I'd just like to cover two more grounds, maybe one-and-a-
23 half. You also mentioned a meeting with seniors in your ---

24 MR. KENNY CHIU: Correct.

25 MR. MATTHEW FERGUSON: --- electoral district
26 in an attempt to counter the narrative of the false
27 allegations being spread against you on social media. Can we
28 speak to that?

1 **MR. KENNY CHIU:** Seniors have a very special
2 position in a family hierarchy.

3 **MR. MATTHEW FERGUSON:** M'hm.

4 **MR. KENNY CHIU:** Many Chinese family would
5 listen to and respect their opinion. And so we figured with
6 all these disinformation in around September 3rd, we decided
7 that we -- when I say "we" this time is MP -- former MP Alice
8 Wong and I, she's the candidate for Richmond Centre and I was
9 the Conservative candidate for Steveson-Richmond East. We --
10 -

11 **COMMISSIONER HOGUE:** Mr. Chiu, can you just
12 speak a bit ---

13 **MR. MATTHEW FERGUSON:** Oh.

14 **COMMISSIONER HOGUE:** --- more slowly ---

15 **MR. KENNY CHIU:** Oh.

16 **COMMISSIONER HOGUE:** Someone reminded me.

17 **MR. MATTHEW FERGUSON:** Sorry. Sorry, it was
18 probably me ---

19 **COMMISSIONER HOGUE:** Probably you.

20 **MR. KENNY CHIU:** Oh, pardon me. Sorry. So
21 the two of us have organized a meeting to meet up with these
22 seniors. They were very concerned. And in that two, three
23 hours meeting, they open up their heart. They express how
24 worried they is -- they are if Canada started persecuting
25 Chinese. And I totally agree. We -- I even shed some tears
26 with them because I identified a kind of fear that they are
27 subjected to. In the end, they were all testified, and they
28 all left relatively happy.

1 **MR. MATTHEW FERGUSON:** And what happened
2 subsequent to that meeting?

3 **MR. KENNY CHIU:** Pictures started to
4 circulate to myself that this same group of seniors have
5 shown up at my opponent's campaign office and take picture
6 with him, and also started campaigning for him.

7 **MR. MATTHEW FERGUSON:** And that was how long
8 after you noticed that you had this meeting with the seniors?

9 **MR. KENNY CHIU:** One or two days.

10 **MR. MATTHEW FERGUSON:** We've seen the social
11 media posts throughout the government productions and the
12 documents that are available to the parties and will be
13 entered into evidence as well. There's the social media
14 post, the media articles that take issues with you as a
15 candidate and your bill and your party. What do you respond
16 to people that claim that, sure, there may have been some
17 false and spurious claims about you and your bill, but wasn't
18 it just legitimate debate among Chinese Canadians?

19 **MR. KENNY CHIU:** When I am not aware of that
20 disinformation, when I am not given a chance to dispute, when
21 there is no counterinformation being provided, when no offer
22 is for the audience to actually look at the bill themselves,
23 the link, it is not a debate at all. It's just one-sided
24 propaganda.

25 **MR. MATTHEW FERGUSON:** And, obviously, wisdom
26 and great ideas come easy after a storm, but in light of the
27 information you have today and the information that you see
28 that was available to the government agencies at the time, is

1 there anything that you would have done or could have done
2 differently knowing -- could have done differently?

3 **MR. KENNY CHIU:** I may not have run for
4 office because as an immigrant, it's already very challenging
5 to build a life here in Canada. To go into public service,
6 it's even more challenging. I -- you know, when I became a
7 school board trustee, I intentionally severed my ties with my
8 relatives in China, with the understanding that I will put
9 them in danger. And, you know, in 2021, unfortunately, it
10 seems like my worry has come true. But then I thought I
11 would be protected by my country, and I was deeply troubled,
12 disappointed that I was exposed, and the government doesn't
13 seem to care. And now that through the Commission I've
14 learned that they've known all about it, it's almost like I
15 was drowning, and they are watching, and the best they could
16 do, by the way, is to let me know that I'm drowning. I don't
17 need their notification. I need their help. And so that's
18 the overall disappointment mixing with a emotion of anger
19 that I have. And, yes, I do not believe the way the Chinese
20 Communist Party treating people in Hong Kong or even just
21 general Chinese, let alone Uyghur Muslims are right and
22 justifiable. But I -- by and large, I have focussed on how I
23 can propose, my party can propose a view, a way of how Canada
24 can be governed better. And for that, I've been betrayed.
25 That's how I see it.

26 **MR. MATTHEW FERGUSON:** Okay. Just a final
27 topic that I'd like to cover before ---

28 **MR. KENNY CHIU:** Just ---

1 **MR. MATTHEW FERGUSON:** --- giving you the
2 last word.

3 **MR. KENNY CHIU:** --- just one more ---

4 **MR. MATTHEW FERGUSON:** Sure.

5 **MR. KENNY CHIU:** --- one more minor point.

6 **MR. MATTHEW FERGUSON:** Yeah.

7 **MR, KENNY CHIU:** And as a visible minority,
8 as a racialized Chinese Canadians, for somebody who would
9 voice up to -- for the benefit of Canada in the House of
10 Commons when I heard hurtful remarks, not just from any MP,
11 but from the Prime Minister of Canada when we asked about the
12 Wuhan rioters, when we asked why are we not shutting down
13 flights from Wuhan in early 2020, because of our constituents
14 who are from China asking us why are we exposing Canada to
15 that, so we asked that question in House of Commons, the
16 answer has always been, you know, mindful of racism, you
17 know, don't be an anti-Asian. To me, as an Asian Canadian,
18 it's very insulting, and for that to come from the top leader
19 of our country, it's doubling insult with injury -- doubling
20 injury with insults.

21 **MR. MATTHEW FERGUSON:** Okay. And you
22 mentioned -- I think it was mentioned in your witness
23 statement that that's -- without attributing any intent, that
24 that sort of played into the CCP playbook.

25 **MR. KENNY CHIU:** Yes. That's what I said,
26 and I still believe in it. There is some coincidental
27 situations between the two.

28 **MR. MATTHEW FERGUSON:** M'hm.

1 **MR. KENNY CHIU:** The Prime Minister said, you
2 know, don't be anti-Asian. If you inquire about what
3 happened in, you know, Wuhan, what happened in Winnipeg
4 Microbiology Lab, don't be anti, you know, Chinese. I don't
5 know if the Chinese Communist government had learned of this
6 line of attack and copied it, or maybe it's the Prime
7 Minister who actually -- and the Liberal Party had actually
8 copied that attack, but the matter of fact is, this anti-
9 Asian, you know, Chinese hate and racism line has been
10 continuous and used in collab by the CCP in my riding against
11 me, but also as you have provided me with information, even
12 in Toronto against myself, against my party, against Erin
13 O'Toole.

14 **MR. MATTHEW FERGUSON:** And I understand that
15 you reported the -- you reported these -- this campaign,
16 these false allegations circulating on -- in media and social
17 media. Did you report it to any -- so you reported that to
18 the party central. Did you report it to -- I understand you
19 also reported it to CSIS at the time?

20 **MR. KENNY CHIU:** I have instructed my staff
21 to provide the information to party central, the Conservative
22 party central, but, yes, because before the election, CSIS
23 had come to me and warned me about, you know, situations that
24 I am not at the liberty to disclose. But at the same time,
25 when -- during the election when I start seeing these -- this
26 information, I remember the contact that I have at CSIS, so I
27 pick up the phone and asked to meet him.

28 **MR. MATTHEW FERGUSON:** Okay. And what time -

1 - when was that about? Just ---

2 **MR. KENNY CHIU:** It would be the -- you know,
3 maybe first -- after first week. It will be in second week
4 of September.

5 **MR. MATTHEW FERGUSON:** Okay. So it was
6 during the campaign.

7 **MR. KENNY CHIU:** Yes, it was during the writ
8 period for sure.

9 **MR. MATTHEW FERGUSON:** Okay. Mr. Chiu, my
10 time is up, but I promised you a last word, so if you have
11 anything that we did not cover today that you'd like to
12 mention, I'd like to give you that opportunity.

13 **MR. KENNY CHIU:** Well, thank you. Thank you.
14 Madam Commissioner, I thank you for giving me
15 the opportunity and also, a few days ago, we have heard from
16 diaspora communities the deep hurt and danger situations that
17 we have put in many Canadians in Canada by inaction. And I
18 implore you to look, you know, deep into the situations and
19 consider suggestions and ways that would protect these
20 communities.

21 Like Mr. O'Toole had testified in front of
22 you, there are many communities around Canada that are in
23 relative isolation and we must, as a great country, endeavour
24 to reach out to them. The current situation, the current
25 system is not working.

26 As I said, as a drowning person, I don't need
27 to be notified that I am drowning even if it meets the
28 threshold. What we need, perhaps, as a country is a

1 mechanism that would clear the air using Government of Canada
2 brand, you know, for these diaspora community. That's what I
3 would table as a suggestion to you, Your Honour, and I would
4 appreciate if you can consider that.

5 Thank you.

6 **MR. MATTHEW FERGUSON:** Thank you.

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

8 We'll break for lunch. We'll come back at
9 2:40.

10 **THE REGISTRAR:** Order please.

11 The hearing is in recess until 2:40.

12 --- Upon recessing at 1:29 p.m./

13 --- Upon resuming at 2:44 p.m./

14 **THE REGISTRAR:** Order please.

15 This sitting of the Foreign Interference
16 Commission is back in session.

17 **COMMISSIONER HOGUE:** So we'll start with the
18 cross-examination.

19 The first one, you're already there, so
20 acting for the Conservative Party, Me De Luca.

21 --- MR. KENNY CHIU, Resumed/Sous le même serment:

22 --- CROSS-EXAMINATION BY MR. NANDO de LUCA:

23 **MR. NANDO de LUCA:** Thank you,
24 Commissioner.

25 Good afternoon, Mr. Chiu.

26 **MR. KENNY CHIU:** Good afternoon.

27 **MR. NANDO de LUCA:** Mr. Chiu, towards the
28 end of your testimony this morning in reflecting upon your

1 experiences of foreign interference in connection with the
2 2021 federal election, you expressed the sentiment that
3 particularly as an immigrant Canadian, you felt betrayed. Do
4 you recall that?

5 MR. KENNY CHIU: Yes.

6 MR. NANDO de LUCA: Betrayed by whom?

7 MR. KENNY CHIU: By those who are in power of
8 this country representing the best interests of the country.

9 MR. NANDO de LUCA: Can you be more
10 specific?

11 MR. KENNY CHIU: In my view, not wanting to
12 be over partisan, it's the Prime Minister. The buck stops
13 there. He let me down.

14 MR. NANDO de LUCA: Can I please get you
15 CANDO 000024 called up, please?

16 Do you have that before you, Mr. Chiu?

17 MR. KENNY CHIU: Yes. Yes.

18 MR. NANDO de LUCA: We heard earlier that
19 this is a summary prepared by the Government of Canada of a
20 briefing that CSIS gave to you on September 18, 2023
21 regarding foreign interference in the 2021 General Election;
22 correct?

23 MR. KENNY CHIU: That is correct.

24 MR. NANDO de LUCA: And that election took
25 place on September 20, 2021; correct?

26 MR. KENNY CHIU: That is correct.

27 MR. NANDO de LUCA: Did you get an
28 understanding on September 18, 2023 why CSIS was only giving

1 you a briefing then about foreign interference that took
2 place for an election two years earlier?

3 **MR. KENNY CHIU:** It wasn't explained to me,
4 no.

5 **MR. NANDO de LUCA:** Mr. Chiu, in connection
6 with the 2019 and 2021 General Election, can you please
7 comment on the usefulness or lack of usefulness of CSIS, the
8 RCMP and any other Canadian security apparatus efforts to
9 track and combat foreign interference?

10 **MR. KENNY CHIU:** In 2019, perhaps, it was
11 still at the time of being established and also running
12 through teething problems, et cetera, et cetera, but I
13 participated in the 43rd election, 2019 election, without
14 much anticipation of mechanisms that would counter foreign
15 interference. And then throughout my two years at the House
16 of Commons, I've learned about these what I've termed the
17 alphabet soup: GAC, that's Global Affairs Canada; CSIS of
18 course everybody knows; the SIWTE Taskforce; Security and
19 Intelligence Threats to Elections Taskforce; and then so on
20 and so forth. There's RM, P5, NSICOP, CSE, CCE, EFCC, and
21 then CIEPP. All these.

22 So the impression I have is it's a well-
23 resourced net of protective mechanisms. And so I gradually
24 developed what is now to me, it's a false sense of security.
25 And that was -- that's why I was deeply disappointed after
26 the 2021 election.

27 **MR. NANDO de LUCA:** Okay. When you say false
28 sense of security, did you have higher expectations for all

1 of those groups or bodies?

2 **MR. KENNY CHIU:** Yes, I have expectations.
3 Perhaps it's undue. Perhaps it's, you know, unrealistic
4 expectations perhaps. But, you know, I've collected 15
5 acronyms that are involved with elections security and I
6 don't think it's expecting too much to get a call from one of
7 these organizations and offer their advice how to counter
8 interference such as the ones that I've encountered.

9 **MR. NANDO de LUCA:** So back to my question,
10 would you -- am I correct in assuming that you would
11 characterise the utility or usefulness of all of these
12 organizations in relation to foreign election interference,
13 especially for the 2021 election, as not being terribly
14 useful?

15 **MR. KENNY CHIU:** As of this moment, I would
16 have to agree with that.

17 **MR. NANDO de LUCA:** Okay.

18 **MR. KENNY CHIU:** After the election, in fact
19 the CSIS briefing that you cited in 2023, September, was the
20 very first one that any government agency had approached me
21 and contacted me. I was hoping that Special Rapporteur Mr.
22 Johnston would actually have been in touch with me, but he
23 did not.

24 **MR. NANDO de LUCA:** Mr. Chiu, based on your
25 experiences with the elections that you participated in,
26 2015, 2019, and 2021, the federal campaigns, can you please
27 tell the Commission how Chinese Canadians can be influenced
28 and coerced to support the PRC regime, including via the

1 Canadian election process?

2 **MR. KENNY CHIU:** Once the immigrants who have
3 settled in big cities, like Greater Toronto or Greater
4 Vancouver, they have a choice of relying more on ethnic media
5 from -- for their updates, and their news, and their
6 viewpoints. And that exactly is why for over 15 years I've
7 been involved with Chinese news media, because I want to
8 develop or provide different angles for our listeners, our
9 audience, our citizens to consider in terms of Canadian
10 politics.

11 And so imagine if for years they developed a
12 reliance and dependency on media sources that are somehow
13 somewhat controlled or influenced by a foreign power,
14 willingly or unwillingly. You pretty much will have control
15 of how these people get their source of information, how they
16 perceive an issue.

17 In a previous hearing, I believe how Ukraine
18 -- the war -- the invasion of Russia into Ukraine, that could
19 have been portrayed, in fact indeed it has, in some of the
20 Chinese media to align more with the Chinese Communist
21 Party's positions than the Canadian general public ones.

22 **MR. NANDO de LUCA:** Okay. And from your
23 answer, it sounds like there's at least a potential for
24 influence or control by the PRC, how prevalent a problem or
25 pervasive a problem do you think it is with the current
26 sources?

27 **MR. KENNY CHIU:** It's definitely a
28 vulnerability. It's an exposure. All we have power to look

1 at is what happens in Canada. Who is to say, for example, if
2 somehow they do business in mainland China, and all of a
3 sudden, certain owners of a radio station in Canada, the
4 relative gets a huge contract. What happens overseas, we
5 have no jurisdictions. We have no information about. And
6 that is the exposure, that is the vulnerability of ownership
7 and directing and influencing the media positioning and also
8 as well as the direction that they are going.

9 MR. NANDO de LUCA: Thank you. Those are my
10 questions.

11 MR. KENNY CHIU: Thank you.

12 COMMISSIONER HOGUE: Thank you.

13 Counsel for Michael Chong?

14 MR. GIB van ERT: Thank you, Commissioner.
15 No questions.

16 COMMISSIONER HOGUE: No questions?

17 Counsel for the Human Rights Coalition?

18 --- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:

19 MS. HANNAH TAYLOR: Good morning, Mr. Chiu.

20 MR. KENNY CHIU: Good morning. Good
21 afternoon.

22 MS. HANNAH TAYLOR: Oh, good afternoon.

23 MR. KENNY CHIU: Yes.

24 MS. HANNAH TAYLOR: Good afternoon, Mr. Chiu.
25 So you mentioned this morning that now that you've learned
26 that intelligence agencies knew what was happening to you and
27 what you were experiencing, it's as if you were drowning
28 while they watched and the best they could do is to let you

1 know you were drowning. And you can let me know if I've
2 misquoted you. You noted that you did not need their
3 notification, you needed their help.

4 What support and protections did you need as
5 you were drowning?

6 **MR. KENNY CHIU:** As the Prime Minister was
7 giving me all the alphabets, through my mind, I was replaying
8 September 20th during the election, or at the end of the
9 election, or during the election, what would I do if I were
10 told officially by SITE Taskforce, or through the
11 Conservatives, whatever, that my riding has been under
12 foreign interference? I would have no answer to that because
13 we started detecting irregularities starting, like, early
14 September ourselves. And we have taken steps to protect
15 ourselves. We have taken steps to clear the air, but to no
16 effect that we found all the work that we've done.

17 So one big question I have in mind would be
18 instead of just notifying me, that's why I was suggesting to
19 Madam Commissioner that if we could develop an effective way
20 of communicating to the diaspora communities that are the
21 target of foreign powers exploitation, I think that would
22 help tremendously. And that's what I came up with when I
23 sort of go back in time and think about.

24 **MS. HANNAH TAYLOR:** Okay. Thank you, Mr.
25 Chiu.

26 With your leave, Commissioner, I hope to put
27 a document to Mr. Chiu today. We didn't include it in our
28 cross-examination request, but at the evening of April 1st,

1 we let Commission counsel know that we intended to ask for
2 your leave to put the document to the witness. It's the
3 interview summary of Benjamin Fung. It's at WIT 5.EN. If
4 granted leave, I would ask that it be entered as an exhibit.

5 **COMMISSIONER HOGUE:** Can you put the document
6 on the screen?

7 **MS. HANNAH TAYLOR:** For the Court Reporter,
8 it's -- or Court Operator, it's WIT 5.EN.

9 **--- EXHIBIT No. WIT 5 EN:**

10 Interview Summary: Benjamin Fung

11 **COMMISSIONER HOGUE:** It's fine. You can ask
12 your question.

13 **MS. HANNAH TAYLOR:** Thank you, Commissioner.
14 And Mr. Chiu, my focus with this document
15 will just be ---

16 **MR. MATTHEW FERGUSON:** Excuse me, Madam
17 Commissioner. We didn't advise -- excuse me for
18 interrupting. We didn't advise the parties of the document
19 that's being put to the witness, so maybe if we just give the
20 parties five or 10 minutes to review the document? It's the
21 witness summary of Benjamin Fung, which is WIT 5.

22 **COMMISSIONER HOGUE:** Surely. But what I
23 suggest is we'll just wait for the question, ---

24 **MR. MATTHEW FERGUSON:** Okay.

25 **COMMISSIONER HOGUE:** --- and then we'll break
26 to let everyone take a look at the document.

27 **MS. HANNAH TAYLOR:** Sure.

28 **COMMISSIONER HOGUE:** Do you have more than

1 one question ---

2 MS. HANNAH TAYLOR: For my ---

3 COMMISSIONER HOGUE: --- from this document,
4 or?

5 MS. HANNAH TAYLOR: It would be a couple
6 questions. I would -- the easiest might be to, like, go
7 through -- well, I can make it one, if it's easiest, I can
8 make it one.

9 COMMISSIONER HOGUE: Okay.

10 MS. HANNAH TAYLOR: Yeah, okay. Sure, I'll
11 make it one.

12 COMMISSIONER HOGUE: Is it going to be along
13 one?

14 MS. HANNAH TAYLOR: No, no.

15 So Mr. Chiu, again, the question that I'll
16 have for you having to do with the summary, really what I'll
17 do is I'm just going to point to a couple of the social media
18 platforms Mr. Fung mentions in this summary, and then ask you
19 questions about those.

20 MR. KENNY CHIU: Okay.

21 MS. HANNAH TAYLOR: So if it's easiest, I can
22 just point them out and then we can take a break, perhaps?

23 COMMISSIONER HOGUE: Yes.

24 MS. HANNAH TAYLOR: It's up to you, of
25 course.

26 COMMISSIONER HOGUE: Yes.

27 MS. HANNAH TAYLOR: Okay.

28 So Mr. Fung's interview summary notes that

1 beginning in the September 2021, this information about you
2 and criticism of the Conservative party began being shared on
3 several social media platforms, including WeChat, which we
4 see at paragraph 6, if we could just scroll down. And then
5 you'll notice WeChat's mentioned in there, and then also
6 WhatsApp, which we see at paragraph 7 on the next page.

7 And you see that, Mr. Chiu?

8 **MR. KENNY CHIU:** Yes.

9 **MS. HANNAH TAYLOR:** And so from your
10 perspective, are these primary social media platforms and
11 messaging apps for Chinese-Canadians, including those who
12 were your constituents?

13 **MR. KENNY CHIU:** Am I to answer right now,
14 or...?

15 **COMMISSIONER HOGUE:** No. I think, then,
16 we'll break.

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

18 **COMMISSIONER HOGUE:** Because everyone will
19 review the document, or at least the paragraphs that are
20 useful. So I don't think -- is the document very long,
21 or...? No? So we'll take just five minutes.

22 **MS. HANNAH TAYLOR:** Okay, thank you.

23 **THE REGISTRAR:** Order, please

24 This hearing is now in recess for five
25 minutes.

26 --- Upon recessing at 2:58 p.m./

27 --- Upon resuming at 3:03 p.m./

28 **THE REGISTRAR:** This hearing of the

1 Commission on Foreign Interference is back in session. Cette
2 séance de la Commission sur l'Ingérence Étrangère a repris.

3 **--- MR. KENNY CHIU, Resumed/Sous le même serment:**

4 **COMMISSIONER HOGUE:** May I ask you just to
5 warn the witness that the document has not been filed yet?
6 The document that you're using, the summary, is not part of
7 the evidence yet.

