



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**

VOLUME 9

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Jenny Kwan	Sujit Choudhry Mani Kakkar

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Malliha Wilson

The Pillar Society

Daniel Stanton

Democracy Watch

Wade Poziomka
Nick Papageorge

Canada's NDP

Lucy Watson

Conservative Party of Canada

Nando de Luca

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

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn
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Ottawa, Ontario

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

L'audience débute le mercredi 3 avril, 2024 à 9 h 32

THE REGISTRAR: Order, please. Ordre s'il vous plaît.

This sitting of the Foreign Interference Commission is now in session. Commissioner Hogue is presiding. Cette séance de la Commission sur l'ingérence étrangère est maintenant en cours. La Commissaire Hogue préside. The time is 9:32 a.m. Il est 9h32.

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/assermenté:

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

MS. NATALIA RODRIGUEZ:

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

4 And we're going to start with some
5 preliminary matters. On February 23rd, 2024, you had an
6 interview with Commission Counsel, and a follow-up interview
7 on March 1st, 2024. Is that right?

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

9 **MS. NATALIA RODRIGUEZ:** And an interview
10 summary was generated from that -- from those interviews; is
11 that right?

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

13 **COMMISSIONER HOGUE:** Ms. Rodriguez, can you
14 just speak a bit louder?

15 **MS. NATALIA RODRIGUEZ:** Oh, sure.

16 **COMMISSIONER HOGUE:** Or closer to the mic.

17 **MS. NATALIA RODRIGUEZ:** Yes.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MS. NATALIA RODRIGUEZ:** All right, just
20 checking.

21 Okay. So I will call up the witness summary
22 at WIT 24.EN.

23 **--- EXHIBIT No./PIÈCE No. WIT 24.EN:**

24 Stage 1 Interview Summary: Erin
25 O'Toole

26 **MS. NATALIA RODRIGUEZ:** And Mr. O'Toole, what
27 you're seeing there is the interview summary that was
28 generated from your interviews with Commission Counsel. Is

1 that right?

2 HON. ERIN O' TOOLE: Yes.

3 MS. NATALIA RODRIGUEZ: And you've reviewed
4 the summary for accuracy?

5 HON. ERIN O' TOOLE: I have.

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

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

9 MS. NATALIA RODRIGUEZ: And do you adopt the
10 contents of this witness summary as part of your evidence
11 before the Commission today?

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

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

16 --- EXHIBIT No./PIÈCE No. WIT 24.FR:

17 Résumé d'entrevue de l'étape 1 : Erin
18 O'Toole

19 MS. NATALIA RODRIGUEZ: Now, just to go over
20 a little bit of your background. I understand you were a
21 Conservative Member of Parliament for Durham from 2012 to
22 2023. Is that right?

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

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

27 HON. ERIN O' TOOLE: Yes.

28 MS. NATALIA RODRIGUEZ: And under Prime

1 Minister Harper, you were Minister of Veterans Affairs.

2 **HON. ERIN O' TOOLE:** I was.

3 **MS. NATALIA RODRIGUEZ:** And you were named
4 Foreign Affairs Critic in the Conservative Shadow Cabinet of
5 party leader Andrew Scheer.

6 **HON. ERIN O' TOOLE:** I was, yes.

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

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

24 **MS. NATALIA RODRIGUEZ:** Thank you. Now, I
25 understand you received a briefing by CSIS concerning foreign
26 interference on May 26, 2023, in which you received
27 classified information. Is that right?

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

1 **MS. NATALIA RODRIGUEZ:** Now, I'm going to
2 take you to a document, CAN.DOC.22. And this is entitled
3 Commission Request for Summary Information On Briefing To
4 Mr., or to Erin O'Toole, rather.

5 **--- EXHIBIT No./PIÈCE No. CAN.DOC 22:**

6 Commission request for summary
7 information on briefing to Erin
8 O'Toole

9 **MS. NATALIA RODRIGUEZ:** And so you've -- you
10 understand that the Commission requested from CSIS an
11 unclassified summary of the briefing that you received in May
12 of 2023?

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

14 **MS. NATALIA RODRIGUEZ:** And this is a summary
15 that was generated. Have you had a chance to review this
16 summary?

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

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

24 **HON. ERIN O'TOOLE:** It does. In a very
25 general way, it touches on themes. I also, in one of my
26 final speeches in the House of Commons, referenced my
27 briefing in a very careful way that I wasn't revealing any
28 intelligence information or information that would reveal

1 sources to ensure that on the public record we could have
2 some sharing with the public because I think transparency is
3 important.