8 **MS. HANNAH TAYLOR:** Yeah, yes.

9 Mister...

10 **COMMISSIONER HOGUE:** Just for the witness to
11 know.

12 **MS. HANNAH TAYLOR:** Yeah.

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

14 **MS. HANNAH TAYLOR, (Cont'd/Suite):**

15 **MS. HANNAH TAYLOR:** Mr. Chui, the document is
16 not part of the evidence yet, as the person whose witness
17 statement it is isn't...

18 **MR. KENNY CHIU:** Thank you. Appreciate that.

19 **MS. HANNAH TAYLOR:** So going back to my
20 actual question, we were looking at WeChat and WhatsApp.

21 **MR. KENNY CHIU:** Yeah.

22 **MS. HANNAH TAYLOR:** From your perspective,
23 are these primary social media platforms and messaging apps
24 for Chinese-Canadians, including those who are your
25 constituents?

26 **MR. KENNY CHIU:** Yes.

27 **MS. HANNAH TAYLOR:** Okay.

28 **MR. KENNY CHIU:** But it's not an exclusive

1 list because in China technology is developing very rapidly.
2 Every couple of years you will start seeing new apps. For
3 example, one of them, it's Xiaohongshu, and this is becoming
4 more popular, even in Taiwan, and it's now coming to other --
5 to the rest of the world, such as Canada.

6 And so, yes, TikTok, Douyin, WeChat, QQ, but
7 also the up and coming ones.

8 **MS. HANNAH TAYLOR:** Thank you, Mr. Chiu.

9 And you mentioned QQ. Mr. Fung's interview
10 summary, and perhaps in the interest of time I won't bring
11 you to the paragraphs, but he also mentions that
12 disinformation about you and/or criticism about the
13 Conservative Party and Erin O'Toole was published by Chinese
14 language media outlets and news websites like *Today*
15 *Commercial News*, QQ, *Chinesecanadianvoice.ca*, the *Global*
16 *Times*, and *Rise Magazine*.

17 From your perspective, are these primary news
18 sources for Chinese-Canadians, including those who are your
19 constituents?

20 **MR. KENNY CHIU:** Yes.

21 **MS. HANNAH TAYLOR:** And from your
22 perspective, was the spread of disinformation about you and
23 criticism of the Conservative Party through these particular
24 social media platforms and news outlets, as well as what you
25 have described as your effective shunning from ethnic news
26 media in the Greater Vancouver Area, in particular,
27 significant?

28 **MR. KENNY CHIU:** Yes. Although the list of

1 media is not exclusive, so there are other medias that are
2 engaging more into self-censorship, for example, that also
3 play into the whole game as well.

4 MS. HANNAH TAYLOR: And these are Chinese
5 language ---

6 MR. KENNY CHIU: Correct.

7 MS. HANNAH TAYLOR: --- outlets?

8 MR. KENNY CHIU: Correct.

9 MS. HANNAH TAYLOR: Okay.
10 If we could turn to -- scroll down to
11 paragraph 10 in the witness summary?

12 At paragraph 10, Mr. Fung says:

13 "Reproducing the same text nearly
14 verbatim is very typical of CCP
15 propaganda. A small deviation from a
16 source text might prompt
17 repercussions against the author if
18 it's thought to convey the wrong
19 meaning. As a result, authors will
20 often hesitate to make even small
21 changes and will hew closely to the
22 original text." (As read)

23 In your review of the disinformation shared
24 about you, did you notice a pattern in similar messaging,
25 almost verbatim texts among a number of indirect ---

26 MR. KENNY CHIU: Yes.

27 MS. HANNAH TAYLOR: Yes?

28 MR. KENNY CHIU: Yes, I have. And they share

1 similar attack arguments, and also even the insults are
2 identical.

3 **MS. HANNAH TAYLOR:** Thank you.

4 Based on your understanding of the Chinese
5 government's treatment of those who oppose its actions, would
6 you agree that your public stance on China issues and your
7 support, or perceived support of Hong Kongers and Uyghurs,
8 was likely one of the reasons that you became a target of the
9 Chinese government?

10 **MR. KENNY CHIU:** Yes.

11 **MS. HANNAH TAYLOR:** Those are all my
12 questions.

13 Thank you, Commissioner. Thank you, Mr.
14 Chiu.

15 **COMMISSIONER HOGUE:** Thank you.

16 Attorney General.

17 **--- CROSS-EXAMINATION BY MR. GREGORY TZEMENAKIS:**

18 **MR. GREGORY TZEMENAKIS:** Good afternoon, sir.
19 My name is Gregory Tzemenakis; I'm counsel for the Attorney
20 General.

21 **MR. KENNY CHIU:** Good afternoon.

22 **MR. GREGORY TZEMENAKIS:** I have four quick
23 areas I would like to touch upon to just clarify the
24 evidence. I'm going to ask the Court Reporter to pull up
25 your witness statement, which is 000014.

26 In your evidence this morning, sir, you said
27 -- and please correct me if I'm wrong at any point -- that
28 foreign interference activities was a factor in the loss of

1 -- in your riding in general election 2021; correct?

2 MR. KENNY CHIU: Correct. More specifically,
3 foreign interference from China from the PRC.

4 MR. GREGORY TZEMENAKIS: And did I also
5 understand you to say that foreign interference was not the
6 only factor that -----

7 MR. KENNY CHIU: That is correct.

8 MR. GREGORY TZEMENAKIS: --- might have
9 contributed to the loss?

10 MR. KENNY CHIU: That is correct. Just like
11 any other elections, there are multiple actors at play.

12 MR. GREGORY TZEMENAKIS: Thank you.

13 I'm going to ask if we can turn to paragraph
14 41 of your witness summary, and I just want to clarify, sir,
15 that in addition to the evidence that you gave this morning,
16 does this paragraph -- is this paragraph still consistent
17 with your view? And the paragraph reads -- I'm not going to
18 read the whole paragraph -- or I will for the record:

19 "Although foreign interference by
20 China was a significant factor in his
21 election loss, Mr. Chiu acknowledges
22 it was not the only factor. Other
23 factors likely contributed to the
24 outcome. The election took place in
25 a very politically polarized climate
26 after..."

27 MR. MATTHEW FERGUSON: Excuse me.

28 COMMISSIONER HOGUE: Yes.

1 **MR. MATTHEW FERGUSON:** It's just -- sorry,

2 ---

3 **COMMISSIONER HOGUE:** You're going too fast.

4 **MR. MATTHEW FERGUSON:** Yes.

5 **MR. GREGORY TZEMENAKIS:** Okay.

6 I'm not going to read it, sir. Can you just
7 confirm for us that the context of this paragraph still
8 remains true, given your evidence this morning?

9 **MR. KENNY CHIU:** Yes.

10 **MR. GREGORY TZEMENAKIS:** Now, sir, I want to
11 talk a little bit on another topic about information flow,
12 and I heard you say this morning that some of the concerns
13 about misinformation you raised with the national campaign,
14 so with the campaign of the Conservative Party of Canada that
15 was managing the national campaign. Is that right?

16 **MR. KENNY CHIU:** The Conservative Party of
17 Canada has provided a lot of leeway for local campaigns to
18 conduct itself. But we do have -- maintained a conduit to
19 provide information to communicate with the central campaign.
20 So my staff, for example, my campaign manager, he has
21 participated in that mechanism; he's the point man.

22 **MR. GREGORY TZEMENAKIS:** Okay. Did you
23 understand -- do you know if the campaign asked any of the
24 concerns that your staff expressed to the SITE Task Force?

25 **MR. KENNY CHIU:** Not directly for sure.

26 **MR. GREGORY TZEMENAKIS:** Do you expect ---

27 **MR. KENNY CHIU:** However, we -- I have
28 instructed my staff to talk to the central campaign about our

1 situation that we're facing.

2 MR. GREGORY TZEMENAKIS: Okay, I get that
3 part. I'm just asking if you understood -- did the campaign
4 ever tell you that they passed your concerns along ---

5 MR. KENNY CHIU: Oh.

6 MR. GREGORY TZEMENAKIS: --- to the SITE Task
7 Force?

8 MR. KENNY CHIU: The Conservative
9 headquarters, whether they have?

10 MR. GREGORY TZEMENAKIS: Yes.

11 MR. KENNY CHIU: No, I don't think I have
12 heard from the central campaign whether they have or not.

13 MR. GREGORY TZEMENAKIS: Thank you.

14 I want to talk a little bit about -- and
15 appreciating that I do not want you to get into any
16 classified information whatsoever, am I correct that you met
17 with the Canadian Security Intelligence Service for a
18 security awareness briefing prior to GE 2021?

19 MR. KENNY CHIU: That is correct.

20 MR. GREGORY TZEMENAKIS: And did you also
21 meet with them during the writ period to discuss other
22 matters?

23 MR. KENNY CHIU: Yes, per my request.

24 MR. GREGORY TZEMENAKIS: Per your request.

25 MR. KENNY CHIU: I called them and I have
26 them come to my campaign office to talk to them.

27 MR. MATTHEW FERGUSON: Did you have any other
28 meetings with the service during the writ period, other than

1 that one occasion?

2 **MR. KENNY CHIU:** No. I feel like I need to
3 clarify ---

4 **MR. GREGORY TZEMENAKIS:** Please.

5 **MR. KENNY CHIU:** --- that the meeting that
6 CSIS contacted me while I was still an MP, prior to the
7 election, of course. They would not explain to me why they
8 want to talk to me. They sat down, they only asked me
9 questions and I provided answer, and that was it.

10 **MR. GREGORY TZEMENAKIS:** Okay.
11 I'm not going to get into the specifics of it
12 ---

13 **MR. KENNY CHIU:** Yeah, yeah.

14 **MR. GREGORY TZEMENAKIS:** --- but I don't want
15 you to lie.

16 **MR. KENNY CHIU:** I would not be able to
17 answer you.

18 **MR. GREGORY TZEMENAKIS:** That's fine.

19 My last or second-last topic is we were
20 talking a little bit about the misinformation campaign on
21 WeChat and other Chinese language media. Do you recall that
22 discussion?

23 And my friend just took you to excerpts from
24 the testimony and identified certain media organizations and
25 social media platforms.

26 **MR. KENNY CHIU:** SITE Task Force, yeah.

27 **MR. GREGORY TZEMENAKIS:** No, no, the platform
28 where there was misinformation.

1 MR. KENNY CHIU: Okay.

2 MR. GREGORY TZEMENAKIS: So ---

3 MR. KENNY CHIU: As observed by our end.

4 MR. GREGORY TZEMENAKIS: As observed by your
5 campaign.

6 MR. KENNY CHIU: By my campaign, yes. Yes.
7 The screenshots.

8 MR. GREGORY TZEMENAKIS: And I understood you
9 to say that you could not -- well, let me ask a different
10 question.

11 As a candidate, do you agree that voters may
12 not understand a Party's position or a Party's platform and
13 that efforts need to be made to explain and clarify positions
14 and platforms?

15 MR. KENNY CHIU: I think so, yeah. It would
16 be -- it would be the job of a candidate, for example, to
17 articulate that. Sure.

18 MR. GREGORY TZEMENAKIS: And it's -- I'm
19 going to suggest to you, and I think it's not contested, that
20 it's not only the job of the candidate, it's the job of the
21 candidate, it's the job of the Party, it's the job of the
22 national and local candidates. Is that fair?

23 MR. KENNY CHIU: Yeah, I think so. Just like
24 the Government of Canada is responsible for clarifying
25 untruth about legislative matter that in the House of
26 Commons, for example ---

27 MR. GREGORY TZEMENAKIS: Right.

28 MR. KENNY CHIU: --- Bill C288.

1 **MR. GREGORY TZEMENAKIS:** And isn't it also
2 true that people and individuals can express opinions that
3 you may not agree with or that others may not agree with, but
4 that's part of the electoral process?

5 **MR. KENNY CHIU:** Oh, definitely. Sure.

6 **MR. GREGORY TZEMENAKIS:** And it's part of the
7 democratic process.

8 **MR. KENNY CHIU:** Yeah.

9 **MR. GREGORY TZEMENAKIS:** You just have to say
10 "yes" or "no" for the record.

11 **MR. KENNY CHIU:** Yes.

12 **MR. GREGORY TZEMENAKIS:** Yes.

13 And my question to you is, you become aware
14 of these communications that are taking place on WeChat and I
15 heard you say you didn't have an ability to engage in the
16 debate because you weren't a user. Is that fair?

17 **MR. KENNY CHIU:** That's right. I don't use
18 WeChat.

19 **MR. GREGORY TZEMENAKIS:** So how did you
20 become aware and could those who made you aware have ---

21 **MR. KENNY CHIU:** Through my volunteers and my
22 supporters. They used WeChat and they have seen all these
23 disinformation being circulated.

24 **MR. GREGORY TZEMENAKIS:** And could your
25 volunteers -- and we'll talk about volunteers in particular.

26 Could the volunteers on your campaign have
27 engaged or have put forward your correct position or
28 clarified your position or explained your position on these

1 platforms?

2 **MR. KENNY CHIU:** I believe you are searching
3 a rational discussion in the heat of a very emotionally-
4 charged disinformation campaign. That would be nearly
5 impossible. The very fact that the group of seniors who came
6 to me -- came to us, myself and MP -- former MP Alice Wong,
7 we explained to them we thought we have, quote unquote,
8 disarmed them and we clearly articulated what exactly my
9 proposal, Bill C282, it's supposed to do. That did not help.

10 **MR. GREGORY TZEMENAKIS:** My last question is
11 this. You made a very conscious effort to do that with the
12 seniors in a very emotional meeting, but no similar effort
13 was made on the WeChat platforms. Am I right on -- if I have
14 it wrong, please tell me I'm wrong.

15 **MR. KENNY CHIU:** No, that -- you are correct.

16 **MR. GREGORY TZEMENAKIS:** Okay.

17 **MR. KENNY CHIU:** You are correct.

18 **MR. GREGORY TZEMENAKIS:** Thank you very much,
19 sir.

20 **MR. KENNY CHIU:** Yeah.

21 **COMMISSIONER HOGUE:** Thank you.

22 Re-examination, Mr. Ferguson?

23 **MR. MATTHEW FERGUSON:** If you'd just allow me
24 a moment, Madam Commissioner.

25 **MR. KENNY CHIU:** Madam Commissioner, I was
26 wondering if I could add just one sentence to that very last
27 answer.

28 **COMMISSIONER HOGUE:** Yes, you can.

1 **MR. MATTHEW FERGUSON:** It may save the re-
2 examination.

3 **MR. KENNY CHIU:** The Member of Parliament,
4 the House of Commons has prohibited us from using WeChat when
5 I was a Member of Parliament because of security concern. It
6 was just weeks ago I was an MP and then during the election,
7 I'm not. And knowing the danger that I'm submitting myself
8 to, we have made a conscious decision not to get a WeChat
9 account nor engage with people on WeChat.

10 Thank you.

11 **COMMISSIONER HOGUE:** Thank you.

12 **MR. MATTHEW FERGUSON:** No further questions.

13 **COMMISSIONER HOGUE:** Thank you.

14 **MS. NATALIA RODRIGUEZ:** I think we just need
15 -- sorry, Madam Commissioner. It's -- we just need five
16 minutes to switch to the next witness.

17 **COMMISSIONER HOGUE:** To switch to the next
18 witness?

19 Thank you very much, Mr. Chiu, and good luck.

20 **MR. KENNY CHIU:** Thank you.

21 **THE REGISTRAR:** Order please.

22 The hearing is in recess until five minutes.

23 --- Upon recessing at 3:16 p.m./

24 --- Upon resuming at 3:21 p.m./

25 **THE REGISTRAR:** Order please.

26 This sitting of the Foreign Interference
27 Commission is back in session.

28 **COMMISSIONER HOGUE:** Good afternoon,

1 Ms. Kwan.

2 HON. JENNY KWAN: Good afternoon.

3 COMMISSIONER HOGUE: So Me Rodriguez, it's
4 your turn.

5 MS. NATALIA RODRIGUEZ: Thank you very much.
6 If we can have the witness affirmed, please.

7 THE REGISTRAR: Could you please state your
8 name for the record, and spell your last name, please.

9 HON. JENNY KWAN: Jenny Kwan, K-W-A-N.

10 --- HON. JENNY KWAN, Affirmed:

11 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

12 MS. NATALIA RODRIGUEZ: Good afternoon,
13 Ms. Kwan.

14 COMMISSIONER HOGUE: I just want to make sure
15 that ---

16 MS. NATALIA RODRIGUEZ: Yes.

17 COMMISSIONER HOGUE: --- it's fine if they
18 are not ---

19 MS. NATALIA RODRIGUEZ: Oh.

20 COMMISSIONER HOGUE: --- present ---

21 MS. NATALIA RODRIGUEZ: I did not ---

22 COMMISSIONER HOGUE: --- your colleagues?
23 It's okay? I see that your two friends ---

24 MR. ADDISON LEIGH: Yes, I think they're just
25 on their way back, Madam Commissioner.

26 COMMISSIONER HOGUE: Pardon me?

27 MR. ADDISON LEIGH: I think they're just on
28 their way back, Madam Commissioner. I can go take a look.

1 **COMMISSIONER HOGUE:** Okay, but I think we'll
2 wait just to make sure that ---

3 **MS. NATALIA RODRIGUEZ:** Yes.

4 **COMMISSIONER HOGUE:** --- they are with us
5 before we start. Sorry. Is there anybody else missing or
6 it's fine? Because I see many empty seats. It's okay? I
7 haven't noticed if all the seats were -- no, okay. There
8 is....

9 Okay. So you can go on.

10 **MS. NATALIA RODRIGUEZ:** Okay. Thank you very
11 much.

12 Good afternoon, Ms. Kwan. Good to see you
13 again. As you know, my name is Natalia Rodriguez. I'm
14 Commission Counsel.

15 On February 15, 2024, you had an interview
16 with Commission Counsel; is that right?

17 **HON. JENNY KWAN:** That is correct.

18 **MS. NATALIA RODRIGUEZ:** And an interview
19 summary was generated from that interview.

20 **HON. JENNY KWAN:** That's correct.

21 **MS. NATALIA RODRIGUEZ:** And I'm now going to
22 call up WIT 12.EN.

23 **--- EXHIBIT No. WIT 12.EN:**

24 Interview Summary: Jenny Kwan

25 **MS. NATALIA RODRIGUEZ:** And Ms. Kwan, is this
26 the interview summary that was generated from your interview
27 with Commission Counsel?

28 **HON. JENNY KWAN:** Yes, it is.

1 **MS. NATALIA RODRIGUEZ:** And you've had a
2 chance to review that summary for accuracy?

3 **HON. JENNY KWAN:** Yes.

4 **MS. NATALIA RODRIGUEZ:** And do you have any
5 corrections, additions, or deletions to make to that summary
6 at this time?

7 **HON. JENNY KWAN:** I do not.

8 **MS. NATALIA RODRIGUEZ:** And do you adopt the
9 contents of this summary as part of your evidence before the
10 Commission today?

11 **HON. JENNY KWAN:** I do.

12 **MS. NATALIA RODRIGUEZ:** Great. So we'll have
13 that entered as the next exhibit. And for the record, the
14 French translation is at WIT 12.FR.

15 **--- EXHIBIT No. WIT 12.FR:**

16 Résumé d'entrevue : Jenny Kwan

17 **MS. NATALIA RODRIGUEZ:** And also for the
18 record, you have a copy of your witness summary, of your
19 interview summary, rather, with you today as you give
20 testimony. Is that right?

21 **HON. JENNY KWAN:** That is correct. I have a
22 copy here.

23 **MS. NATALIA RODRIGUEZ:** And that's just as an
24 memory aid?

25 **HON. JENNY KWAN:** Just in case if I need to
26 refer to it.

27 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.
28 So I understand that you are a Member of

1 Parliament for the NDP for the riding of Vancouver East. Is
2 that correct?

3 HON. JENNY KWAN: That's correct.

4 MS. NATALIA RODRIGUEZ: And you were first
5 elected to parliament in 2015. Is that correct?

6 HON. JENNY KWAN: That's right.

7 MS. NATALIA RODRIGUEZ: And you were
8 re-elected in 2019.

9 HON. JENNY KWAN: Yes.

10 MS. NATALIA RODRIGUEZ: And you were elected
11 again in 2021?

12 HON. JENNY KWAN: Yes.

13 MS. NATALIA RODRIGUEZ: And you were
14 previously member of the British Columbia Legislative
15 Assembly from 1996 until 2015 when you ran for your current
16 position. Is that right?

17 HON. JENNY KWAN: That's right. I was the
18 member of the Legislative Assembly for Vancouver Mount
19 Pleasant.

20 MS. NATALIA RODRIGUEZ: And that was with the
21 provincial NDP.

22 HON. JENNY KWAN: That is right. That's
23 correct.

24 MS. NATALIA RODRIGUEZ: And from 1998 until
25 2001, you were a provincial member of cabinet. Is that
26 right?

27 HON. JENNY KWAN: That is correct.

28 MS. NATALIA RODRIGUEZ: And I understand you

1 entered politics in 1993 when you were elected to the
2 Vancouver City Council.

3 HON. JENNY KWAN: That's correct.

4 MS. NATALIA RODRIGUEZ: And you immigrated to
5 Canada with your family from Hong Kong at the age of 9. Is
6 that right?

7 HON. JENNY KWAN: That's right.

8 MS. NATALIA RODRIGUEZ: And I understand that
9 before politics you were a community legal advocate working
10 primarily in Vancouver's Downtown East side.

11 HON. JENNY KWAN: That's right.

12 MS. NATALIA RODRIGUEZ: Now, you received a
13 briefing by CSIS concerning foreign interference in May of
14 2023. Is that right?

15 HON. JENNY KWAN: That's correct. In fact, I
16 got two briefings if you will. One was just prior to the
17 2021 election. It was kind of like a general briefing. And
18 then in May of 2023, I received a more specific briefing from
19 CSIS.

20 MS. NATALIA RODRIGUEZ: Okay. And so I'll
21 take you now to CAN.DOC.23. Now, it's a document entitled
22 Commission Request for Summary Information On Briefing To
23 Jenny Kwan.

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

25 Commission request for summary

26 information on briefing to Jenny Kwan

27 MS. NATALIA RODRIGUEZ: At the request of the
28 Commission, the government has produced a summary of the

1 briefing that you received in May of 2023 in a format that is
2 suitable for public disclosure. Now, you may be asked
3 questions about this summary today. In accordance with the
4 Commission's obligations to prevent the disclosure of
5 information protected by national security confidentiality, I
6 will not be asking you any questions intended to elicit any
7 information that remains classified.

8 Now, I understand you may not be able to
9 answer aspects of my question as a result, so simply you can
10 indicate, where you cannot provide some information in the
11 answer, you can just say that you cannot answer for this
12 reason, and I will move on to something else.

13 And you've had a chance, I understand, to
14 review this summary. Is that right?

15 HON. JENNY KWAN: That's correct.

16 MS. NATALIA RODRIGUEZ: And you've agreed
17 that the summary could be made public and your name attached
18 to it. Is that right?

19 HON. JENNY KWAN: Yes.

20 MS. NATALIA RODRIGUEZ: And -- now, speaking
21 in general terms, without getting into specifics, does the
22 summary generally accord with your recollection of the type
23 of information that you were provided with in that briefing?

24 HON. JENNY KWAN: Yes.

25 MS. NATALIA RODRIGUEZ: And again, without
26 getting into the details of the content of the briefing or
27 any specifics, did you find that briefing, and again we're
28 speaking about the May 2023 briefing, did you find it to be

1 helpful?

2 **HON. JENNY KWAN:** Yes, it was helpful, and
3 particularly, I thought it was important for me to know and
4 to be informed that I am a target by the CCP, and that I
5 would likely be a what was termed as a "evergreen target".

6 **MS. NATALIA RODRIGUEZ:** Thank you. And did
7 the briefing provide you with any tools that you could
8 implement to better protect yourself against foreign
9 interference or attempts of foreign interference?

10 **HON. JENNY KWAN:** The briefing explained to
11 me the structure of what foreign interference would look like
12 coming from China and how the United Front work department
13 would be set up, and how possibly that work would be
14 undertaken. There were no -- I'm not at liberty to disclose
15 details around some of that work. So from that perspective
16 it was good to know.

17 The other piece that would be really good to
18 know, of course, is just to know that you're being a target.
19 It brings to the forefront, I think, the reality of what is
20 and potentially could be out there. And so from that
21 perspective I thought it was useful and helpful.

22 **MS. NATALIA RODRIGUEZ:** Thank you. Now, you
23 would agree that you follow events in Hong Kong and Mainland
24 China fairly closely?

25 **HON. JENNY KWAN:** Yes.

26 **MS. NATALIA RODRIGUEZ:** And why is that?

27 **HON. JENNY KWAN:** Well, Hong Kong is my
28 birthplace, so I have obviously a special connection to it,

1 and my ancestors, they come from China. My parents were born
2 in China, my grandparents were born in China, and so there is
3 that connection from that perspective. So with news that
4 emerged in the international community is something that I do
5 follow and to watch and see what is going on.

6 **MS. NATALIA RODRIGUEZ:** And do you have
7 family ties currently to Hong Kong?

8 **HON. JENNY KWAN:** I do not, and especially in
9 light of the fact to know that I am being targeted, and I'm
10 particularly grateful for that, I don't have to worry about
11 family members or relatives that are there, unlike some of
12 the other people who might as a result of being targeted.

13 **MS. NATALIA RODRIGUEZ:** Is that because you
14 don't have family in Hong Kong or Mainland China or is it
15 because you don't have -- you haven't maintained any
16 connection with them?

17 **HON. JENNY KWAN:** It's because we don't have
18 any family members that are left in Hong Kong or China. We -
19 - when we immigrated to Canada, my family unit, we were the
20 last group to leave Hong Kong, and so consequently we don't
21 have any close relatives. We may have some loose relatives,
22 if you will, or distant relatives in China that I don't
23 really know.

24 Some years ago, when I travelled back to
25 China on my own, as somebody who was trying to find my roots,
26 I met people there living in my mom's house or my mom's
27 family's home that I have no idea who they are, but they're
28 all there in that village living in the home, taking care of

1 the home, but they are not -- I wouldn't classify it as
2 family members.

3 **MS. NATALIA RODRIGUEZ:** Okay, thank you. And
4 some -- what are some of the issues related to Hong Kong and
5 the PRC that you have spoken up about and been vocal on.

6 **HON. JENNY KWAN:** Well, on the issue around
7 Hong Kong and, of course, the national security law is a
8 critical issue for the people of Hong Kong. I watch Hong
9 Kong very closely, and one of the reasons why my family
10 immigrated to Canada was because of the handover. My family
11 were particularly worried about what is the aftermath of
12 that. And, of course, in addition to that, they wanted to
13 give opportunities to the children. There are six of us,
14 together a family of eight, and my mom only has a Grade six
15 level of education. My dad has a Grade 10 level of
16 education, and they wanted their children to have
17 opportunities. So we immigrated here, and I'm watching very
18 carefully in terms of what's developing.

19 So with the national security law and what
20 was clear to me is that the policy on one country, two system
21 has been completely dismantled. I also watch on the news the
22 devastating police brutality against the protesters and the
23 peaceful protesters. So many of them are young people. So
24 that's something that is close and near and dear to my heart.

25 And, of course, prior to that, I was also
26 made aware, I wasn't involved in the electoral system at that
27 time, but, of course, was made aware and watch on the news
28 like many people the Tiananmen massacre, and that whole news

1 was just -- and again, another devastating piece of news
2 that's surfacing in the community. The issue around the
3 Uyghur, Uyghur genocide is another issue that I follow very
4 closely as well and advocate for. The situation with Taiwan,
5 for example, as well, so there are a number of different
6 issues to which I watch very closely to see what is evolving
7 in the community.

8 **MS. NATALIA RODRIGUEZ:** And, Ms. Kwan, I
9 would just ask that for the sake of the translators, and I
10 also have to remind myself at times, just to be aware that
11 they are translating in real time and to try and slow down a
12 little bit for them.

13 **HON. JENNY KWAN:** Apologies.

14 **MS. NATALIA RODRIGUEZ:** Okay. No, no need to
15 apologize.

16 Was there a time when you started to become
17 more vocal about these issues, and if so, when would that
18 have been?

19 **HON. JENNY KWAN:** Yes, particularly at the
20 time when, you know, the news was surfacing about Hong
21 Kongers taking to the streets and peaceful protests, and,
22 literally, we're talking about, you know, millions of people
23 taking to the streets and to raise the issues worried about
24 the extradition law and so on, I started to sort of tune in
25 even more so. And then you started to hear the news of the
26 police brutality emerge. And then that's really at a point
27 where I felt like I have to speak up and you have to stand
28 with Hong Kongers as someone who was born in Hong Kong. So

1 those were the issues that really brought it to the
2 forefront, but, you know, all throughout my political career,
3 I've always spoken up for human rights, and raised the issues
4 around human rights concerns related to China. So such as,
5 for example, with the Tiananmen massacre on certain
6 anniversaries of those days, I would issue statements, for
7 example, to highlight that situation and to remember the
8 victims and their families, as an example.

9 **MS. NATALIA RODRIGUEZ:** And so when you said
10 around the national security law, around that time and the
11 protests in Hong Kong, I take it that would be around 2019;
12 is that right?

13 **HON. JENNY KWAN:** That's correct. That's
14 when this first emerged.

15 **MS. NATALIA RODRIGUEZ:** Okay. So is it fair
16 to say that for the last five years you have been more vocal
17 about some of these China related issues that you've
18 mentioned?

19 **HON. JENNY KWAN:** Yes.

20 **MS. NATALIA RODRIGUEZ:** Okay. And I
21 understand that you've also spoken at and attended rallies in
22 relation to PRC issues. Can you maybe tell us a little bit
23 about those?

24 **HON. JENNY KWAN:** Yeah, there were a number
25 of different community rallies held. One was held actually
26 just outside of the Vancouver Public Library, and it was the
27 earlier on period with respect to the national security law,
28 and so I spoke at that rally there. There were other rallies

1 to which I spoke in front of the consulates building, or
2 residence, if you will, and ---

3 **MS. NATALIA RODRIGUEZ:** And, sorry, when
4 would that have been, the one in front of the consulate?

5 **HON. JENNY KWAN:** I did it a number of
6 different times when I stood in front of that building. And
7 the first time to which I did that, let me just pass back my
8 memory, I believe that would have been in 2020 and 2021, to
9 be sure, I think.

10 **MS. NATALIA RODRIGUEZ:** And so maybe to
11 refresh your memory, I would call up JKW 149.

12 **--- EXHIBIT No. JKW 149:**

13 Photo Democracy Walk near Chinese
14 Consulate

15 **MS. NATALIA RODRIGUEZ:** Okay. So I don't
16 know if this is available in native format or if it's just an
17 image view, but it's difficult to appreciate in the black and
18 white, but if we zoom out a little bit, so that we can kind
19 of see. Okay. So do you know whether this would have been
20 one of the instances in which you were speaking in front of
21 the Chinese consulate?

22 **HON. JENNY KWAN:** Yes, it was. So I'm
23 standing in this image on a flatbed truck that the organizers
24 used as a platform, and that's in front of the Chinese
25 consulate.

26 **MS. NATALIA RODRIGUEZ:** And if we can go to
27 JKW 150, and zoom out as well? Is that building that we're
28 seeing on the right, is that the Chinese Consulate?

1 --- EXHIBIT No. JKW 150:

2 Photo Democracy Walk near Chinese
3 Consulate

4 HON. JENNY KWAN: That's correct.

5 MS. NATALIA RODRIGUEZ: Okay. So we can
6 appreciate a little bit the distance, where you are relative
7 to the consulate. And so this would be the same event as the
8 last photo that we saw; is that right?

9 HON. JENNY KWAN: That's right.

10 MS. NATALIA RODRIGUEZ: Okay. And can you
11 tell us a bit more about the experience of protesting --
12 well, speaking at an event in front of the Chinese Consulate?

13 HON. JENNY KWAN: So at this event, the
14 organizers brought us there. We sort of began, I think, with
15 a walk, and then sort of ended up at this location, and
16 speakers were invited up. I was -- I believe I was the only
17 elected official to appear and speak at this event. And at
18 this event, as I was speaking, I was noticing as well that
19 there is a camera, actually, right by the tree there.
20 Anyway, just right by the fence there. And you can see the
21 camera kind of turn, and then it alerted me to the fact that
22 what was happening was they were actually recording images
23 possibly, or at least being able to see who was out there and
24 participating. And I know that for some of the community
25 members they're particularly concerned about being
26 identified. So as a result, some people wore masks. Some
27 people wore hoodies and the like to sort of try and sort of
28 protect their identity, or at least not to be so easily

1 identifiable in this event. And so we were speaking this --
2 and I think I had a megaphone of some sort or a mic of some
3 sort to speak. There were people also across the street, by
4 the way, so that they're not right within the vicinity of
5 this area, perhaps to evade the cameras possibly, but that's
6 sort of the nature of the event.

7 **MS. NATALIA RODRIGUEZ:** And I noticed that
8 you did not seem to have your face covered or you're not
9 wearing a hoodie or not -- you're not hiding your identity in
10 any way. Was that a concern for you or what was the reason
11 for not wanting to conceal yourself?

12 **HON. JENNY KWAN:** I was not masking. I was
13 not trying to hide my identity. I speak publicly about these
14 issues. I am an elected official. I support human rights
15 everywhere. Not just here in Canada, but abroad as well, and
16 I fight for these things. And so as an elected official, I
17 feel very much that I have this privilege, this honour, this
18 platform that's before me, and I have to use it. I feel like
19 that's part of my job. And so in this instance, when we're
20 talking about, you know, the Tiananmen massacre that
21 occurred, the situation with Hong Kong, where people are
22 losing their basic human rights, where the rule of law that
23 once supplied to them is no more, I feel like that it is my
24 job to speak up and I have a platform to do so. It would be
25 a disservice if I were to hide my identity to the position
26 that I hold to which I honour, I think, in my role as a
27 Member of Parliament. And I'm also cognizant as well that
28 there are many members of the diaspora community who are not

1 at liberty to do that because they are afraid because they
2 have family members that are there, that are in Hong Kong or
3 in China that might have repercussions for them. And in some
4 ways, I also feel like it's my responsibility to speak up and
5 to be that voice.

6 **MS. NATALIA RODRIGUEZ:** Thank you. Now, I
7 want to move on -- we can take the document down. I want to
8 speak a little bit about your experience with Chinese
9 community associations. And in your witness summary, you
10 refer to some of these as "The Big Five". And I wanted you
11 to explain what you meant by that. Who are The Big Five and
12 why are they considered important?

13 **HON. JENNY KWAN:** So in our community, there
14 are a number of community events that would be hosted by
15 various organizations. The biggest ones would be, for
16 example, the Lunar New Year celebration, the big parade that
17 takes place in Chinatown. The organizations that come
18 together to organize this would be what I call "The Big
19 Five". Sometimes it's six, but generally, it's this frame.
20 The Chinese Benevolent Association is one of them. The
21 Chinese Freemasons is also another one. The Chinese Cultural
22 Centre is the third one. The Vancouver Chinatown Merchants
23 Association is another organization. And finally, an
24 organization called S.U.C.C.E.S.S., which in full, the name
25 is the United Chinese Community Enhancement Services Society.

26 **MS. NATALIA RODRIGUEZ:** And I understand
27 while these five may have some, or potentially six, have some
28 significance, there are many, many, many different community

1 associations within the Canadian Chinese community. Can you
2 tell us briefly about that?

3 **HON. JENNY KWAN:** Yes, there are many
4 community organizations within the Chinese community to be
5 sure. Some of them are service oriented, non-profit
6 orientated, but there are also many what we call clan
7 associations. These associations were really established
8 long ago, back in the day when Chinese people came to Canada,
9 they were really being discriminated against in many ways,
10 and they clan associations are grouped together usually by
11 people's last names or districts, or region, if you will, and
12 it really became an association for people to network, to
13 find support and kinship with each other, and back in the day
14 with all the discrimination that took place, some of them
15 even created this space to house people, because Chinese
16 people were not allowed to -- anyways, there was a lot of
17 restrictions and discriminatory practices towards Chinese
18 people.

19 So these clan associations exist in my
20 riding. A lot of them were first established in -- around
21 Chinatown. And so there are literally hundreds of those in
22 my riding.

23 **MS. NATALIA RODRIGUEZ:** And in terms of The
24 Big Five that you mentioned, are they headquartered within
25 your riding?

26 **HON. JENNY KWAN:** Yes, they are.

27 **MS. NATALIA RODRIGUEZ:** And can you describe
28 your relationship with these five organizations historically

1 and how it is now? And if there's been any change, to note
2 that as well.

3 **HON. JENNY KWAN:** Yeah, I will say that
4 historically, I've had a good relationship with all these
5 organizations. We would work together, collaborate on
6 different issues at different times, and to support the
7 community and to advocate for policy change or whatever the
8 case may be.

9 But I will say that over time, as I became
10 more and more vocal on the issues that profile China's human
11 rights violations, as an example, especially for sure during
12 the Hong Kong -- with the Hong Kong National Security Law
13 situation, I sensed that there was a shift in attitude from
14 these organizations towards me.

15 **MS. NATALIA RODRIGUEZ:** And what do you mean
16 by a shift in attitude. Can you give us an example?

17 **HON. JENNY KWAN:** So for example, I was
18 noticing -- in my office, we were noticing that, you know,
19 the invitations that would, for example, would come to my
20 office, and we would not receive some invitations to our
21 office, as an example. Some of the community leaders would
22 shy away from engaging with me, as an example. And so you
23 sort of just see those kinds of changes. It became -- in the
24 beginning it was a little more subtle, and then it became
25 more and more obvious over time.

26 **MS. NATALIA RODRIGUEZ:** And when did you
27 begin to perceive that change?

28 **HON. JENNY KWAN:** I would say in and around

1 2019 I started to notice there's some shift and some change.
2 But for sure as you sort of move towards 2020, 2021, you
3 know, you really noticed a significant departure from that
4 behaviour.

5 MS. NATALIA RODRIGUEZ: And so I'll take you
6 now to JKW 65_R.

7 --- EXHIBIT No. JKW 65 R:

8 Press release February 18, 2022

9 MS. NATALIA RODRIGUEZ: And this is a press
10 release dated February 18, 2022. It's titled *CCP suspected*
11 *of manipulating the political ecology of Chinese Canadians*
12 *through Lunar New Year celebration events*. And my
13 understanding is that this is a press release by the Chinese
14 Concerned Group, who is an intervenor in this Commission, and
15 it's about your exclusion from a Lunar New Year celebration
16 in 2022.

17 I assume you have seen this press release
18 before? Is that right?

19 HON. JENNY KWAN: Yes, I have.

20 MS. NATALIA RODRIGUEZ: Okay. And can you
21 tell us about that particular event and how you were excluded
22 from that event?

23 HON. JENNY KWAN: Yeah, so this was an event
24 that was coming in to celebrate the Lunar New Year. So we
25 were just kind of coming out of covid. And so over the covid
26 period, the big celebration that took place in my riding did
27 not happen. There was no big parade and so on because of
28 covid. So this would have been the first time since that

1 period where a Lunar New Year event celebration is being held
2 in the community. While it's not a parade, but still it's
3 deemed to be a significant celebratory moment.

4 At this event, it was -- there were two
5 organizations that organized this event, and one of them is
6 the Chinese Benevolent Association.

7 But for this event, we saw in the newspaper
8 afterwards -- not only did my office not receive an invite
9 for it, but we saw in the newspaper coverage of the event
10 that there were people invited, elected officials invited,
11 from outside of Vancouver. There were definitely Members of
12 Parliament from Vancouver too from outside of the district
13 where the event was being hosted at, like people from
14 Richmond, for example, were invited to it, the Mayor of
15 Richmond, for example, was invited to it, provincial elected
16 officials were invited to Richmond -- or invited to it. And
17 there was, I think, councillors from Burnaby invited to it.

18 What's glaringly obvious is that I, myself,
19 as a Chinese Canadian who is in that riding, in that area
20 there, was not invited. The Mayor of Vancouver at the time
21 was also not invited as well. So that became quite obvious,
22 at least from my perspective, that there's a distinction on
23 who they've chosen to be invited to this event.

24 **MS. NATALIA RODRIGUEZ:** And if we can go to
25 the bottom of that page? And the press release says, in the
26 last paragraph:

27 "As Chinatown falls under the
28 electoral district of Jenny Kwan and

1 she is the longest serving Chinese-
2 Canadian politician, a celebration of
3 Lunar New Year in Vancouver's
4 Chinatown excluding Jenny Kwan and
5 Vancouver's current mayor Kennedy
6 Stewart makes no sense."

7 And if we keep going:

8 "The Concerned Group feels that the
9 only plausible reason is that Jenny
10 Kwan had, in Parliament, brought up
11 the Hong Kong situation as well as
12 voting in support of the motion
13 naming China's Uyghur persecution as
14 genocide..."

15 And it goes on from there. Do you agree with
16 that assessment?

17 HON. JENNY KWAN: Yes, I do.

18 MS. NATALIA RODRIGUEZ: I want to take you
19 now to JKW 70_R. And this is a letter from you, and it is
20 addressed to the Canadian Security Intelligence Service.
21 That's CSIS.

22 **--- EXHIBIT No. JKW 70 R:**

23 Letter to CSIS

24 MS. NATALIA RODRIGUEZ: And if we go down
25 just a little bit? Okay. Thank you.

26 It is a letter speaking to CSIS about your
27 exclusion from that Lunar New Years celebration. You recall
28 sending this letter?

1 HON. JENNY KWAN: Yes, I do.

2 MS. NATALIA RODRIGUEZ: And why did you write
3 to CSIS about this?

4 HON. JENNY KWAN: Well from the briefings,
5 from the first briefing from CSIS, one of the things that
6 they said to me was that, please, keep us informed. Stay
7 alert. These are some of the -- you know, certain things
8 that you might be suspicious about, or you wondered about,
9 please, keep us informed. So, to that end, I thought it was
10 important for CSIS to know that this has occurred, and so I
11 wrote that letter and brought it to their attention.

12 MS. NATALIA RODRIGUEZ: So if we go to the
13 last paragraph of the letter, and then it says,

14 "I hope CSIS could look into this to
15 determine whether or not, or to what
16 extent foreign influence or agents of
17 a foreign government is or are
18 affecting how community events are
19 organized and reports its findings to
20 various authorities including the
21 federal government." (As read)

22 Did you receive a response to this letter?

23 HON. JENNY KWAN: I did not.

24 MS. NATALIA RODRIGUEZ: If I can turn now to
25 JKW-66_R?

26 --- EXHIBIT No. JKW 66 R:

27 Press release July 10, 2023

28 MS. NATALIA RODRIGUEZ: And this one is dated

1 July 10, 2023, and it looks to also be a press release. And
2 this one's entitled "Canadian Chinese Concern Group on CCP's
3 Human Rights Violations, Expresses Concerns Over Possible
4 Infiltration of Chinese Communist Party in Chinese Canadian
5 Museum". And it is a press release that speaks about your
6 exclusion from a Chinese museum event. Can you -- I assume
7 you saw this press release at the time since it is about you?

8 HON. JENNY KWAN: Yes, I have seen this.

9 MS. NATALIA RODRIGUEZ: And can you tell us a
10 little bit about that event and what led to this press
11 release?

12 HON. JENNY KWAN: So in Chinatown, we had a
13 very big event, actually, and that is the opening of the
14 Chinese Canadian Museum, the first in Canada. And so this
15 was a big event in terms of the opening, and there were many
16 community members and elected officials there. What happened
17 at this event was, as the local representative where the
18 Canadian Chinese Museum is located, as someone who's
19 represented this riding, and some I say who's broken barriers
20 for Chinese Canadian communities over the last 30 years in my
21 role as an elected official at one level or another, it was a
22 curious thing where at this event I was -- while I was
23 invited to it, I did -- I was not acknowledged of my presence
24 for the event. I did not receive a designated seat where
25 many of the prominent electoral officials were. And even
26 when -- during the program, elected officials, federal
27 representatives were invited up on stage to unveil a plaque
28 from the federal government. I was not invited to

1 participate in that. It was just a very curious thing and I
2 suppose in some ways, on a personal level, a little bit of a
3 hurtful thing that occurred. But in the face of that, and I
4 think the community groups and people who attended events saw
5 it as well, some came up to me afterwards and said, "Why
6 didn't they acknowledge you? Why didn't you go up on stage?
7 Why didn't you speak?" And said these things to me. And I
8 said, "Well, you know, I don't know. I'm not the organizer,
9 but here you are."