4 **MS. NATALIA RODRIGUEZ:** Thank you. And
5 again, without giving any details of the content of that
6 briefing, did you find the briefing to be useful in the sense
7 that you were given information that you could put into
8 action or you could do something with in order to better
9 protect yourself from foreign interference?

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

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

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

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

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

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

27 **HON. ERIN O' TOOLE:** I wasn't aware of any
28 concerns in that election. As I've said in my statement, the

1 leadership that predated the 2019 election, I did see for the
2 first time the influence of platforms like WeChat and the
3 ability to organize cultural communities based on specific
4 social media channels like WeChat.

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

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

9 Thank you.

10 And were you aware of any concerns regarding
11 foreign interference prior to the 2021 election any time
12 between 2019 and 2021?

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

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

26 **MS. NATALIA RODRIGUEZ:** And just to take you
27 back to 2019 for a second, were you aware of the security and
28 intelligence threats to Elections Task Force, which we've

1 been calling the SITE Task Force, in 2019 and were you aware
2 of who the representative from the Conservative Party would
3 have been to that entity?

4 **HON. ERIN O' TOOLE:** I was not aware of who
5 our representative was and I only knew that a task force to
6 look at the issue was formed. I did not know its structure,
7 nor did we get any briefings or background information on it.

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

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

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

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

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

26 So that drew a lot of attention both in
27 Canada and internationally. We were the second -- the first
28 Parliament, the first assembly after the United States to

1 make such a declaration. And we knew that there was negative
2 commentary in China as a result of that.

3 But right before the election was the
4 Winnipeg lab situation which we had very, very serious
5 concerns with and, quite frankly, the Trudeau government's
6 handling of that entire episode was quite troubling. A
7 senior civil servant was called to the bar of the House of
8 Commons, something not done in a century. They were taking
9 the Speaker of the House of Commons to Court in order to not
10 comply with the Speaker's direction. So very, very
11 concerning right on the eve of the election.

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

19 So the Winnipeg lab controversy came just
20 before the election.

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

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

26 **HON. ERIN O' TOOLE:** Yes. You know, I should
27 add, too, that the Private Members Bill from MP Kenny Chiu in
28 terms of a foreign agent registry was also generating some

1 headlines and some debate in the House of Commons.

2 The troubling thing we found was that -- and
3 I remember this is the case on several occasions in the House
4 in my questioning of the Prime Minister is that the spectre
5 of any questions on the Winnipeg lab or an issue like that
6 was somehow contributing to anti-Asian discrimination or
7 anti-Asian hate in the pandemic. I thought those responses
8 were unfair at the time.

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

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

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

27 My concern now, particularly in retrospect,
28 is that approach the government was taking complemented

1 indirectly narratives that were being advanced by, you know,
2 China and its agents in Canada. And I think in the election,
3 we saw that explode into a campaign of misinformation on
4 social media, but also in in-person miscommunication to
5 intimidate voters, to mislead voters with respect to me, with
6 respect to certain candidates, and to our policies in
7 general. And I think it was an accidental connection, but it
8 was something that, looking back, set the tone before the
9 election. And it should have been something looked at a
10 little closer by SITE, in my view.

11 **MS. NATALIA RODRIGUEZ:** Right. And by SITE,
12 meaning the SITE Task Force.

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

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

20 Can you tell us a little bit about your
21 understanding of what the difference is between predictive
22 modelling and polling?

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

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

3 The Conservative Party -- I wanted to
4 modernize and use the same tools that the Liberal Party under
5 Mr. Trudeau had adopted, and they had followed the lead of
6 what the Obama campaign had done on behavioural predictive
7 modelling. Once you created the model, it was, in my
8 experience in the runup to the election and during the
9 election, extremely accurate and much more accurate than
10 polling because you saw those behaviours and those attitudes
11 in those voting blocks over time.

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

16 **MS. NATALIA RODRIGUEZ:** So I want to take you
17 now to a document, EOT 4.

18 **--- EXHIBIT No./PIÈCE No. EOT 4:**

19 EOT0000004

20 **MS. NATALIA RODRIGUEZ:** And if we can scroll
21 down to the second page? Okay. So this is a document that
22 you produced.

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

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

27 **HON. ERIN O' TOOLE:** Yes. In terms of the
28 results aggregate, yes.

1 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.
2 And who produced this chart or this information that we see
3 here?