10 And so the concerned group, of course, who's
11 an active group in our community watching all of these things
12 all the time, and they also picked it up, and, consequently,
13 I think they wrote this press release.

14 **MS. NATALIA RODRIGUEZ:** And was that event
15 held in your riding?

16 **HON. JENNY KWAN:** Yes, it was. And the
17 Chinese Canadian Museum is in my riding, the first of its
18 kind in Canada.

19 **MS. NATALIA RODRIGUEZ:** And I want to take
20 you now to CAN.SUM.3.

21 **--- EXHIBIT No. CAN.SUM.3:**

22 Topical Summary: PRC Officials -
23 Foreign Interference Activities in
24 Greater Vancouver in the 2019 General
25 Election

26 **MS. NATALIA RODRIGUEZ:** This is a topical
27 summary that was just recently made available. So I
28 understand, Ms. Kwan, you have not seen this before. It's

1 entitled "People's Republic of China Officials, Foreign
2 Interference Activities in Greater Vancouver in the 2019
3 General Election". And it comes with a page of caveats,
4 which my co-Commissioner counsel, Ms. Dann, read into the
5 record yesterday. Taking those caveats into account, I want
6 to take you to paragraph 3 of that summary, which is on the
7 second page. And it says,

8 "Intelligence reports indicate that
9 these officials coordinated the
10 exclusion..." (As read)

11 And by "these officials", they're speaking
12 about officials for the People's Republic of China.

13 "...coordinate the exclusion of
14 particular political candidates
15 perceived as anti-China from
16 attending local community events
17 related to the election." (As read)

18 So this is, again, the 2019 election.

19 "This was accomplished via PRC proxy
20 agents hiding the direct involvement
21 of these PRC officials." (As read)

22 Now, taking into account that this is
23 referring to events leading up to the 2019 election and you,
24 having given your evidence that you started noticing these
25 exclusions from events starting in and around 2019, does this
26 paragraph generally accord with your understanding of why and
27 how you may have been excluded from local community events
28 such as the ones that you described for us today?

1 **HON. JENNY KWAN:** Yes.

2 **MS. NATALIA RODRIGUEZ:** So is it fair to say
3 that, in your view, there is a relationship between your
4 advocacy around China-related issues and your exclusion from
5 local community events?

6 **HON. JENNY KWAN:** I think it is quite
7 plausible that is the case. What we also know is that a
8 former colleague of mine, Richard Lee, a former MLA, who was
9 shunted, I guess, from the community, and the word is that if
10 community groups invited him to events, then representatives
11 from the consulate would not attend, as an example. So
12 consequently, Richard did not get a lot of invitations. So
13 this kind of practice is something that we know does occur in
14 the community.

15 **MS. NATALIA RODRIGUEZ:** Now I want to move on
16 to your experience with your constituents. What has your
17 experience with your constituents been like in the last 5
18 years, so since 2019, and have you noticed a change in your
19 constituents' demeanour, or in their interactions with you,
20 and what can you tell us about that?

21 **HON. JENNY KWAN:** My constituents, many of
22 them, of course, have watched me grow up, as they say, over
23 all these years. But in the latter part, in the last five
24 years or so particularly, with my outspokenness around human
25 rights violations from China and particularly with the Hong
26 Kong situation and so on, I'm noticing nervousness and fear
27 from some of my constituents, and particularly, the elderly
28 Chinese Canadian members. I've had people come up to me, to

1 whisper to me, worried about their support for me and that it
2 might be found out by the CCP, and that there might be
3 repercussions for themselves or that of their family members.
4 They have this fear in their heart, as an example. They
5 would often just come up to me, hold onto me, grab my arm,
6 and sort of whisper these things to me. I would reassure
7 them to say that no one will know who you voted for because
8 our ballots are secret. Nobody can tell. Only you know, as
9 you mark the ballot, as an example. There are instances
10 where people would come up and ask me to say, "Did you really
11 protest the consulate and stood in front of the consulate to
12 speak out against them", as an example. Others would ask me
13 to pay attention and focus on domestic issues, as an example.
14 And then in that reference, I think to mean not to speak out
15 against China. There are others who have outright said to me
16 that they weren't going to be donating to me or supporting me
17 because of that. So there is definitely some change in
18 behaviour.

19 **MS. NATALIA RODRIGUEZ:** And so with respect
20 to the 2021 election, did you experience any of that -- those
21 concerns conveyed to you as you went door knocking and
22 canvassing for votes in 2021?

23 **HON. JENNY KWAN:** There were some people that
24 I door knocked on where they asked me "What is your position
25 on certain policies?", for example, on the Uyghur issue, as
26 an example. And you know, so those kinds of things would
27 surface. What is my position on Hong Kong? Those kinds of
28 things. But you can never know for sure was that a

1 determining factor for them in terms of that behaviour. But
2 from time to time, yes, those issues did come up.

3 **MS. NATALIA RODRIGUEZ:** And did they express
4 concern about supporting you in 2021 for fear of reprisal?

5 **HON. JENNY KWAN:** A lot of these
6 conversations, when people say these things to me, they -- so
7 when I am talking about the seniors who raised those concerns
8 to me, some of them during the campaign would say that
9 they're worried, but a lot of them after the campaign would
10 continue to raise these issues up with me.

11 **MS. NATALIA RODRIGUEZ:** Okay. So it wasn't
12 limited to the 2021 campaign is what you're saying.

13 **HON. JENNY KWAN:** No. I think these kinds of
14 sentiments sometimes it precedes the campaign, sometimes it's
15 after the campaign. It kind of just continues, and it kind
16 of just doesn't stop.

17 **MS. NATALIA RODRIGUEZ:** And so with respect
18 to the 2021 election, I understand there was an incident in
19 2021, in August, that led to the NDP filing a complaint with
20 the Commissioner of Canada Elections. Can you tell us a
21 little bit about that?

22 **HON. JENNY KWAN:** Yes. During the campaign,
23 we were alerted by someone that there was a WeChat post from
24 Fred Kwok inviting members of the Chinese community to attend
25 a free lunch. And when we looked at this post, a few things
26 jumped out at me. One was, is this even legal? Because
27 they're offering a free lunch in the middle of a campaign in
28 support of my opponent. Could that be construed as vote

1 buying, a bribe if you will? So that was my first thought.

2 And second, of course, is who's hosting this?
3 You know, who's the host of this event? Is it Fred Kwok as
4 an individual? If he was doing that, is he a third-party?
5 Is he a registered third-party? Because we have rules and
6 regulations related to that. If not, is it the Liberal Party
7 he's doing that? And so that question around the host and
8 potential violations of the *Election Act* also came up.

9 Then, of course, because it's a free lunch,
10 and the way in which the language was posed in this WeChat
11 message basically said, "Come and bring your friends.
12 Doesn't matter about the number. No need to pay." Then
13 you're imagining lots of people will go to this event, so
14 then the cost issue also becomes a factor. And in an
15 election, election financing, contribution limits, and all of
16 those matter a lot. So then my thought was would they be in
17 violation of that as well?

18 So our -- the lawyer for the NDP, we
19 contacted central and advised them of the situation. So the
20 lawyer for the NDP filed a complaint with the OCCE.

21 **MS. NATALIA RODRIGUEZ:** And just for the
22 record, that document is at JKW 76.

23 **--- EXHIBIT No. JKW 76:**

24 Letter to OCCE: Complaint re
25 collusion and vote-buying in
26 Vancouver East

27 **MS. NATALIA RODRIGUEZ:** And in the interest
28 of time, I will move to a different area. Well, actually,

1 staying in this topic for one second, if I can take you to
2 CAN 1075.

3 **--- EXHIBIT No. CAN 1075:**

4 SITE TF SITREP: 07 September 2021

5 **MS. NATALIA RODRIGUEZ:** So this is a SITE
6 Task Force SITREP. It's dated September 7, 2021. And my
7 understanding is the lunch took place at the end of August.
8 Is that right?

9 **HON. JENNY KWAN:** That is correct. I believe
10 it was the 29th.

11 **MS. NATALIA RODRIGUEZ:** Okay. So this would
12 have been about almost 10 days after. And if we go down, the
13 report says on the last bullet point:

14 "The Facebook page for the Vancouver
15 Hong Kong Forum Society...published
16 screengrabs from a WeChat group with
17 what they claim are members of the
18 Chinese Benevolent Association...of
19 Vancouver, a group that many open
20 source reports claim are linked to
21 China's United Front Work Department.
22 The chat that shows what is purported
23 to be an offer of a free lunch to
24 support the LPC Vancouver East
25 candidate as someone who 'cares about
26 the issues of the Chinese people.'"

27 And this Hong Kong Foreign Society:

28 "...further claims that the message

1 encourages solidarity among Chinese
2 voters in a manner similar to South
3 Asian voter solidarity."

4 Can I take it that as a candidate you were
5 aware of the SITE Task Force in 2021?

6 HON. JENNY KWAN: I was not.

7 MS. NATALIA RODRIGUEZ: Okay. Did you know
8 that there was a SITE Task Force and it was -- and that it
9 was called that?

10 HON. JENNY KWAN: No.

11 MS. NATALIA RODRIGUEZ: Okay.

12 HON. JENNY KWAN: I only learned of this from
13 this hearing.

14 MS. NATALIA RODRIGUEZ: Okay. So is it fair
15 to say, then, that SITE did not inform you that they had
16 flagged this issue with the lunch shortly after it took
17 place?

18 HON. JENNY KWAN: That is correct.

19 MS. NATALIA RODRIGUEZ: Okay. Did any
20 official from any government department or agency tell you at
21 the time that this had been picked up by the SITE Task Force?

22 HON. JENNY KWAN: No.

23 MS. NATALIA RODRIGUEZ: Okay.

24 HON. JENNY KWAN: In fact, it was our
25 campaign -- after the election, we contacted CSIS to let them
26 know that this had occurred.

27 MS. NATALIA RODRIGUEZ: Okay. And to be
28 fair, it's RRM Canada and GAC that picked this up, and it's

1 in a SITE Task Force report, but the sourcing is from the
2 Rapid Response Mechanism. Just wanted to make that clear.

3 So in terms of sources of information related
4 to foreign interference in the 2019 and 2021 elections, it
5 sounds like it wasn't SITE. That wasn't your go-to for
6 information on foreign interference in the elections. Is
7 that right?

8 HON. JENNY KWAN: That's correct.

9 MS. NATALIA RODRIGUEZ: Okay. And so who did
10 you understand you were to report any suspicious activities
11 to during those two elections?

12 HON. JENNY KWAN: Well, the first place, of
13 course, is to the OCCE, and then, of course, related to
14 matters on foreign interference it would be CSIS.

15 MS. NATALIA RODRIGUEZ: Okay. So you
16 understood that if there was -- if you had any concerns about
17 suspected or possible foreign interference during those
18 elections, you were to go -- to contact CSIS directly. Is
19 that right?

20 HON. JENNY KWAN: Well, CSIS had asked me to
21 keep them informed, and so that's what we did, to keep them
22 informed after the election. At the time when this free
23 lunch event was being promoted from Fred Kwok, our first
24 thought was Elections Canada, the OCCE, and those violations
25 within it, that's why we lodged our complaint to them
26 directly.

27 It wasn't until after when other items
28 surfaced, for example, the Vancouver Sun wrote an article

1 about it, and in that article they talked a lot about foreign
2 interference, and then it started to make me think, "Hmm, is
3 it this foreign interference related?" And then of course,
4 after I was briefed by CSIS in May of 2023, it became even
5 more apparent to me that this might be a foreign interference
6 activity. And so to that end, I did follow up with CSIS, as
7 well as OCCE on it.

8 **MS. NATALIA RODRIGUEZ:** And did you have a
9 sense for what constituted suspicious activity that should be
10 reported? Did you understand what that threshold was for you
11 to report something to CSIS?

12 **HON. JENNY KWAN:** No. No, I -- no. They
13 never advised exactly what would be the threshold and what
14 are the clear signs, it's just to alert you to be more aware.
15 And so then, you know, you're being more aware. And during
16 the election campaign period, the things that jumped out at
17 us with respect to this event were the potential violations
18 of the *Election Act*. And then after the fact, when you put
19 all the different pieces together, all the different
20 information that's surfacing, then you start to wonder, "Is
21 this a foreign interference activity that took place?"

22 **MS. NATALIA RODRIGUEZ:** And unfortunately, I
23 am out of time, but I would like to ask you one final
24 question, and that is, is there anything else you would like
25 to tell us about any of the issues within Stage 1 of our
26 mandate, which is the 2019 and 2021 elections that we have
27 not had a chance to discuss?

28 **HON. JENNY KWAN:** I think that's really --

1 it's really important to actually look at the WeChat post
2 that Fred Kwok put up because there's some very specific
3 language within it that in the context of foreign
4 interference that we should be paying attention to. So I
5 wonder if we can actually pull up that post ---

6 **MS. NATALIA RODRIGUEZ:** Sure.

7 **HON. JENNY KWAN:** --- so that we can go
8 through it.

9 **MS. NATALIA RODRIGUEZ:** Absolutely.

10 So we can see it at CCC 186.

11 **--- EXHIBIT No. CCC 186:**

12 Press release from Chinese-Canadian
13 Concerned Group on the Chinese
14 Communist Party's Human Rights
15 Violation

16 **MS. NATALIA RODRIGUEZ:** And I pull this one
17 up because it has the original post and it has the -- if you
18 can go down, please. And it has the translation as well.

19 So that's -- if we can zoom in on the side-
20 by-side there.

21 And maybe just briefly tell us who Fred Kwok
22 is or who he was at that time.

23 **HON. JENNY KWAN:** Yeah. Fred Kwok at the
24 time was the chair of the Chinese Benevolent Association.
25 He's also the chairperson for the Chinese Cultural Centre.
26 He is very involved with the Chinese Freemasons and I believe
27 he holds the title of being an honorary leader, national
28 leader, of the Chinese Freemasons.

1 So that's the background a little bit about
2 Fred.

3 But if you look at the post and even the
4 translation here did not pick it up and reflected it. But in
5 three places, the post reference Chinese people using the
6 word "Chinese people" in three different places, talking
7 about, if I can put it on the record here, the post says:

8 "Just over two weeks left in the
9 federal election. Throughout these
10 years, the Chinese community and the
11 Chinese people have long been
12 neglected." (As read)

13 So here they use "Chinese people".

14 "The Chinese people must show their
15 voting power in this election [again
16 they use Chinese people]. Now that
17 this Liberal candidate is running for
18 the first time in Vancouver East, we,
19 the Chinese people must show their
20 voting power to the politicians." (As
21 read)

22 So the third time they're saying "Chinese
23 people". Then it goes on to say, "The South Asian people
24 already have a huge influence."

25 Then here it says, "The Chinese should also
26 show solidarity."

27 So here I'm going to sort of pause for a
28 minute and just go to the Chinese version of the post. Where

1 they use the word "the Chinese", they actually -- the literal
2 translation in Chinese is (other language) meaning China
3 person or China people, so that's one distinction there.

4 And when you say and use the word China
5 person or China people, I take that to mean a Chinese
6 national, not a Chinese person or Chinese people.

7 They again use this term (other language),
8 Chinese nationals, later on in the message where they go on
9 to say:

10 "Tomorrow morning at 11:30 a.m. lunch
11 at Flota restaurant. No matter how
12 many we'll need to pay. You all may
13 bring some friends here to show that
14 you care. When the future victory
15 comes, at least there will be a few
16 more MPs who will care about the
17 issues of the Chinese people." (As
18 read)

19 That should actually say, "at least there
20 will be a few more MPs who will care about the issues of
21 Chinese nationals" because in the Chinese version of the
22 post, it once again says (other language) meaning China
23 person or China people, and that in reference to Chinese
24 nationals.

25 So this is -- to me, is deliberate. The --
26 using that term, they're talking about wanting to elect
27 someone who will prioritize the issues that are of concern to
28 Chinese nationals, to the Chinese government or to China, if

1 you will.

2 **MS. NATALIA RODRIGUEZ:** Thank you for that
3 clarification.

4 Those are all of my questions. The
5 participants may have some other questions for you.

6 **COMMISSIONER HOGUE:** Thank you.

7 But before that, we will take a short break,
8 15 minutes. So we'll be back at 4:30.

9 **THE REGISTRAR:** Order please.

10 The hearing is in recess until 4:30.

11 --- Upon recessing at 4:16 p.m./

12 --- Upon resuming at 4:34 p.m./

13 **THE REGISTRAR:** Order please.

14 This sitting of the Foreign Interference
15 Commission is back in session.

16 --- HON. JENNY KWAN, Resumed

17 **COMMISSIONER HOGUE:** The first one this time
18 is counsel for Human Rights Coalition.

19 --- CROSS-EXAMINATION BY MS. HANNAH TAYLOR:

20 **MS. HANNAH TAYLOR:** Good afternoon, Ms. Kwan.

21 **HON. JENNY KWAN:** Good afternoon.

22 **MS. HANNAH TAYLOR:** You spoke a bit about
23 this with Commission counsel this morning. You mentioned in
24 your interview summary that you noticed more fear and
25 apprehension from your constituents beginning in 2019, and
26 it's also mentioned in your interview summary that during the
27 2021 election, constituents, donors, and supporters told you
28 that because you protested in front of the Consulate, they

1 were fearful about voting for you.

2 Your summary mentioned that they were worried
3 that the Chinese Government would find out that they had
4 voted for you or supported you, and that this would
5 compromise the safety of their families in China.

6 Do you know why they were afraid for the
7 safety of their families in China?

8 **HON. JENNY KWAN:** I would suspect that if
9 they were supporting someone who would be critical of China's
10 human rights record, that they fear that there could be
11 repercussions for them, and part of those repercussions
12 potentially could be the safety of their family members in
13 China.

14 **MS. HANNAH TAYLOR:** And without providing any
15 identifying information, would you be able to share who
16 expressed these kinds of fears to you during the 2021
17 election? You mentioned Chinese Canadian seniors in
18 particular expressed these fears, but were there other groups
19 in particular that came to you with apprehension?

20 **HON. JENNY KWAN:** Well they're just mostly
21 individuals. They don't tend to come to me as a group. It
22 will be individuals who will see me, you know, in the
23 community somewhere, and they'll come up and whisper these
24 things at me. The age, of course, ranged.

25 **MS. HANNAH TAYLOR:** Okay.

26 **HON. JENNY KWAN:** It's not necessarily just
27 seniors. But seniors, for me, are particularly vulnerable, -
28 --

1 **MS. HANNAH TAYLOR:** Okay.

2 **HON. JENNY KWAN:** --- just because they're
3 elderly and many of them, you know, may not have a lot of the
4 resources to even figure out where to get help. And many of
5 them are alone. And it just breaks my heart that they would
6 have this fear, you know, with them.

7 I also remember when I first entered into the
8 political arena, and first as sort of, like, a volunteer, I
9 worked really hard to get people who have never registered
10 before to vote, and there were points in time where I said,
11 "I don't even care who you vote for." I mean, I was working
12 on -- you know, volunteering for a campaign. But it didn't
13 matter for me who they ultimately voted for. I just wanted
14 them to vote, to exercise their democratic right.

15 And for these seniors to express fear in
16 voting, you know, to participate full -- participating fully
17 in our Canadian democratic system was something that they're
18 now fearful of, it was just something that struck me to be
19 particularly challenging. And I worry for the seniors.

20 **MS. HANNAH TAYLOR:** Okay. And so what I'm
21 hearing is that particularly among Chinese Canadian seniors,
22 although the folks who came to you, the Chinese Canadian
23 members of your constituency that came to you with these
24 fears ranged when it comes to range, but particularly with
25 seniors, the fear was not only voting for you, although that
26 was a particular fear, but engaging in voting more generally?
27 That was also a fear?

28 **HON. JENNY KWAN:** Yes, because if they fear

1 that someone would know how they voted, or if they -- someone
2 would know they supported an individual who China was seeing
3 to be -- who deemed that individual to be anti-China, then
4 there might be repercussions for them. That's my insinuation
5 of what that means when they, I think, whisper these things
6 to me, and I did my best to assure them that their vote is
7 private, is secret, no one would know, to reassure them that
8 it is our democratic right as Canadians to exercise that
9 right.

10 **MS. HANNAH TAYLOR:** And did they say
11 specifically what they were afraid might happen to them or
12 their families? Like, what these repercussions were that
13 they were afraid of if they voted for you or if it was found
14 out who they voted for more generally? These more general
15 fears?

16 **HON. JENNY KWAN:** They weren't specific about
17 exactly what they think might happen or may not happen to
18 their family members, but other than just to express a fear,
19 and then a fear for their safety.

20 **MS. HANNAH TAYLOR:** To the extent that you
21 know, were your constituents afraid because they had received
22 direct threats from the Chinese Government or proxies, or did
23 they understand there to be an implicit threat to their
24 safety and the safety of their families?

25 **HON. JENNY KWAN:** No one has expressed to me
26 that there was a direct threat. What people just said to me
27 was that they have this fear and they just expressed their
28 thoughts.

1 Some of them actually feared for me. Some of
2 them have said, you know, "You should be careful too." And
3 so some of them had expressed that sentiment for my safety.

4 **MS. HANNAH TAYLOR:** Thank you very much, Ms.
5 Kwan.

6 **HON. JENNY KWAN:** Thank you.

7 **COMMISSIONER HOGUE:** Counsel for Micheal
8 Chong?

9 **MR. GIB van ERT:** No questions. Thank you.

10 **COMMISSIONER HOGUE:** No questions?

11 The AG? Oh, there's -- oh, I don't have --
12 no, I think there's the OCC ---

13 **MR. LUC BOUCHER:** Yes.

14 **COMMISSIONER HOGUE:** --- before. Sorry.

15 **MR. LUC BOUCHER:** Yes.

16 **COMMISSIONER HOGUE:** It's not on my list.
17 Sorry. Désolé, Me Boucher.

18 **MR. LUC BOUCHER:** Je prendrais quelques
19 minutes seulement.

20 **COMMISSIONER HOGUE:** C'est correct. Mais
21 quelqu'un peut m'indiquer par ailleurs, en principe, le temps
22 alloué est de combien?

23 **MR. LUC BOUCHER:** C'est 5 minutes.

24 **COMMISSIONER HOGUE:** Ok.

25 **--- CROSS-EXAMINATION BY MR. LUC BOUCHER:**

26 **MR. LUC BOUCHER:** Good afternoon.

27 **HON. JENNY KWAN:** Good afternoon.

28 **MR. LUC BOUCHER:** I'll direct you -- we'll go

1 directly to the luncheon for Mr. Vander Vies that was paid by
2 Mr. Kwok. Okay. I understand that you've been elected for -
3 - since 2015 to the Parliament and you were an elected
4 official before that for 10 years? Twelve (12) years?

5 **HON. JENNY KWAN:** I was elected federally in
6 2015. Prior to that, I was elected provincially from 1996
7 until 2015. And then prior to that, I was elected
8 municipally from 1993 to 1996.

9 **MR. LUC BOUCHER:** So you understand that
10 every time you have to get elected to continue your
11 positions? You understand that? And you understand that
12 getting elected is about the business of getting votes;
13 right?

14 **HON. JENNY KWAN:** Well I understand that with
15 each election cycle, I have to earn the trust of the
16 electorate and support from them to get elected. And yes,
17 ultimately it is getting votes into the ballot box.

18 But for me, it's a little bit more than that.
19 It is about standing up for what you believe in and then
20 fighting for those beliefs.

21 **MR. LUC BOUCHER:** Okay. And to get votes,
22 you need to communicate with the communities? Is that ---

23 **HON. JENNY KWAN:** Of course. Part of the
24 electoral process is communications and being able to
25 communicate with the electorate would absolutely be paramount
26 in the electoral process.

27 **MR. LUC BOUCHER:** And using the pillars of
28 the communities to get in contact with them is part of the

1 job?

2 HON. JENNY KWAN: Using communication tools?

3 MR. LUC BOUCHER: No, the ---

4 HON. JENNY KWAN: Is that what you mean?

5 MR. LUC BOUCHER: --- important persons of
6 community. The pillars of the communities.

7 HON. JENNY KWAN: Oh, I see. So getting
8 support from community leaders ---

9 MR. LUC BOUCHER: Yes.

10 HON. JENNY KWAN: --- to show support for
11 your candidacy? Yes. Of course. I think every elected
12 official would aim to try and get that. Or every candidate.

13 MR. LUC BOUCHER: Okay. Being a Member of
14 Parliament since 2015, you must be familiar with the *Canada*
15 *Elections Act*?

16 HON. JENNY KWAN: I am.

17 MR. LUC BOUCHER: Okay. And when the lunch
18 occurred, one of your worries was that Mr. Kwok did not
19 register as a third party?

20 HON. JENNY KWAN: Well when the -- when we
21 learned of the event and saw the WeChat post, a number of
22 things jumped out at me. One of course is who is organizing
23 this. And if Mr. Kwok was organizing this, is he a
24 registered third party? Is he doing this as an individual?
25 Is he abiding by the contribution limits as they are set out
26 in the *Elections Act*?

27 The other element, of course, related to
28 those concerns, is the fact that the post, the WeChat post,

1 spoke about a free lunch, and it seemed unlimited, urging
2 people to bring as many people as they can, and using clear
3 language to say, "Don't worry. No need to pay." Then you
4 start to wonder, is this a violation of the *Elections Act*
5 pertaining to buying votes? So that's another element in
6 relation to that. And then, of course, contribution limits,
7 because all campaigns have limitations related to that, and
8 would there be violations of contribution limits?

9 **MR. LUC BOUCHER:** Okay. And have you been
10 following the Commission's testimonies prior to yours?

11 **HON. JENNY KWAN:** I have, for the most part.
12 There were some moments where I wasn't able to catch elements
13 of it, but for the most part, yes.

14 **MR. LUC BOUCHER:** Okay. Did you have a
15 chance to listen to the Commissioner Simard, Commissioner
16 Côté, and Mylène Gigou testify?

17 **HON. JENNY KWAN:** I did, yes.

18 **MR. LUC BOUCHER:** And in fact, you learned
19 from that testimony that the lunch was at the request of
20 Mr. Vander Vies?

21 **HON. JENNY KWAN:** Yes, I had heard that
22 testimony. What was of course interesting is that in the
23 WeChat post there was no indication that this is a free lunch
24 at the behest of the candidate.

25 **MR. LUC BOUCHER:** Okay.

26 **HON. JENNY KWAN:** As well, in the media
27 reporting that came afterwards, in the Vancouver Sun, there
28 was a prominent article from a reporter, a columnist I should

1 say, and there was no indication in that report that this was
2 a free lunch event organised at the behest of the candidate.

3 Mr. Fred Kwok was interviewed, and in fact he
4 said in that article that he violated the *Election Act* for he
5 did not register as a third-party and he also said in that
6 article that he paid \$1,500 for the lunch.

7 **MR. LUC BOUCHER:** Okay. But in fact, in that
8 article, and we may disagree, but in that article what
9 Mr. Kwok worries was that he also contributed to the
10 Conservative Party \$1,200, and he may have over contributed
11 at that time.

12 **HON. JENNY KWAN:** In that article, he
13 mentioned that he also contributed to another candidate, but
14 in terms -- I guess in terms of the contribution limit, there
15 are two elements to it, in terms of the personal contribution
16 and those limits and to two different candidates, but there
17 is also a contribution limit for the free lunch to which he
18 was contributing to. So that's the way I read that article.
19 Contribution limits could apply in both instances.

20 **MR. LUC BOUCHER:** Now, if we come back to the
21 purpose of this Commission, the occurrence of the lunch, the
22 issue might be where the money comes from. Exact? And
23 during your witness statement, at paragraph 41, I won't ask
24 the people, but you stated at paragraph 41 that:

25 "In light of a media report about
26 transfer of funds from the Chinese
27 Consulate in Toronto to campaigns..."

28 You wonder:

1 "...whether the Chinese Consulate in
2 Vancouver may be operating at petty
3 cash slush fund to finance events,
4 such as the lunch hosted by
5 Mr. Kwok."

6 My question is do you have any evidence, any
7 evidence besides that media article targeting the consulate
8 in Toronto, do you have any evidence of that slush fund
9 existing in the Vancouver area?

10 **HON. JENNY KWAN:** So first off, on the issue
11 around the cost of the lunch, there is a big question in my
12 mind that is still outstanding, and that is whether or not
13 the actual cost of the lunch is the same amount as the
14 reported amount.

15 **MR. LUC BOUCHER:** But Ms. -- just -- because
16 the Commission is concerned with foreign interference.

17 **HON. JENNY KWAN:** Yes.

18 **MR. LUC BOUCHER:** Now, foreign interference
19 in the lunch would be where the money comes from.

20 **MR. SUJIT CHOUDHRY:** Your Honour,
21 Commissioner, excuse me, I think Ms. Kwan is well aware of
22 the question, and I think she's getting to an answer. So I'd
23 ask my friend to desist from interrupting her so that she can
24 complete her answer.

25 **MR. LUC BOUCHER:** That's fine.

26 **COMMISSIONER HOGUE:** Complete your answer.

27 **HON. JENNY KWAN:** Thank you so much. Yes, if
28 you could indulge me, and I apologise if I'm taking time to

1 explain this, so that I can connect the dots with respect to
2 the question.

3 So from the market rate to which my office
4 was able to attain for a event such as this, it seemed to
5 indicate that the cost of the lunch is -- far exceeds the
6 amount that's been reported, at least by a third, maybe even
7 half or more than what was reported. So then the outstanding
8 question is, who paid for that amount? Where did the source
9 of that money come from?

10 And so related to that, then, could it be a
11 foreign interference actor who paid for that amount? We have
12 no information with respect to that. We cannot even verify
13 what is the actual amount of the cost.

14 So when the news media and reports was coming
15 forward to indicate that allegedly that there is a slush fund
16 that was set up for elections, I -- in Toronto, I can't help
17 but wonder whether or not the same thing is happening here in
18 Vancouver as well.

19 So this is how it relates, and that's why
20 chasing that money is so critical. Finding out where that
21 source of funds might have come from is so critical.

22 **MR. LUC BOUCHER:** Thank you.

23 **COMMISSIONER HOGUE:** Thank you.

24 **MR. LUC BOUCHER:** C'tait mes questions.

25 **COMMISSIONER HOGUE:** Now, it's your turn.

26 **--- CROSS-EXAMINATION BY MR. BARNEY BRUCKER:**

27 **MR. BARNEY BRUCKER:** Good afternoon,
28 Ms. Kwan. My name's Barney Brucker. I'm here for the

1 Attorney General. Thank you for assisting us with the
2 Inquiry by being here today.

3 I'm not going to ask what was on the menu for
4 lunch, so we can at least get that out of the way.

5 **HON. JENNY KWAN:** I was told it was pretty
6 lavish, but I wasn't invited.

7 **MR. BARNEY BRUCKER:** I just wanted to ask
8 about your riding. Vancouver East, was it?

9 **HON. JENNY KWAN:** Yes, it is.

10 **MR. BARNEY BRUCKER:** And what is the ethnic
11 makeup of that riding?

12 **HON. JENNY KWAN:** I'm very proud to be
13 representing Vancouver East. It's one of the most diverse
14 communities or ridings if you will across the country. At
15 one point, reports indicate that we have some 76 different
16 spoken languages in the district. And pertaining to the
17 ethnic diaspora community, we have a wide-ranging cultures
18 and representation in the riding. The Chinese Canadian
19 community, according to census, seem to indicate that our
20 population is about a little under 20 percent or so of the
21 overall population.

22 **MR. BARNEY BRUCKER:** Okay. You had mentioned
23 that prior to the election you had had a briefing by CSIS.
24 And I take it that did not involve any classified
25 information. That it was a, I think you called it, a general
26 briefing?

27 **HON. JENNY KWAN:** Yes, it was a general
28 briefing. I think that the purpose, at least I was told the

1 purpose of that was to alert members of parliament about
2 foreign interference, and to bring that to our attention.

3 **MR. BARNEY BRUCKER:** And do you know if other
4 MPs of various party stripes were also given a similar type
5 of briefing prior to the election?

6 **HON. JENNY KWAN:** To my knowledge, some other
7 MPs were, although who exactly, that I don't know.

8 **MR. BARNEY BRUCKER:** And do you know that
9 either before or during or even after the election the NDP
10 National Campaign, or Committee, or whatever their correct
11 terminology is, did they also receive a briefing?

12 **HON. JENNY KWAN:** You mean during the
13 campaign if they received or ---

14 **MR. BARNEY BRUCKER:** Yes. Before the --
15 leading into the campaign or during the campaign did the
16 national party receive a briefing, do you know?

17 **HON. JENNY KWAN:** From CSIS? I was not
18 advised.

19 **MR. BARNEY BRUCKER:** Okay. So let me suggest
20 to you that among the general concepts put forward during
21 this general briefing, CSIS may have explained their mandate,
22 that they were not a law enforcement agency. There may have
23 been the discussion about what is foreign interference and
24 what isn't foreign interference, and also, a discussion about
25 perhaps how would you try -- how could you recognise it or
26 what is the -- what are the methods employed, in a general
27 way. And also, some contact information for you or members
28 of your staff to contact government organisations if you saw

1 something of concern during the elections. Is that fair?

2 **HON. JENNY KWAN:** That's fair, and CSIS was
3 definitely clear to say that they do not have investigative
4 powers.

5 **MR. BARNEY BRUCKER:** Okay. And you mentioned
6 a follow-up after -- shortly after the election. And I can't
7 recall because my notes aren't very good, but what was that
8 follow up in -- about?

9 **HON. JENNY KWAN:** Yes. So after the
10 election, and in light of this free lunch that was -- that
11 Fred Kwok had put on the WeChat platform after the election,
12 and my office contacted CSIS to inform them of this event
13 that took place. There was also another -- sorry. I'll just
14 leave it there.

15 **MR. BARNEY BRUCKER:** Okay. I thought we
16 might away from the lunch, but apparently not.

17 Can you tell me, did it occur to you when you
18 contacted CSIS about the free lunch that -- was the reason
19 for that that it was possible foreign interference? Is that
20 why you contacted?

21 **HON. JENNY KWAN:** That is correct.

22 After the event when we started to think
23 about all the different things that were occurring and
24 putting these different pieces together, you start to wonder,
25 could this be a foreign interference activity. And so CSIS
26 had said to me that to please keep them informed and to let
27 them know that if we think there were any suspicious
28 activities to let them know. And so as you think about these

1 things, I thought it would be best to keep them informed, and
2 that's exactly what I did.

3 **MR. BARNEY BRUCKER:** And did it occur to you
4 when you contacted the Commissioner of Canada Elections about
5 a possible campaign violation that also may be foreign
6 interference?

7 **HON. JENNY KWAN:** Well, at the time when the
8 matter was happening, the first thing that jumped out at me
9 was, was this legal. They're offering a free lunch to people
10 in the middle of a campaign. And my head space went right to
11 the *Elections Act* and those kinds of violations, so that's
12 why the lawyer for the NDP, after we contacted them, filed
13 that letter as such.

14 Subsequent to that, there was a media
15 reporting also in the Vancouver Sun that talked about that
16 event and then also raised a whole number of other foreign
17 interference related issues.

18 And so when you sort of start to think about
19 that -- and this really came to hit me hard, I guess, was
20 when -- after my briefing in May of 2023. And I started to
21 think maybe that really was potentially a foreign
22 interference activity.

23 And when you started to hear all the
24 different news that were surfacing about the slush fund and
25 all of those kinds of things, and so that's why I followed up
26 in writing a letter to the OCCE raising these issues again
27 and also bringing that up to the attention of CSIS.

28 **MR. BARNEY BRUCKER:** I think I just have one

1 more question.

2 Back to the briefing that you had prior to
3 the 2021 election, did you adjust your campaign strategy or
4 your campaign approach in any way as a result of that
5 briefing?

6 **HON. JENNY KWAN:** No. What they were telling
7 us was to sensitize us to this possibility, and so I hadn't
8 thought much of it other than to say, okay, I will be alert
9 and pay attention. But I wasn't thinking that necessarily
10 this would be happening or may happen, so we did not really
11 adjust our strategy in that way. But as the campaign sort of
12 evolved, as things happened and then later on, as I said, in
13 May of 2023 when all these other pieces of information were
14 coming forward, I started to wonder about it and perhaps
15 connect the dots.

16 **MR. BARNEY BRUCKER:** Right. Was your
17 campaign monitoring WeChat?

18 **HON. JENNY KWAN:** No, we didn't. And the
19 reason why is that some years ago, we did -- my office, we
20 did use WeChat as a platform to get information out, putting
21 forward statements and government announcements and different
22 things like that through that platform. And then partway
23 through, we had discovered that I was being censored.

24 What happened was one of the statements, and
25 I believe it was a statement about the anniversary of the
26 Tiananmen massacre that we had put up, and it was censored
27 and was taken down. And someone alerted us to that.

28 And I thought, wow, I'm being censored by

1 Chinese authorities as a Canadian elected official. That
2 cannot be allowed to happen.

3 So I decided that I would not use the WeChat
4 platform.

5 **MR. BARNEY BRUCKER:** And when you discovered
6 that, did you report that to Commissioner of Canada Elections
7 or CSIS or to anybody?

8 **HON. JENNY KWAN:** No, that happened way
9 before with all of this, and this is before I even thought
10 about potential foreign interference issues.

11 **MR. BARNEY BRUCKER:** Okay. Thank you, Ms.
12 Kwan.

13 **COMMISSIONER HOGUE:** Thank you.

14 Mr. Choudhry?

15 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

16 **MR. SUJIT CHOUDHRY:** Ms. Kwan, so I just
17 would like to begin with a couple of kind of background
18 issues about your political career just for the record.

19 So is it true that you're the only Chinese
20 Canadian to have been elected to all three levels of office -
21 - all three levels of government?

22 **HON. JENNY KWAN:** I believe so.

23 **MR. SUJIT CHOUDHRY:** Yes. And you were the
24 first Chinese Canadian to serve in the B.C. Cabinet.

25 **HON. JENNY KWAN:** That's correct.

26 **MR. SUJIT CHOUDHRY:** Okay. So as you know,
27 the focus of this phase of the public inquiry is on the 43rd
28 and 44th General Elections and foreign interference and the

1 related issue of information flow. And so I'd like to kind
2 of use your experience as a window into that issue because
3 that's really what's of most interest to the Commissioner.

4 And so what I'd like to first take you to, if
5 I may, is the WeChat message because I think getting the
6 language right is important. So I'd like to take you to the
7 version of the WeChat message translation that you provided,
8 and that is in your witness statement. It's Witness
9 Statement 12, paragraph 41.

10 And I know there have been a couple of
11 different versions of this witness statement, so forgive me
12 if I've not got the right paragraph.

13 Okay. So this is the different version.

14 Could we -- if I could ask for assistance
15 from Commission counsel. This -- I had it at paragraph 41 of
16 my version.

17 Actually, if you just scroll up, please.

18 Yes, there you go, 38.

19 And so just to clarify for the record, here
20 in your translation, is it true that you've drawn the
21 distinction between the references to the terms "Chinese
22 community" and "Chinese people" and Chinese nationals"?

23 **HON. JENNY KWAN:** Yes, that's correct.

24 **MR. SUJIT CHOUDHRY:** Right. And the term --
25 by the term "Chinese national", your evidence is that that
26 term refers to persons whose main political concern or
27 allegiance is China.

28 **HON. JENNY KWAN:** That is correct.

1 **MR. SUJIT CHOUDHRY:** As opposed to Chinese
2 people of an ethnicity or Chinese community.

3 **HON. JENNY KWAN:** That is correct.

4 So for example, I'm a Chinese person, Chinese
5 Canadian individual born in Hong Kong, so some people would
6 say I'm a Hong Konger and a Chinese person. Others, for
7 example, might be born in Malaysia and whose heritage is
8 Chinese as well. And so that's also another Chinese person.

9 But when we say "Chinese nationals", then
10 that is a very specific language which affiliates you to
11 China, and so in this context I believe the language refers
12 to someone whose allegiance is first and foremost to China.

13 **MR. SUJIT CHOUDHRY:** And so Commission
14 counsel took you to the SITREP reports that are
15 contemporaneous with the 2021 elections. And it's true that
16 those SITREP reports flagged this event, and they flagged --
17 and they linked this event to groups that were allied with
18 China. They even linked that event to the United Front.

19 **HON. JENNY KWAN:** That's correct.

20 **MR. SUJIT CHOUDHRY:** So certainly to the
21 federal government or entities within the federal government,
22 at the time the event took place, in the intelligence
23 community this event raised red flags.

24 **HON. JENNY KWAN:** Yes, that's correct.

25 In looking at that document, the SITE report
26 that came out, I believe the knowledge of that information
27 was in and around September the 7th, I believe. And as it
28 happens, that was also the date in which the NDP lawyer filed

1 a complaint to OCCE.

2 **MR. SUJIT CHOUDHRY:** but of course, they
3 haven't been told about -- that the intelligence community
4 had flagged the very same event that you were raising a
5 complaint about.

6 **HON. JENNY KWAN:** No. In -- from the
7 hearing, they had advised the Commission that they were not
8 informed of this and, of course, neither was I as the
9 candidate.

10 **MR. SUJIT CHOUDHRY:** So could we call up
11 CAN.DOC 23? This is the summary of the CSIS briefing.

12 And I'd like you to scroll down. There's a
13 phrase that begins, "With a better understanding".

14 Yes. Could we just stop there?

15 So I'd like to read this phase to you, Ms.
16 Kwan. So this is again the public document that summarizes,
17 on a non-confidential basis, the CSIS briefing you received
18 in May 2023, and it says the following:

19 "With a better understanding of PRC
20 foreign interference methodology and
21 tradecraft, Ms. Kwan would be better
22 able to reduce the effectiveness of
23 such threats in the future, enabling
24 her to respond and resist foreign
25 interference efforts by reporting
26 them to CSIS and other authorities."

27 So reporting them to CSIS. So would you --
28 would a person reading this reasonably conclude that you were

1 advised to report foreign interference -- potential foreign
2 interference to CSIS or other authorities?

3 **HON. JENNY KWAN:** That's correct. That's
4 what I understood from the briefing that I was to do, and so
5 that is what we did. We reported the matter to CSIS, and
6 then other authorities as well.

7 And so of course during the election campaign
8 it was to the OCCE, and then also not just during the
9 election campaign but afterwards as well, in August, when the
10 OCC reached out to me and talked to me about another
11 potential foreign interference matter, and I raised with them
12 at that time this incident and I was advised by them that
13 they were of less interest on this matter.

14 **Mr. SUJIT CHOUDHRY:** Right.

15 **HON. JENNY KWAN:** The other authorities that
16 we also brought this issue to the attention was the RCMP.
17 And so we had an opportunity where the RCMP had connected
18 with us, and we brought this to their attention and that was
19 in September 2022.

20 **MR. SUJIT CHOUDHRY:** So just to kind of
21 collect all this, so you brought this event to the event
22 [sic] of OCCE in September 2021 at the very same time that a
23 SITREP report had flagged this event as being a possible
24 incident of foreign interference. You then raised it again
25 with CSIS in October 2021. You raised it with the RCMP in
26 September 2022, and you raised it again with OCCE in July and
27 August of 2023. So you raised it four times with CSIS and
28 other authorities; correct?

1 HON. JENNY KWAN: Correct.

2 MR. SUJIT CHOUDHRY: And then what happened?

3 HON. JENNY KWAN: Nothing happened. I have
4 not received any information about the complaint from OCCE.
5 I learned later on that most recently a decision has been
6 made, and that was communicated to the party lawyer in March.

7 It seemed to me from all these entities to
8 which we brought this information to, there just simply
9 wasn't that much interest in regards to it and nor was there
10 any ability for these government entities to collaborate or
11 to work together to address the issue. They all seemed to me
12 working in isolation of one another.

13 MR. SUJIT CHOUDHRY: And so just a couple
14 more points on this and I'm -- on the issue of the lunch and
15 your complaints about it.

16 So there's -- I just want to put in -- to
17 mark as an exhibit an affidavit from Gabriel Yiu, who was our
18 campaign manager. And that document is Witness 8_AF.

19 **--- EXHIBIT No. WIT 8 AF:**

20 Affidavit of Gabriel Yiu with
21 Interview Summary

22 MR. SUJIT CHOUDHRY: That, just for the
23 record, Commissioner, just provides some evidence regarding
24 the costing of this event and raises the question -- it's the
25 factual basis for the question as to where the missing funds
26 might have come from. I won't take you to it.

27 And so I'd like to, though, take you to the
28 answer that was given by the OCC witnesses on Thursday

1 regarding their conclusion that the event could not have
2 possibly been an instance of foreign interference because, of
3 course, it was host -- according to them, it was requested by
4 the Liberal candidate.

5 But let's assume that to be true, right? Is
6 it still nonetheless possible that there might have been
7 foreign interference in relation to this campaign event, even
8 if it were requested by your political opponent?

9 **HON. JENNY KWAN:** Well, yes, I think both
10 could be true. It could very well be that the candidate
11 requested a free lunch to be hosted on his behalf to support
12 him, absolutely. But it also could be true that foreign
13 interference actors might have observed this and seized on
14 that opportunity to -- and used that opportunity as a foreign
15 interference activity. And so both could be true. And
16 especially in light of the fact that the reported cost of the
17 event has not been verified with the actual cost. And based
18 on the commercial market rate that we were able to obtain
19 from the restaurant in and around that time, to host a
20 similar event, the reported amount at best is a third of the
21 actual market cost and quite possibly, you know, the rest of
22 the -- sorry; is two-thirds of the market cost, and quite
23 possibly a third of the cost for the event, or a half or even
24 more of the cost of the event was paid by someone else.

25 **MR. SUJIT CHOUDHRY:** And it's your job as a
26 -- as someone making complaints is to raise questions.
27 You're not a plaintiff in a lawsuit; it's not your job to
28 provide evidence. It's your job to tell an investigative

1 authority to do their job and to use their investigative
2 tools.

3 **HON. JENNY KWAN:** Well, that's exactly it.
4 I'm not investigating this matter; I am providing as much
5 information as we can garner to them and for the people whose
6 task to investigate this.

7 So the OCCE in part is tasked to investigate
8 what violations have taken place, and on the question around
9 foreign interference, from my perspective, chase the money
10 and then maybe they would be able to find out whether or not
11 there are other actors involved and whether or not foreign
12 interference is part of that.

13 Of course, in context putting in context of
14 all of this to look at the person who posts the WeChat
15 message out, which was Fred Kwok, whose affiliation is the
16 Chair of the Chinese Benevolent Association, whose
17 affiliation is an honorary national leader of the Chinese
18 Freemasons and so on.

19 So put that in -- on one side. Then you also
20 have to think about all the other activities that are going
21 on as well. The Chinese Benevolent Association, along with
22 the Chinese Freemasons, have also undertaken quite actively
23 in various ad campaigns that they put out in support of the
24 message and narrative of the CCP. And so therefore, putting
25 all these together would be important to -- for it to be
26 considered in an investigation.

27 **MR. SUJIT CHOUDHRY:** And so should the SITREP
28 report have been provided to OCCE when you lodged your

1 complaint with them about this event?

2 HON. JENNY KWAN: From the testimony, from
3 what we understood, from what I understand is that it had
4 not.

5 MR. SUJIT CHOUDHRY: But should it have been,
6 in your view?

7 HON. JENNY KWAN: Yes, absolutely it should
8 have been.

9 You know, when you collect this information
10 and you have multiple departments collecting this
11 information, wouldn't you want to use that information in
12 real time, and so that you can ensure that the investigation
13 is actually done properly?

14 We had filed a complaint, but that
15 information was not shared with the OCCE, and to which, from
16 my perspective, is really problematic. What is the point of
17 gathering this information if you can't use it in real time?
18 Especially when there's an active complaint.

19 MR. SUJIT CHOUDHRY: And so I guess I have
20 one last question which is about kind of looking forward.

21 And so the Commissioner is going to be making
22 recommendations regarding different institutional mechanisms
23 to detect, deter, and counter foreign interference, and
24 she'll be looking at different institutions as they currently
25 exist; she'll be thinking, perhaps, or proposing new
26 institutions be created. Once such institution is OCCE.

27 So based on your experience of how the OCCE
28 addressed alleged foreign interference in one event, do you

1 have any thoughts to share about the role of the OCC going
2 forward an whether they would be able to detect foreign
3 interference in relation to issues in their mandate?

4 **HON. JENNY KWAN:** Well, from my perspective,
5 when you look at the investigative process that I'm aware of
6 from the OCCE, it's clear to me that it was a failed process,
7 and not only did they not get the necessary evidence to
8 verify the actual cost of the event, they did not use the
9 authority or the tool that they have to compel the
10 restaurant, who refused to provide a receipt, to get that
11 information. And so consequently, they don't have all the
12 evidence before them to determine whether or not foreign
13 interference had occurred, or some other act -- whoever that
14 other actor might have been, to pay for the difference
15 between the actual reported amount versus the reported
16 amount.

17 And so you know, I kind of look at it like
18 this. You have multiple government agencies who have a bit
19 of the ingredients, let's put an analogy that I can
20 understand, of baking a cake. Everybody has a little bit of
21 the ingredients here and there and multiple agencies, the
22 RCMP, CSIS, OCCE, this Taskforce, for example. And they all
23 have it. And then when you want to bake the cake, you want
24 to make sure all the ingredients are mixed well together in
25 the order in which it should be to produce the product.

26 Well that didn't happen here. Instead, what
27 happened is that you have a half-baked product, because
28 everybody owned their own ingredients and filled it in

1 whenever they felt like it. And that doesn't make any sense
2 at all. And so that's a failure of the system. And then
3 when you have all the tools to follow to try and get the
4 ingredients, or sorry, to get the product, you think that
5 you'd used all the tools, but it seemed to me that OCCE did
6 not use all the tools, because they did not compel the
7 restaurant to produce the receipt and to follow the cost to
8 verify the amount of that free lunch event.

9 So it's a failure of a system to me, and I'm
10 deeply disappointed about it.

11 The worst thing for me about all of this is,
12 aside from my complaint itself, set that aside for a minute,
13 is what message is being sent to public? We look at
14 government agencies and they are supposed to instil
15 confidence, and trust, and faith in the hearts and minds of
16 the public. We rely on them to do the very work to
17 investigate and to verify, and to ensure the law is being
18 followed. But I think that in this instance, the
19 investigation failed in that.

20 And in relation to foreign interference, the
21 message here is that for the -- if in fact there was foreign
22 interference that took place in this free lunch event, the
23 message sent to them is, "You can get away with it." That is
24 the message, and that is not helpful.

25 And so that's what I'm worried about. That's
26 why it's so important to do this work. And so I do hope that
27 the Commission -- you know, I advocated for this Commission,
28 I'm so happy that it is here, and I do look forward to the

1 recommendations from the Commission, and I do hope that the
2 Commission will look at all these elements and make
3 recommendations so that we can effectively combat foreign
4 interference, and yes, in real time as well.

5 **MR. SUJIT CHOUDHRY:** Thank you, Ms. Kwan.

6 **COMMISSIONER HOGUE:** Thank you.

7 Re-examination, Ms. Rodriguez?

8 **MS. NATALIA RODRIGUEZ:** No. None for this
9 witness. Thank you.

10 **COMMISSIONER HOGUE:** Thank you very much.
11 You're free to go, or you may stay if you prefer.

12 We have another witness. I see that actually
13 he is already in the room, so instead of taking a break, I
14 suggest that we continue right away.

15 **MS. NATALIA RODRIGUEZ:** Thank you.

16 **COMMISSIONER HOGUE:** We are running a bit
17 late.

18 **THE REGISTRAR:** Mr. Chong, do you wish to be
19 affirmed or sworn?

20 **HON. MICHAEL CHONG:** I'll swear in, please.

21 **THE REGISTRAR:** Okay. Thank you. Can you
22 please state your name and spell your last name for the
23 record, please?

24 **HON. MICHAEL CHONG:** My name is Michael
25 Chong. C-H-O-N-G.

26 **--- HON. MICHAEL CHONG, Sworn:**

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

28 Counsel, you may proceed.

1 --- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

2 MS. NATALIA RODRIGUEZ: Thank you.

3 Good afternoon, Mr. Chong. As you know, my
4 name is Natalia Rodriguez. I'm Commission counsel.

5 On February 15, 2024, you had an interview
6 with Commission counsel. Is that right?

7 HON. MICHAEL CHONG: That's correct.

8 MS. NATALIA RODRIGUEZ: And an interview
9 summary was generated from that interview; correct?

10 HON. MICHAEL CHONG: That's correct.

11 MS. NATALIA RODRIGUEZ: And so I will now
12 turn up WIT 18.EN.

13 --- EXHIBIT No. WIT 18.EN:

14 Stage 1 Interview Summary: Michael
15 Chong

16 MS. NATALIA RODRIGUEZ: And this is the
17 summary that was generated from your interview? Is that
18 correct?

19 HON. MICHAEL CHONG: That is correct, but I
20 have one clarification in paragraph 20. It's a minor one,
21 but I think it's an important one.

22 MS. NATALIA RODRIGUEZ: Sure. Let's go there
23 now.

24 HON. MICHAEL CHONG: In paragraph 20, in
25 the second bracketed portion of the paragraph, I just want to
26 clarify that the Conservative Party requires a payment of a
27 minimal membership fee, but the Liberal Party of Canada does
28 not.

1 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. So
2 what I understand you to be saying is that while it says
3 there that you observed that both the CPC and the Liberal
4 Party have minimal criteria and you ascribe the payment of
5 the minimal membership fee to both, it is actually only true
6 for the Conservative Party and not for the Liberal Party of
7 Canada? Am I understanding that correctly?

8 **HON. MICHAEL CHONG:** That is correct.

9 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Do
10 you have any other modifications, additions, or deletions to
11 make to this summary?

12 **HON. MICHAEL CHONG:** I do not.

13 **MS. NATALIA RODRIGUEZ:** And do you otherwise,
14 given the caveats that we just discussed, adopt the contents
15 of this witness summary as you just modified as part of your
16 evidence before this Commission?

17 **HON. MICHAEL CHONG:** I do.

18 **MS. NATALIA RODRIGUEZ:** Thank you. So we'll
19 have that entered in as the next exhibit.

20 And for the record, the French translation of
21 that summary can be found at WIT 18.FR. And that will also
22 go in as an exhibit.

23 **--- EXHIBIT No. WIT 18.FR:**

24 Résumé d'entrevue de l'étape 1 :

25 Michael Chong

26 **MS. NATALIA RODRIGUEZ:** Do you have a copy of
27 your interview summary with you?

28 **HON. MICHAEL CHONG:** I do not.

1 **MS. NATALIA RODRIGUEZ:** Okay. I wasn't sure.
2 Do you wish to have one with you?

3 **HON. MICHAEL CHONG:** That would be helpful.

4 **MS. NATALIA RODRIGUEZ:** Okay. And so you can
5 refer to it if you wish, just to recall parts of your
6 evidence.

7 And just a little bit in terms of your
8 background, I understand you are a Conservative Member of
9 Parliament for Wellington-Halton. Is that right?

10 **HON. MICHAEL CHONG:** Wellington-Halton
11 Hills. That's correct.

12 **MS. NATALIA RODRIGUEZ:** And you were first
13 elected as an MP in 2004? Is that right?

14 **HON. MICHAEL CHONG:** That's correct.

15 **MS. NATALIA RODRIGUEZ:** And you entered the
16 Federal Cabinet of Prime Minister Harper in 2006? Is that
17 right?

18 **HON. MICHAEL CHONG:** That's right.

19 **MS. NATALIA RODRIGUEZ:** And currently, you're
20 the Shadow Minister of Foreign Affairs for the Official
21 Opposition? Is that right?

22 **HON. MICHAEL CHONG:** That's right.

23 **MS. NATALIA RODRIGUEZ:** And you received a
24 briefing from CSIS concerning foreign interference in May of
25 2023? Is that right?

26 **HON. MICHAEL CHONG:** That is correct.

27 **MS. NATALIA RODRIGUEZ:** Okay. And so the
28 subject matter of that briefing will be dealt with in Stage 2

1 of the Commission's process, so I won't be asking you any
2 questions about that, but I just wanted to clarify that you
3 did in fact receive a briefing in May of 2023?

4 **HON. MICHAEL CHONG:** Correct.

5 **MS. NATALIA RODRIGUEZ:** Okay. And so would
6 you agree that you follow events in Hong Kong and Mainland
7 China fairly closely? Or policy issues that relate to Hong
8 Kong and Mainland China?

9 **HON. MICHAEL CHONG:** Yes, I would agree
10 with that.

11 **MS. NATALIA RODRIGUEZ:** And why is that?

12 **HON. MICHAEL CHONG:** Well it's for the
13 reason that I'm the spokesperson for the Conservative Party
14 on foreign policy. And so for that reason, I follow foreign
15 affairs quite closely. And as is known, developments in the
16 People's Republic of China, including in the Special
17 Administrative Region of Hong Kong, in a particular note,
18 inform policy, not just here in Canada, but in other western
19 democracies.

20 **MS. NATALIA RODRIGUEZ:** And do you have a
21 personal family connection to Hong Kong as well?

22 **HON. MICHAEL CHONG:** I do. My father
23 immigrated from Hong Kong to Canada in 1952 as a Chinese
24 immigrant. He came here alone. And so as a result, the rest
25 of his family, my extended family, remained behind in Hong
26 Kong. And so I have a lot of family over there presently in
27 Hong Kong.

28 **MS. NATALIA RODRIGUEZ:** And is the family

1 connections part of the reason why you have been and continue
2 to be vocal on issues related to the PRC?

3 **HON. MICHAEL CHONG:** No, actually. My
4 primary reason for speaking up is that I speak for the
5 Conservative Party of Canada with respect to foreign policy.
6 That's the reason why I have been speaking on matters
7 concerning foreign policy, particularly on matters related to
8 the People's Republic of China and Hong Kong.

9 **MS. NATALIA RODRIGUEZ:** Okay. So you speak
10 to matters of foreign -- that have a foreign element, so to
11 speak, foreign affairs element, and that includes issues
12 related to the PRC, but it also includes issues relating to
13 other countries? Is that what you're saying?

14 **HON. MICHAEL CHONG:** Yeah, that's right.
15 And look, I obviously follow things closely in Hong Kong out
16 of personal interest as well, but when I speak, I'm speaking
17 on behalf of the Party and because I've been given this role
18 by the Party Leader, you know, I have an obligation to speak
19 up on the Party's position on foreign policy including with
20 respect to the PRC.

21 **MS. NATALIA RODRIGUEZ:** And what are some of
22 the issues that you have spoken up about in relation to the
23 PRC in your role as a shadow minister?

24 **HON. MICHAEL CHONG:** Both domestic and
25 foreign. You know, obviously spoke up frequently about
26 foreign interference threat activities taking place here on
27 Canadian soil that are directed toward Canadian citizens.
28 Spoke up about espionage activities that have been directed

1 toward Canadian universities, private sector companies. Both
2 the espionage and the foreign interference activities are
3 activities that have been at the direction of the People's
4 Republic of China.

5 I've spoken up on international issues as it
6 relates to China's violations of international law as it
7 relates to the Convention of the Law of the Sea in the South
8 China Sea, and its increasing illegal actions as it relates
9 to the Philippines to Malaysia to Vietnam and to other
10 vessels in that area. I've spoken up on its violation of the
11 1997 Joint Declaration, the Sino-British Joint Declaration,
12 which is an international treaty which guarantees Hong Kong's
13 liberties and civil rights for 50 years from 1997.

14 Spoken up on issues concerning its violations
15 of international law as it relates to the Genocide Convention
16 of 1948, as it relates to the Uyghurs in Xinjiang Province,
17 its persecution of other minority groups in the PRC,
18 Christians, Tibetans, and other minorities.

19 So it's -- it is a broad file, as the
20 relationship between our two countries, it's broad, wide, and
21 deep.

22 **MS. NATALIA RODRIGUEZ:** And with respect to
23 the 2019 election, I understand that your primary role in
24 2019 was as a candidate. Is that right?

25 **HON. MICHAEL CHONG:** Yes.

26 **MS. NATALIA RODRIGUEZ:** Did you have any role
27 in the national campaign informally?

28 **HON. MICHAEL CHONG:** I did not.

1 MS. NATALIA RODRIGUEZ: Or informally either?

2 HON. MICHAEL CHONG: No.

3 MS. NATALIA RODRIGUEZ: And speaking about
4 the 2019 election, I understand that about two months ahead
5 of that election you received an email that you reported as
6 suspicious. Is that right?

7 HON. MICHAEL CHONG: That's correct. I
8 received a -- what was obviously a spoof email, an email
9 purportedly from the Ministry of Foreign Affairs of the
10 People's Republic of China, that contained a veiled threat
11 that suggested that I was banned, not only from entering the
12 PRC, but that other Asian countries had been notified of such
13 ban, implying that I could be extradited from those other
14 Asian countries to the PRC. I took the step at the time of
15 notifying the Minister of Foreign Affairs, in particular, her
16 staff person, her exempt staff person, her political staff
17 person, and forwarded that communication to that staff
18 person.

19 MS. NATALIA RODRIGUEZ: So I'll take you to
20 the email.

21 It's at MMC 4. You can scroll down a little
22 bit. Okay, thank you.

23 --- EXHIBIT No. MMC 4:

24 Threatening correspondence directed
25 at MP Michael Chong

26 MS. NATALIA RODRIGUEZ: So is this the email
27 that you received?

28 HON. MICHAEL CHONG: It is.

1 **MS. NATALIA RODRIGUEZ:** Okay. And it's dated
2 August 23rd, 2019?

3 **HON. MICHAEL CHONG:** That's correct.

4 **MS. NATALIA RODRIGUEZ:** And it purports to be
5 from someone named Zhong Shan. Do you know this individual?

6 **HON. MICHAEL CHONG:** I do not.

7 **MS. NATALIA RODRIGUEZ:** Okay. And we can see
8 it's coming from an -- a Gmail account.

9 **HON. MICHAEL CHONG:** Yes.

10 **MS. NATALIA RODRIGUEZ:** Who did you
11 understand the email to be from?

12 **HON. MICHAEL CHONG:** Frojm an individual
13 who sent it from a Gmail account, but who put the prefix on
14 the account to suggest that it was from the Ministry of
15 Foreign Affairs of the People's Republic of China.

16 **MS. NATALIA RODRIGUEZ:** Okay. And so the
17 language that you were paraphrasing is there. We can read it
18 into the record:

19 "This is to inform you that you've
20 been barred from entering Chinese
21 territory. Including Hong Kong. A
22 note will be sent to other Asian
23 countries and cities. Do not attempt
24 to enter Beijing, Shanghai, or Hong
25 Kong as you will be ejected from
26 entry. Thank you."

27 So what did you understand that to be
28 communicating?

1 **HON. MICHAEL CHONG:** My understanding was
2 that an individual had decided to email me a veiled threat.
3 What I wasn't certain about was whether or not this was a
4 proxy agent acting on behalf of the Government of the PRC or
5 whether this was simply somebody freelancing.

6 **MS. NATALIA RODRIGUEZ:** And what did you do
7 when you received this? What were -- what steps did you
8 take, if any?

9 **HON. MICHAEL CHONG:** So I contacted the
10 Minister of Foreign Affairs' exempt staffer, whose name
11 escapes me, and I told that person that I had received this
12 email. I forwarded the email on to that individual, and that
13 was the last I heard of it.

14 **MS. NATALIA RODRIGUEZ:** So we'll go to that
15 email.

16 It's at MMC 5.

17 --- EXHIBIT No. MMC 5:

18 Email Fwd: Barred from entering
19 Chinese territory

20 **COMMISSIONER HOGUE:** Prior to that, I have
21 just one question on the email received on August 23rd. Can
22 we go back?

23 **MS. NATALIA RODRIGUEZ:** Can we go back to --
24 there we go.

25 **COMMISSIONER HOGUE:** There is a reference to
26 the <https://petitions.ourcommons.ca>.

27 **HON. MICHAEL CHONG:** Oh, yes.

28 **COMMISSIONER HOGUE:** Can you tell me what

1 it's all about?

2 **HON. MICHAEL CHONG:** Yeah. So ---

3 **COMMISSIONER HOGUE:** If you know.

4 **HON. MICHAEL CHONG:** --- if ---

5 **COMMISSIONER HOGUE:** If you know.

6 **HON. MICHAEL CHONG:** I don't know the
7 specifics of this petition, I can't recall, but it would be
8 available to the Commission on the ourcommons.ca website.
9 ourcommons.ca website is a URL of the Parliament of Canada.
10 It's -- several years ago, approximately 10 years ago,
11 Parliament allowed for established e-petitions, electronic
12 petitions, which is a way that individuals can start an
13 online electronic petition. I can't recall the exact nature
14 of this petition, but it probably had something to do with --
15 -

16 **COMMISSIONER HOGUE:** Okay. It's a reference
17 to ---

18 **HON. MICHAEL CHONG:** --- the People's
19 Republic of China. Yeah.

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

21 **MS. NATALIA RODRIGUEZ:** So if you can go
22 MMC 5. If we go to the last page.

23 Okay, so that's the email that you received.
24 And then it looks like you forward it on to someone, and you
25 say, "As discussed. Regards, Michael." That's you.

26 And if we go up.

27 We can see that the person says:

28 "Got it! Thanks, Michael. We'll be

1 in touch."

2 And that's person's...

3 If we just go down a bit. Sorry.

4 That person's title is Advisor, Planning and
5 Regional Affairs (Ontario), Office of the Minister of Foreign
6 Affairs.

7 So this is the person that you sent this
8 correspondence to; right?

9 **HON. MICHAEL CHONG:** That's correct.

10 **MS. NATALIA RODRIGUEZ:** And the person says:

11 "Got it! Thanks, Michael. We'll be
12 in touch."

13 Did you ever receive a response to this?

14 **HON. MICHAEL CHONG:** I -- no, I don't
15 believe I did.

16 **MS. NATALIA RODRIGUEZ:** Okay. And did you
17 report this to the leadership of the party, the fact that you
18 had received this email and you were forwarding it on?

19 **HON. MICHAEL CHONG:** No.

20 **MS. NATALIA RODRIGUEZ:** And are you aware of
21 any investigation that was done and any outcome as a result
22 based on the fact that this -- that you reported this up?

23 **HON. MICHAEL CHONG:** I am not aware of any
24 -- well, I -- okay. So I am not aware of any investigation
25 that was done as a result of me forwarding the email to the
26 Minister of Foreign Affairs. The RCMP, as you know,
27 subsequently did do an investigation of this particular
28 email, but that was sometime later.

1 **MS. NATALIA RODRIGUEZ:** Okay. And that's
2 because you forwarded it on to the RCMP as well?

3 **HON. MICHAEL CHONG:** No, that's because the
4 RCMP contacted me in May or June of last year asking me to
5 sit down with them to outline any potential foreign
6 interference threat activities that may have been directed at
7 me ---

8 **MS. NATALIA RODRIGUEZ:** Right.

9 **HON. MICHAEL CHONG:** --- over the last
10 several years, one of which pieces of information I gave them
11 this.

12 **MS. NATALIA RODRIGUEZ:** Right. But at this
13 time, then, you reported this to the Minister of Foreign
14 Affairs and nothing came out of it from your perspective?

15 **HON. MICHAEL CHONG:** No. That's correct, I
16 never heard anything else about it. And the reason why I
17 reported it to the Minister of Foreign Affairs because I
18 thought it's the Minister of Foreign Affairs who would want
19 to let her Chinese counterpart know that somebody is spoofing
20 their Ministry of Foreign Affairs Communications account
21 purporting to act on their behalf.

22 **MS. NATALIA RODRIGUEZ:** Right. And so prior
23 to this incident, did you have a sense of who you should be
24 reporting such incidences to?

25 **HON. MICHAEL CHONG:** No.

26 **MS. NATALIA RODRIGUEZ:** Okay. So -- but as
27 you've said, this was reported to the Minister of Foreign
28 Affairs because you thought she could then advise her

1 counterpart?

2 **HON. MICHAEL CHONG:** Yeah. And I think
3 that's -- yes, that's correct. And my thinking was, you
4 know, she is a member of parliament, she is the Minister of
5 Foreign Affairs, that's the appropriate level for me to deal
6 with, rather than trying to figure out some person deep in
7 the bowels of the Canadian bureaucracy.

8 **MS. NATALIA RODRIGUEZ:** Right. So this is a
9 few weeks before the writ period that you received this
10 email. At that time, who did you understand or what did you
11 understand to be the process for candidates to report
12 suspicious activities to throughout the campaign?

13 **HON. MICHAEL CHONG:** I wasn't aware of any
14 process.

15 **MS. NATALIA RODRIGUEZ:** Okay. Were you ever
16 briefed in 2019, either prior to during the election, as to
17 who you should be reporting instances of suspected or
18 possible foreign interference as a candidate, either during
19 the campaign or preceding the campaign?

20 **HON. MICHAEL CHONG:** No.

21 **MS. NATALIA RODRIGUEZ:** And were you ever
22 informed as to what type of activity should be reported as
23 suspicious or possible foreign interference?

24 **HON. MICHAEL CHONG:** Sorry, was I?

25 **MS. NATALIA RODRIGUEZ:** Were you ever
26 informed as to what kind of activity constituted something
27 that you should report as suspected or possible foreign
28 interference?

1 **HON. MICHAEL CHONG:** No one ever informed
2 me before or during the 2019 election.

3 **MS. NATALIA RODRIGUEZ:** Thank you. And
4 during the 2019 election, were you ever made aware of any
5 concerns regarding irregularities due to foreign
6 interference?

7 **HON. MICHAEL CHONG:** Before the 20 ---

8 **MS. NATALIA RODRIGUEZ:** In the 2019 ---

9 **HON. MICHAEL CHONG:** Yeah.

10 **MS. NATALIA RODRIGUEZ:** --- election, during
11 the election, ---

12 **HON. MICHAEL CHONG:** M'hm.

13 **MS. NATALIA RODRIGUEZ:** --- either during or
14 after, ---

15 **HON. MICHAEL CHONG:** Yeah.

16 **MS. NATALIA RODRIGUEZ:** --- were you ever
17 told, either by fellow candidates, or by other MPs, or people
18 on the campaign, staffers, about incidences of suspected or
19 possible foreign interference or issues related to that in
20 2019? Was that something that you were ever made aware of?

21 **HON. MICHAEL CHONG:** No.

22 **MS. NATALIA RODRIGUEZ:** Okay. And in 2019,
23 were you aware of the SITE Taskforce?

24 **HON. MICHAEL CHONG:** Yes, I was aware of
25 it.

26 **MS. NATALIA RODRIGUEZ:** And what was your
27 understanding of their role?

28 **HON. MICHAEL CHONG:** It had been stood up

1 to protect the integrity of the General Election. It was an
2 intra-government of -- intragovernmental taskforce within the
3 Government of Canada to ensure protection of the election
4 from foreign threats and foreign interference.

5 **MS. NATALIA RODRIGUEZ:** And did you
6 understand that they were an entity that you were to report
7 instances of suspected foreign interference to?

8 **HON. MICHAEL CHONG:** No.

9 **MS. NATALIA RODRIGUEZ:** Okay. So turning now
10 to the 2021 election, I understand that in September of 2021,
11 you participated in an all-candidates meeting in the Township
12 of Puslinch. Can you tell us a little bit about that and
13 what happened?

14 **HON. MICHAEL CHONG:** So Puslinch Township
15 is a rural township in my riding of Wellington-Halton Hills.
16 It's a small rural township consisting of roughly I think six
17 or 7,000 people. That is the municipality of the corporation
18 of the Township of Puslinch, to give you an idea of its
19 scale. Most everyone knows each other.

20 This all-candidates debate has been run by
21 the local service club there for many decades. They do the
22 same thing during federal and provincial elections.

23 During this particular all candidates debate,
24 which took place entirely over Zoom as a result of the
25 restrictions of the pandemic, there was an individual who
26 appeared in the audience who asked two very loaded questions
27 that suddenly piqued my interest. This individual spoke in
28 Mandarin-accented English and asked me two questions that

1 were really in the form of two accusations. The first was
2 that I was responsible in criticizing the Government of the
3 People's Republic of China for the rise in anti-Chinese
4 racism and discrimination in Canada. In that same question,
5 the individual referenced that Han Dong had made similar
6 statements and that Han Dong had said that those who are
7 criticizing the Government of the People's Republic of China
8 are responsible for the rise in anti-Asian discrimination and
9 hate in Canada.

10 The second question focused on essentially
11 accusing me of aping or mimicking American foreign policy
12 and, you know, the -- made that assertion that in the pre-
13 amble to the question and then formed the question along the
14 lines of, you know, shouldn't Canada have an independent
15 foreign policy when it comes to the People's Republic of
16 China?

17 So that took place during the Puslinch all-
18 candidates debate. I was taken by surprise when it happened.

19 After the debate, we asked around if anybody
20 had ever seen or heard of this individual, and to this date,
21 no one has a clue who this individual or person is, which is
22 particularly surprising because Puslinch Township is a very
23 small, tight-knit rural community. And so to this day we
24 don't know who this individual is.

25 **MS. NATALIA RODRIGUEZ:** And this may be
26 obvious, but is there a large Chinese community, Chinese
27 Canadian community, in Puslinch?

28 **HON. MICHAEL CHONG:** No, there's not. You

1 know, I -- you know, the riding I represent is largely a
2 rural agricultural riding with smaller towns in it, and you
3 know, frankly, you know, my father and my family are one of
4 the few Chinese Canadians who live in the riding.

5 And you know, I remember when I went to, you
6 know, went to school in the riding, that I often was the only
7 minority in the school or in the classroom.

8 So there is not a significant Chinese
9 community anywhere in the riding, and including Puslinch
10 Township.

11 **MS. NATALIA RODRIGUEZ:** So fair to say that,
12 given what you've just told us, you deemed this incident as
13 suspicious?

14 **HON. MICHAEL CHONG:** I did. I have not
15 concluded that it's foreign interference threat activities
16 directed at me during an election because I don't have any
17 evidence it was directed by the PRC Consulate in Toronto, but
18 it's consistent with those kinds of activities.

19 **MS. NATALIA RODRIGUEZ:** And did you report
20 this incident?

21 **HON. MICHAEL CHONG:** I did, several months
22 later, to CSIS.

23 **MS. NATALIA RODRIGUEZ:** To CSIS. Okay. And
24 so I want to pull up MMC 8. And just go down a little bit.

25 **--- EXHIBIT No. MMC 8:**

26 Email : RCMP conclusion to FAI
27 investigation

28 **MS. NATALIA RODRIGUEZ:** So this is dated

1 December 14, 2023 and it's from the RCMP to you. And it
2 says:

3 "This email is to provide an update
4 on the RCMP investigation into the
5 potential FAI emails received and an
6 encounter Mr. Chong experienced."

7 So when they say the encounter that you
8 experienced, is that relating to this all-candidates debate?

9 **HON. MICHAEL CHONG:** That's correct.

10 **MS. NATALIA RODRIGUEZ:** Okay.

11 **HON. MICHAEL CHONG:** And the emails that I
12 had received.

13 **MS. NATALIA RODRIGUEZ:** Is that in relation
14 to the spoof email that you received?

15 **HON. MICHAEL CHONG:** That is correct.

16 **MS. NATALIA RODRIGUEZ:** Okay. And in the
17 second paragraph, it says that:

18 "Although the emails are
19 antagonistic, they do not satisfy the
20 elements of an uttering threats
21 offence."

22 So did you understand that this was kind of
23 the conclusion of that -- of the investigation into the spoof
24 email?

25 **HON. MICHAEL CHONG:** Yes, I concluded that
26 that was the end of the investigation.

27 **MS. NATALIA RODRIGUEZ:** And then it says:

28 "The individual from the virtual all-

1 candidates meeting cannot be
2 identified as the list of registered
3 participants was not retained by the
4 organizers."

5 And so you took this to be the end of the
6 investigation into that incident?

7 **HON. MICHAEL CHONG:** That's correct.

8 **MS. NATALIA RODRIGUEZ:** And then it says:

9 "INSET-GTA investigators have
10 determined that the information
11 provided, although compelling, is not
12 actionable. This is to notify you of
13 the conclusion of this file."

14 So this was the response to the reported
15 incidences that you -- the complaints that you made with
16 respect to those incidences?

17 **HON. MICHAEL CHONG:** Well, to be clear, I
18 did not initiate this RCMP investigation.

19 **MS. NATALIA RODRIGUEZ:** Right.

20 **HON. MICHAEL CHONG:** This was initiated by
21 the RCMP as a result of reporting by the Globe and Mail and
22 other publications earlier last year. As a result of that
23 public reporting, the INSET-GTA group of the RCMP contacted
24 my office, asked to sit down with me, and to talk to me about
25 any potential foreign interference threat activities that I
26 may have experienced. And I provided them with the emails
27 that I had received several years ago, I provided them with
28 the details of the Puslinch all-candidates debate that took

1 place in the last election. And they took some time to
2 investigate, and they concluded their investigation with me
3 in this email.

4 MS. NATALIA RODRIGUEZ: Right. So when I
5 said that they -- that you reported to them, meaning they
6 asked you ---

7 HON. MICHAEL CHONG: That's right.

8 MS. NATALIA RODRIGUEZ: --- to report ---

9 HON. MICHAEL CHONG: Yeah, I did not
10 initiate ---

11 MS. NATALIA RODRIGUEZ: --- to report to
12 them?

13 HON. MICHAEL CHONG: Yeah, I did not
14 initiate ---

15 MS. NATALIA RODRIGUEZ: Right.

16 HON. MICHAEL CHONG: --- the contact with
17 the RCMP.

18 MS. NATALIA RODRIGUEZ: Right.

19 HON. MICHAEL CHONG: They contacted ---

20 MS. NATALIA RODRIGUEZ: But these are the
21 incidences that you felt were responsive to their request for
22 any incidences that you deemed suspicious?

23 HON. MICHAEL CHONG: That's correct. And
24 what I took of note there was that the two emails that I had
25 received from outside of Canada were likely authored by the
26 same person. So I thought that was new information to me
27 that I had not previously realized.

28 MS. NATALIA RODRIGUEZ: Thank you. We can

1 take that document down.

2 Are you aware of any irregularities in the
3 2021 election as it pertains to foreign interference? Or any
4 possible irregularities?

5 **HON. MICHAEL CHONG:** I am.

6 **MS. NATALIA RODRIGUEZ:** Okay. And can you
7 tell us about that?

8 **HON. MICHAEL CHONG:** Well I'm aware of what
9 happened to former MP Kenny Chiu during that election.

10 He indicated to me in conversation that he
11 had been subject to large volumes of misinformation on online
12 platforms, particularly Chinese language online platforms.
13 Initially, he was uncertain as to the origin of that
14 misinformation. And so that is one incident that I was aware
15 of. The second -- so that's one incident that I was aware
16 of.

17 **MS. NATALIA RODRIGUEZ:** And so was he
18 reporting this to you during the election campaign, the writ
19 period, or was this sometime afterwards that he told you
20 about this?

21 **HON. MICHAEL CHONG:** My recollection is
22 that it was -- if not during the writ period, it was
23 immediately thereafter, in the day or two after the election.

24 **MS. NATALIA RODRIGUEZ:** And did you see any
25 examples of this misinformation that he was bringing up with
26 you, or was he just telling you about it, or did you see
27 examples of this yourself?

28 **HON. MICHAEL CHONG:** He was telling me

1 about it. He was telling me about it. I did not -- I don't
2 -- I'm not on Chinese language social media platforms, so I
3 did not see that, but he was telling me about it. He was
4 telling me that the misinformation was telling voters that
5 all Chinese Canadians would have to register under a bill
6 that he had proposed in the previous parliament. He told me
7 that, you know, many people were afraid to talk to him during
8 the campaign. And after the election was finished, in the
9 days after the election, it was clear in reviewing some of
10 the preliminary data that had come in that there had been a
11 drop in votes, significant drop in votes from the previous 2
12 elections in the 2021 election in certain ridings with
13 significant Chinese communities.

14 **MS. NATALIA RODRIGUEZ:** Thank you. And did
15 anybody else speak to you about concerns during the 2021
16 election, or about the 2021 election, any other candidates
17 other than Mr. Chiu?

18 **HON. MICHAEL CHONG:** Just Mr. Chiu, during
19 and just after the election. Many other people spoke to me
20 in the weeks and months after that.

21 **MS. NATALIA RODRIGUEZ:** Okay. Like, who?

22 **HON. MICHAEL CHONG:** I held a number of
23 round tables with the Chinese community in the Greater
24 Toronto Area and in the Greater Vancouver -- in the lower
25 mainland of Vancouver to talk about policy generally, but
26 also, to do a review of what had happened in the previous
27 election. So it was a broad based set of round tables, with
28 the Chinese community in particular, to talk about what had

1 happened.

2 **MS. NATALIA RODRIGUEZ:** And so before we get
3 to that, which I have some questions on that, I just wanted
4 to confirm if any other candidates were raising concerns
5 about issues within their riding other than Mr. Chiu.

6 **HON. MICHAEL CHONG:** Yes, there were other
7 candidates who raised concerns.

8 **MS. NATALIA RODRIGUEZ:** Okay. Like, who?

9 **HON. MICHAEL CHONG:** I heard from -- I
10 heard from -- I'm drawing a blank now. I heard from a former
11 colleague from Markham.

12 **MS. NATALIA RODRIGUEZ:** Mr.?

13 **HON. MICHAEL CHONG:** I am drawing a blank
14 now on the name. It's ---

15 **MS. NATALIA RODRIGUEZ:** Could it be ---

16 **HON. MICHAEL CHONG:** --- it's ---

17 **MS. NATALIA RODRIGUEZ:** --- Mr. Saroya?

18 **HON. MICHAEL CHONG:** Yes, Mr. Bob Saroya,
19 yes, sorry. Bob Saroya contacted me during that campaign and
20 before, during the campaign and afterwards as well to talk
21 about what happened to him and suggested that there was some
22 funny business going on in his riding. So that's another
23 person that I did talk to.

24 **MS. NATALIA RODRIGUEZ:** Okay. Anybody else?

25 **HON. MICHAEL CHONG:** I can't recall, but I
26 believe I spoke -- I can't recall exactly, but I believe I
27 also spoke with a number of other people, former colleagues
28 about this as well, but I just ---

1 MS. NATALIA RODRIGUEZ: Okay.

2 MR MICHAEL CHONG: --- I can't recall.

3 MS. NATALIA RODRIGUEZ: Okay. No problem.

4 HON. MICHAEL CHONG: But I did definitely
5 speak to Bob Saroya.

6 MS. NATALIA RODRIGUEZ: Okay. Thank you.

7 HON. MICHAEL CHONG: Sorry, I forgot the
8 name.

9 MS. NATALIA RODRIGUEZ: No, that's fine.

10 So you were telling us about a postmortem
11 that happened after the election in which you solicited the
12 views of Chinese Canadians about the Conservative Party and
13 its policies; is that right?

14 HON. MICHAEL CHONG: That's correct.

15 MS. NATALIA RODRIGUEZ: And who organized
16 these round tables?

17 HON. MICHAEL CHONG: I did, and my office.

18 MS. NATALIA RODRIGUEZ: Were there other MPs
19 involved?

20 HON. MICHAEL CHONG: Yes. I cohosted the
21 round tables with I believe it was former MP Bob Saroya, with
22 former MP Kenny Chiu, former MP Alice Wong. I believe those
23 were the three people that I cohosted the round tables with.

24 MS. NATALIA RODRIGUEZ: And these took place
25 in the Greater Toronto Area and the Greater Vancouver Area;
26 is that right?

27 HON. MICHAEL CHONG: That's correct.

28 MS. NATALIA RODRIGUEZ: Okay. And what kind

1 of feedback did you hear from Chinese Canadians?

2 **HON. MICHAEL CHONG:** I heard a wide range
3 of feedback from these Chinese Canadians. First, I heard
4 that many of them were subject to vast volumes of
5 disinformation. They highlighted how Conservative policies
6 had been misrepresented in Chinese language media, on Chinese
7 language media social platforms. They also talked about how
8 regulated broadcasters in Canada, regulated under the CRTC,
9 in particular, radio broadcasters were getting editorial
10 direction from owners not to speak to or even utter Kenny
11 Chiu's name on air. I heard that one radio station in
12 particular, I believe it was AM 1320 I believe is the call
13 sign, in Vancouver, instructed 2 of their on-air broadcasters
14 not to either interview or say Kenny Chiu's name on air. One
15 of them interviewed Kenny Chiu and was terminated, I was
16 told, from his show, and the other person mentioned Kenny
17 Chiu's name on air and had his hours significantly reduced.
18 We also heard during the round tables about how the PRC often
19 has a stronger presence in many Chinese communities in Canada
20 than does the Government of Canada, and that this is in part
21 why the community is often -- parts of the community are so
22 fearful because they don't see a presence from the Government
23 of Canada, but they do see a large presence from PRC
24 officials, including diplomatic and consular officials from
25 the missions of the PRC here in Canada.

26 We also heard -- that's what I can recall
27 right now.

28 **MS. NATALIA RODRIGUEZ:** Sure, and I'll take

1 you to ---

2 **HON. MICHAEL CHONG:** I don't have the
3 letter in front of me, but it's somewhere ---

4 **MS. NATALIA RODRIGUEZ:** Well, I'll take you
5 to the letter.

6 **HON. MICHAEL CHONG:** Okay.

7 **MS. NATALIA RODRIGUEZ:** I probably should
8 have done that first. It's MMC 9.

9 --- EXHIBIT No. MMC 9:

10 Letter from Michael Chong to Erin
11 O'Toole - December 21, 2021

12 **MS. NATALIA RODRIGUEZ:** And this is a letter
13 that you wrote addressed to Mr. O'Toole, who was the party
14 leader at that time, and it's dated December 21st, 2021.

15 **HON. MICHAEL CHONG:** M'hm.

16 **MS. NATALIA RODRIGUEZ:** And my understanding
17 is that this letter summarizes some of the feedback you heard
18 from these round tables, and laid out some of the -- what you
19 were hearing from Chinese Canadians in these round tables; is
20 that right?

21 **HON. MICHAEL CHONG:** That's correct.

22 **MS. NATALIA RODRIGUEZ:** Okay. And if we go
23 down a little bit, I would just note that there are some
24 redactions there. Can you explain the basis for those
25 redactions?

26 **HON. MICHAEL CHONG:** Yeah, some of that is
27 information related to staffing in the office of the leader
28 of the opposition, which for those reasons I asked that my

1 staff redact that portion of the document.

2 **MS. NATALIA RODRIGUEZ:** So fair to say it's
3 not relevant to the terms of reference of this Commission; is
4 that correct?

5 **HON. MICHAEL CHONG:** That's correct.

6 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.
7 And does it fairly reflect some of the issues or feedback
8 that you were hearing from Chinese Canadians in these round
9 tables?

10 **HON. MICHAEL CHONG:** Yes, it does.

11 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. We
12 can take that down.

13 Is it your understanding that the
14 Conservative Party lost seats in the 2021 election due to
15 foreign interference?

16 **HON. MICHAEL CHONG:** I would say that the
17 Conservative Party was affected in about half a dozen ridings
18 by the foreign interference threat activities directed by the
19 Government of the People's Republic of China.

20 **MS. NATALIA RODRIGUEZ:** And what do you base
21 that understanding on?

22 **HON. MICHAEL CHONG:** I base that on a
23 number of analyses that have been done subsequent to the 2021
24 election, 3 analyses in particular. An -- the analysis done
25 by the Rapid Response Mechanism of Global Affairs Canada
26 during the writ period that indicated that the Chinese
27 Communist Party was likely behind the disinformation
28 operations conducted against MP Kenny Chiu during that

1 campaign. I based it on the digital lab forensic analysis
2 done by the Atlantic Council in November of 2021 that went
3 through the various social media posts that had been posted
4 during the election, and came to a similar conclusion. And
5 thirdly, I based it on the analysis of the research done by
6 Canada Research Chair at McGill University, Dr. Benjamin
7 Fung, and his associate.

8 I also based it on my own analysis of the
9 drop in turnout for Conservative candidates in these half a
10 dozen ridings during the 2021 period, which was a marked
11 change from previous elections.

12 I based it on the firsthand accounts of
13 former colleagues, like MP Kenny Chiu, MP Bob Saroya,
14 MP Alice Wong, and others, and I based it on some of the
15 accounts of what happened in the roundtables that I hosted
16 subsequent to the 2021 election. So that's what I based it
17 on.

18 **MS. NATALIA RODRIGUEZ:** And would you have
19 done anything different as a candidate, either in 2019 or in
20 2021, had the information that is now come out, or that you
21 now know, had you known that then?

22 **HON. MICHAEL CHONG:** Absolutely.

23 **MS. NATALIA RODRIGUEZ:** What would you have
24 done different?

25 **HON. MICHAEL CHONG:** Well, when I became
26 known -- when I became aware last May that the PRC was
27 directly targeting me, the first thing that crossed my mind
28 is had I known that in the previous election I would have hit

1 record on the Zoom all candidates debate and press lunch.
2 You know, I had been aware of foreign interference threat
3 activities for years now. CSIS provided me with a briefing
4 on foreign interference threat activities in the summer of
5 2021, but it was a briefing of general application. And a
6 lot of what I had been briefed on was -- I had already known
7 and was widely known in the public realm.

8 I never knew at that juncture, nor did I
9 during the last election, that I was actually being
10 clandestinely, coercively, and corruptly targeted by the
11 Government of the PRC here on Canadian soil. And had I known
12 that, I would have gone on high alert during that election,
13 and when that -- you know, things like that loaded question
14 was asked of me during the press lunch all candidates debate
15 I most certainly would have pressed record on that all
16 candidates debate.

17 I slowly came to the realisation many months
18 afterwards that it may have -- that that event may have been
19 a foreign interference threat activity, but you know, it
20 wasn't really until I became aware last year that I was
21 directly being targeted that, you know, I realised that, you
22 know, I should have hit record.

23 And so yes, I would have done things
24 differently had I known that.

25 **MS. NATALIA RODRIGUEZ:** And so I understand
26 that there is probably other things you would like to tell us
27 that relate to Stage 2 of our mandate, but my question is, is
28 there anything else that we haven't covered related to

1 Stage 1, which specifically involves the 2019 and the 2021
2 federal elections, that you have not had a chance to tell us?

3 **HON. MICHAEL CHONG:** Yeah, I think -- I'll
4 finish by saying this. I think the government's -- the
5 Government of Canada's lack of transmission of information to
6 individuals who are being directly targeted by foreign
7 interference threat activities is actually leading to an
8 increase in racial profiling in Canada.

9 You know, when I became aware of the
10 allegations just over a year ago, in the fall of 2022, that
11 the PRC had been -- reports that the PRC had been assisting
12 candidates and -- candidates for nomination and candidates
13 for election with funds for their -- and with other
14 assistance for their election, I asked my campaign manager to
15 pull the lists of all the people with Chinese last names who
16 had donated to my 2021 campaign and my 2019 campaign, to
17 ensure that -- just to check whether or not, you know, they
18 may be people under suspicion. We concluded that they
19 weren't because we knew each and every one of them, but the
20 fact that I did that is an example of racial profiling or
21 ethnic profiling that is a result of the Government of
22 Canada's lack of transparency about the intelligence they
23 have concerning agents and proxy agents here in Canada that
24 may be targeting our democratic institutions.

25 And this is what elected officials, like
26 myself, and candidates in an election have had to resort to
27 because we are not given the sort of intelligence.

28 And so you know, the infuriating thing about

1 what has happened over the last couple of years is the
2 intimation that people raising legitimate concerns about
3 threats to the security of Canada, threats to the security of
4 Canadian citizens, threats to the rules based international
5 order are responsible for fomenting anti Asian racism and
6 discrimination, when in fact, you know, it's the Government
7 of Canada and its lack of transparency that is actually
8 creating a lot of distrust and a lot of innuendo in the
9 Chinese community because they haven't been forthright about
10 the intelligence that they have.

11 **MS. NATALIA RODRIGUEZ:** Thank you, Mr. Chong.
12 Those are my questions.

13 Thank you, Commissioner.

14 **COMMISSIONER HOGUE:** Thank you.

15 So there is going to be some cross-
16 examination. The first one on the list was the Conservative
17 Party.

18 **MS. ERIN DANN:** Commissioner? Sorry, I --
19 Mr. De Luca unfortunately had to leave, but he let me know
20 that the Conservative Party does not have any questions.

21 **COMMISSIONER HOGUE:** Perfect. Thank you.

22 Then, counsel for the Human Rights Coalition.

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

24 **MS. HANNAH TAYLOR:** Hello, Mr. Chong. Based
25 on your understanding of how the Chinese Government engages
26 in foreign interference and transnational oppression against
27 those who oppose their policies abroad, do you think you were
28 targeted because of your public advocacy regarding the

1 Chinese Government and its policies, including as they relate
2 to Hong Kong and targeted groups, like Uyghurs and Tibetans,
3 for example?

4 **HON. MICHAEL CHONG:** Absolutely. You know,
5 the bizarre situation that I found myself in was that I had
6 introduced two motions in the House of Commons, one in the
7 fall of 2020, and the second in early 2021. The first
8 related to the threat that Huawei presented to Canada's
9 national telecommunications network, and called on the
10 government to ban Huawei from our national telecommunications
11 network and to bring forward a plan to combat foreign
12 interference threat activities here on Canadian soil. That
13 first motion was adopted by Parliament in late 2020.

14 The second motion concerned the evidence that
15 had accumulated by that point in early 2021, that the
16 Government of the PRC was committing a genocide against the
17 Uyghur Muslim minority population in Xinjiang Province. That
18 motion too was adopted by Parliament.

19 What was so -- you know, what resulted from
20 that second motion being adopted was the Government of
21 Canada, even though it had abstained from voting on the
22 motion, took action based on the motion in concert with
23 western democratic governments, in countries like the United
24 Kingdom, to impose sanctions on officials and entities in
25 Xinjiang for their gross human rights abuses against the
26 Uyghur Muslim minority.

27 I subsequently was sanctioned for the
28 Government of Canada's sanctions on individuals and an entity

1 in Xinjiang. I'm not the Government of Canada. I am part of
2 the official opposition, and so that's how I ended up being
3 sanctioned by the PRC for the government's actions in respect
4 of human rights abuses in Xinjiang.

5 **MS. HANNAH TAYLOR:** And based on your
6 experience as a target, what information do you think targets
7 or potential targets of foreign interference or transnational
8 oppression, as it relates to elections, need from
9 intelligence agencies in order to take appropriate
10 precautions?

11 **HON. MICHAEL CHONG:** They need information.
12 And this is advice that CSIS has provided to the ministry.
13 In what little information we have received from heavily
14 redacted documents presented to the Procedure and House
15 Affairs Committee of the House of Commons, it is clear that
16 the Director of CSIS has advised the government that sunlight
17 and transparency is one tool in a suite of tools that are
18 necessary to combat foreign interference threat activities
19 here on Canadian soil.

20 CSIS has advised the government that by going
21 public about details concerning foreign interference threat
22 activities on part of authoritarian states that they are able
23 to inform the public, build resilience in the public, so the
24 public is armed with this information and protect themselves
25 from these foreign interference threat activities, because
26 CSIS has advised many foreign interference threat activities
27 do not rise to the level of a criminal prosecution. And it
28 is often difficult to translate intelligence into evidence.

1 And so using the Criminal Code, using criminal law to
2 prosecute these threat activities isn't always the most
3 effective way to combat them. So one way to combat them that
4 -- in the advice that has been given by experts to the
5 government is to use sunlight and transparency to arm the
6 public with information so that they can protect themselves.
7 And we're seeing that increasingly in the Five Eyes Alliance,
8 but we're -- we've not seen it as much here in Canada.

9 **MS. HANNAH TAYLOR:** It's my understanding
10 that you would have taken preventative actions if you had
11 been warned that you faced specific threats. In addition to
12 recording the all-candidates meeting on Zoom, what other
13 precautions would you have taken?

14 **HON. MICHAEL CHONG:** Well, I'm -- I am an
15 MP who represents a riding that is partly in the Greater
16 Toronto Area. As a result, you know, I'm often in downtown
17 Toronto. You know, I'm often at the University of Toronto,
18 talking to experts in a range of policy areas at the Munk
19 International -- the Munk School of International Affairs,
20 which happens to be located at St. George and Bloor Street.
21 And just up the street, a mere matter of blocks, is the PRC
22 Consulate, where this particular diplomat, Mr. Wade Joe
23 worked. So it would have been nice to know that this
24 individual was targeting me, so that I could have at least
25 been aware of my surroundings and to ensure that nothing
26 nefarious was going on. So those are the kinds of things
27 that I think elected officials and Canadians more broadly
28 need to be made aware of. If we don't -- if we're not aware

1 of these things, we go about our business, you know, not
2 thinking about these things.

3 **MS. HANNAH TAYLOR:** And considering your
4 experience ---

5 **COMMISSIONER HOGUE:** It's going to be your
6 last question because your time is already exhausted.

7 **MS. HANNAH TAYLOR:** Thank you. Considering
8 your experience, you would agree that in addition to
9 parliamentarians and their families it's important that
10 members of targeted diaspora communities in Canada are
11 provided warnings in a timely manner when they face specific
12 threats of foreign interference and transnational oppression?

13 **HON. MICHAEL CHONG:** Absolutely. And that
14 is currently the case in other western democracies. Back
15 when my case -- when the case of Mr. Wei Zhao, the diplomat -
16 - the consular official who was declared persona non grata
17 last year after a Global Mail report was made public, I had
18 many -- I had a number of foreign missions here in Ottawa
19 express surprise to me privately that I had not been
20 previously informed of this individual targeting me, that the
21 protocol in place in these other western democracies is that
22 elected officials, even elected officials in opposition,
23 elected officials who are not in government are regularly
24 informed of threat activities directed toward them and their
25 families by intelligence agencies.

26 **MS. HANNAH TAYLOR:** Thank you, Mr. Chong.

27 **COMMISSIONER HOGUE:** Thank you.

28 The AG?

1 --- CROSS-EXAMINATION BY MR. BARNEY BRUCKER:

2 **MR. BARNEY BRUCKER:** Good afternoon, Mr.
3 Chong. Just a couple of questions. The round tables that
4 you organized, how many of those did you -- approximately how
5 many of those did you hold?

6 **HON. MICHAEL CHONG:** Approximately three.

7 **MR. BARNEY BRUCKER:** And how many people
8 attended?

9 **HON. MICHAEL CHONG:** It was in the dozens.

10 **MR. BARNEY BRUCKER:** And were these all
11 Chinese Canadians or a mix of people?

12 **HON. MICHAEL CHONG:** They were all Chinese
13 Canadians.

14 **MR. BARNEY BRUCKER:** Right. You mentioned
15 that you had been aware of foreign interference for some
16 time, and I think you talked about some meetings with CSIS.
17 Now we apparently are going to hear in the next stage of the
18 inquiry about -- or more about a briefing that you had, a
19 classified briefing in or about June of 2023, May, June of
20 2023.

21 **HON. MICHAEL CHONG:** I did not have a
22 classified briefing.

23 **MR. BARNEY BRUCKER:** You've never had a
24 classified briefing?

25 **HON. MICHAEL CHONG:** No, in May of 2023 ---

26 **MR. BARNEY BRUCKER:** Yeah.

27 **HON. MICHAEL CHONG:** --- Director David
28 Vigneault declassified under threat reduction measures a

1 paragraph of the intelligence assessment of July of 2020 on.

2 **MR. BARNEY BRUCKER:** You had -- let me put it
3 another way. You had a briefing in which you had received
4 some information that was formerly classified information?

5 **HON. MICHAEL CHONG:** That's correct. One
6 paragraph that ---

7 **MR. BARNEY BRUCKER:** Whereas, in the previous
8 briefings, that did not occur?

9 **HON. MICHAEL CHONG:** That's correct.

10 **MR. BARNEY BRUCKER:** Right. And my
11 understanding is you had maybe four or five of those
12 briefings, those other briefings prior to the May or June of
13 2023 briefings; is that fair?

14 **HON. MICHAEL CHONG:** No.

15 **MR. BARNEY BRUCKER:** No ---

16 **HON. MICHAEL CHONG:** I had one briefing
17 from CSIS of general application in the summer of 2021 about
18 foreign interference threat activities here on Canadian soil.
19 That briefing took place in Toronto. That briefing was of
20 general application. My understanding I was the first Member
21 of Parliament to be briefed in this way. And that briefing
22 did not contain any information about any threats directed
23 toward me.

24 **MR. BARNEY BRUCKER:** I just want to be clear
25 ---

26 **HON. MICHAEL CHONG:** Yeah.

27 **MR. BARNEY BRUCKER:** --- because we may hear
28 more about this later, but your evidence is that you had only

1 one briefing prior to the briefing in May or ---

2 HON. MICHAEL CHONG: That's correct.

3 MR. BARNEY BRUCKER: --- June of 2023?

4 HON. MICHAEL CHONG: Yes.

5 MR. BARNEY BRUCKER: All right. Thank you.

6 And you used the word "targeted". What do you mean by that?

7 You said you were targeted. You became aware that you were
8 targeted. What do you ---

9 HON. MICHAEL CHONG: Yeah.

10 MR. BARNEY BRUCKER: --- mean by "targeted"?

11 HON. MICHAEL CHONG: So what I mean by that
12 is a consular official by the name of Mr. Wei Zhao, who was
13 accredited by the Government of Canada and accorded rights
14 that ordinary Canadian citizens do not have, diplomatic
15 rights under the Vienna Convention, that it shield them from
16 certain types of prosecutions that Canadians are not afforded
17 to, was gathering information about me and my family to pass
18 along to the Ministry of State Security, which is the
19 Ministry in Beijing responsible for Beijing's secret police,
20 an order to potentially further target me and my extended
21 family. That's what I mean by targeting.

22 MR. BARNEY BRUCKER: I'm just wondering if I
23 might -- do you understand that you're coming back for the
24 next phase of this inquiry? Because ---

25 HON. MICHAEL CHONG: I do not know I've
26 been called as a witness for the next part of the inquiry,
27 but I understand I'm getting standing for the next part of
28 the inquiry.

1 **MR. BARNEY BRUCKER:** There's some nodding of
2 heads over here, so I think maybe I'll take that as a sign
3 that we may have another opportunity to explore this ---

4 **MS. NATALIA RODRIGUEZ:** Sorry, excuse me,
5 Commissioner. The nodding of heads is to agree with Mr.
6 Chong's assessment that we have not determined witnesses for
7 stage two, but he does indeed have standing for the entire
8 phase one, phase two, stage one, stage two of the Commissions
9 proceedings.

10 **MR. BARNEY BRUCKER:** I'm not sure how helpful
11 that is, but thank you.

12 **MS. NATALIA RODRIGUEZ:** And, sorry, just to
13 clarify, the issues that are being brought up will be dealt
14 with in stage two of the Commission's fact-finding phase.

15 **MR. BARNEY BRUCKER:** Again, not sure how
16 helpful it is, but thank you for the information.

17 Sorry, just let me check my note. The only
18 direct knowledge you have, at least of what you believe is
19 potential foreign interference in your campaign in 2021 was
20 this incident on Zoom in the Puslinch Township meeting; is
21 that fair?

22 **HON. MICHAEL CHONG:** Yeah, I don't know
23 that that was a foreign interference threat activity. I
24 don't have the evidence to make that conclusion. It's not
25 inconsistent with a foreign interference threat activity of
26 the People's Republic of China, but I don't know, or I
27 haven't concluded, I haven't assessed that it is indeed a
28 foreign interference threat activity.

1 **MR. BARNEY BRUCKER:** Okay. But that's the
2 only thing that I heard with respect to your own campaign.
3 You have talked to others, and you told us who. Is that
4 correct?

5 **HON. MICHAEL CHONG:** In the 2021 ---

6 **MR. BARNEY BRUCKER:** Yes.

7 **HON. MICHAEL CHONG:** --- campaign, yes,
8 that's correct.

9 **MR. BARNEY BRUCKER:** Right. Thank you.

10 **COMMISSIONER HOGUE:** Thank you.

11 It's your colleague. So he's counsel to
12 Michael Chan, for those that do not know.

13 **MR. FRASER HARLAND:** Thank you, Commissioner.

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

15 **MR. FRASER HARLAND:** Mr. Chong, just a couple
16 of questions. At paragraph 20 of your interview summary, we
17 don't need to go there, but you recall that you said that
18 nomination rules are vulnerable to foreign interference; is
19 that right?

20 **HON. MICHAEL CHONG:** That's correct.

21 **MR. FRASER HARLAND:** And the Commission has
22 heard evidence that rules for nomination contests are similar
23 to those for leadership contests, because if you're a
24 registered member, you can vote in a leadership contest. And
25 I wondered if you -- the concerns that you have about
26 nomination contests would also apply to leadership contests?

27 **HON. MICHAEL CHONG:** Yes. The concerns I
28 have about nomination contests apply to leadership contests.

1 In fact, my concern about leadership contests are even
2 greater than my concern about nomination contests, and here's
3 why. The nomination contest is not the end of the matter.
4 When a person is elected or selected as the candidate for a
5 registered political party, there is then a subsequent very
6 important step, which is the election or byelection to elect
7 that individual to the House of Commons.

8 No such second step exists for the election
9 of a party leader. And so with the vulnerabilities that have
10 been exposed in testimony today and yesterday are in place
11 for the election of a leader of a party, particularly of a
12 party that has the majority of seats or commands the majority
13 of support in the House of Commons, we are effectively
14 opening up the appointment of heads of government in this
15 country, including prime ministers and premiers, to this
16 foreign interference.

17 I think of my late colleague, the Honourable
18 Jim Prentice. When Jim Prentice was appointed Premier of the
19 Province of Alberta, he was a private citizen. He was no
20 different than anyone walking down Wellington Street today.
21 He was appointed by the Lieutenant Governor of the Province
22 of Alberta to be full premier of that province. He did not
23 have a seat in the Legislative Assembly of the Province of
24 Alberta. He had simply been elected as leader of the Alberta
25 PC Party.

26 And what has happened in recent decades, both
27 at the provincial and the federal level, is that party
28 caucuses have deferred the election, the selection, of party

1 leaders to the registered political parties.

2 And so we could have a situation here in
3 Canada where a Prime Minister resigns from office. The
4 registered political party conducts an election for the
5 leader. That election, if subject to the same kind of rules
6 that some of the parties have outlined here today and
7 yesterday at the Commission, would result in the appointment
8 of a Prime Minister who does not have a seat in the House of
9 Commons and who was elected through a process that was
10 significantly compromised by non-citizens and by foreign
11 state actors.

12 And so that's why I think -- that's why I'm
13 very concerned not just about some of the evidence that we've
14 heard here in front of the Commission with respect to party
15 nominations, but also how it relates to the appointment of
16 heads of government, particularly the appointment of a Prime
17 Minister by the Governor General.

18 **MR. FRASER HARLAND:** Thank you, Mr. Chong.
19 In your testimony to Commission counsel, Ms. Rodriguez, you
20 discussed disinformation campaigns in Kenny Chiu's campaign.
21 Do you recall that?

22 **HON. MICHAEL CHONG:** Yes, I do.

23 **MR. FRASER HARLAND:** And at times in these
24 hearings today, there have been some suggestions that
25 opinions, views, and articles in these campaigns or in these
26 disinformation campaigns may just form part of legitimate
27 debate in a free election. And I wanted to provide you an
28 opportunity to comment on that.

1 **HON. MICHAEL CHONG:** Yeah, free debates,
2 misinformed debates, even misinformed opinions are the right
3 of any Canadian citizen during an election, and in between
4 elections. People are right to express their points of view,
5 however informed or misinformed they are. So there's nothing
6 wrong about doing that.

7 What is wrong is if a foreign state actor,
8 directly or indirectly, clandestinely, corruptly, or
9 coercively, is spreading disinformation and misinformation
10 during or even before elections in this country. That is not
11 acceptable. That -- you know, using clandestine, coercive,
12 and corrupt methods is foreign interference and any state
13 actor that participates in the dissemination of that kind of
14 information in those -- in that way is committing foreign
15 interference, a violation of foreign interference law in
16 Canada, and needs to be held accountable. And if that
17 violation of our laws here in Canada doesn't rise to the
18 level of criminal prosecution, then the Government of Canada
19 has a range of other tools in the tool kit to go after that
20 foreign interference.

21 **MR. FRASER HARLAND:** Thank you, Mr. Chong.
22 That's very helpful.

23 Those are my questions, Commissioner.

24 **COMMISSIONER HOGUE:** Thank you.

25 Thank you very much. You're free to go.

26 **HON. MICHAEL CHONG:** Merci, Madam.

27 **COMMISSIONER HOGUE:** And to come back
28 whenever you want.

1 So thank you all. We'll be in the same room
2 tomorrow morning at 9:30.

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

5 This sitting of the Foreign Interference
6 Commission has adjourned until tomorrow at 9:30.

7 --- Upon adjourning at 6:19 p.m./

8
9 **C E R T I F I C A T I O N**

10
11 I, Sandrine Marineau-Lupien, a certified court reporter,
12 hereby certify the foregoing pages to be an accurate
13 transcription of my notes/records to the best of my skill and
14 ability, and I so swear.

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16 Je, Sandrine Marineau-Lupien, une sténographe officielle,
17 certifie que les pages ci-hautes sont une transcription
18 conforme de mes notes/enregistrements au meilleur de mes
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