4 **HON. ERIN O' TOOLE:** It would have been my
5 campaign team, which included Dan Robertson was one of our
6 leads on creating and working with the modelers. We went to
7 a firm based out of the United Kingdom for this type of
8 specialized work. Although now I see it's -- it has come to
9 Canada.

10 So Dan Robertson, Justin Bumstead, a number
11 of people that were kind of my modeling and my numbers
12 people.

13 **MS. NATALIA RODRIGUEZ:** M'hm. And I
14 understand that you provided this modeling information to the
15 independent Special Rapporteur David Johnston. Is that
16 right?

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

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

26 **HON. ERIN O' TOOLE:** Yes. I gave Mr. Johnston
27 basically the same package that my team had given to the SITE
28 Taskforce after the election. We were very forthright in

1 sharing what limited information we had, because we didn't go
2 into the campaign thinking that we needed to create an
3 intelligence dossier on what we saw in the field. But as
4 instances of interference were being flagged by the
5 campaigns, my campaign team said, "Well, let's raise this
6 with the SITE panel, but near the end, let's try and keep
7 track of some of this information that our organizers are
8 seeing."

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

14 **MS. NATALIA RODRIGUEZ:** Okay. So we'll go to
15 that now. It's EOT1_R. If we go to the second page? Okay.
16 That's great right there.

17 **--- EXHIBIT No./PIÈCE No. EOT 1 R:**

18 EOT0000001_R

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

23 **HON. ERIN O'TOOLE:** Yes. And I gave Mr.
24 Johnston and Ms. Block copies when they arrived. And my deep
25 concern with the Special Rapporteur was I was giving him this
26 package, and later in the meeting, he told me that his
27 interim report was already in translation. So you could see
28 how I did not feel the Special Rapporteur took the process

1 seriously when an evidentiary package that my office took
2 time to prepare was a supplement to what they had already
3 sent off as a report. I did not respond well to that.

4 **MS. NATALIA RODRIGUEZ:** So we'll go to page 4
5 of this document just to see some of the information that was
6 included in here.

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

9 And if we go to page 10?

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

15 And if we go to page 14?

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

18 So we can take that down now.

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

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

28 But on election night, when we knew we were

1 going to lose, my campaign manager had said, "Our models and
2 how the vote goes, you should end up with about 127/128
3 seats, which will be a historic level for opposition." And
4 when you consider it was a pandemic election, we were largely
5 on the wrong side of public opinion on the vaccine mandate
6 issue, which is, in my view, why the Prime Minister called
7 the election. That was being briefed to me to say, "Calm
8 down. You did okay. You'll be able to live to fight another
9 day and stay on as leader."

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

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

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

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

28 Certainly nowhere near enough to change the

1 results of the election, but for people in those seats, if
2 they were undergoing intimidation or suppression measures,
3 their democratic rights were being trampled on by foreign
4 actors.

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

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

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

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

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

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

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

1 The Trudeau Government was viewed by our
2 allies, and I would hear this regularly from diplomats, we
3 were seen as being offside with respect to a very ambitious
4 agenda with China at a time that particularly the Five Eyes
5 Allies were being far more cautious with respect to China.

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

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

19 **HON. ERIN O'TOOLE:** Yes, the Foreign Agent
20 Registry, which other allies like the United States and
21 Australia use such a registry in a similar way to a lobbying
22 registry, that people have an obligation to register. That
23 was Kenny Chiu's private member's bill. Michael Chong was
24 the shadow minister for Foreign Affairs, so the issue on
25 recognizing that the weaker genocide was under his mandate.
26 And I would add that when I appointed Michael to become the
27 shadow minister for Foreign Affairs, at the speech where I
28 unveiled the caucus positions, I talked about how proud I was

1 that someone whose father immigrated to Canada from Hong
2 Kong, Hong Kong having been defended by Canadian soldiers
3 during World War II, it was truly the Canadian story that he
4 could then take strong positions in Canada's interest and
5 come from a diaspora community of China. I think that shows
6 our country at its best and Michael continues to do a great
7 job.

8 **MS. NATALIA RODRIGUEZ:** The 2021 CPC
9 platform, the Conservative Party platform for 2021 did
10 include numerous references to China. You accept that;
11 right?

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

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

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

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

28 **--- EXHIBIT No./PIÈCE No. EOT 12:**

1 EOT0000012

2 **MS. NATALIA RODRIGUEZ:** And this is the 2021
3 platform. And so I'll just take you to page 54 of this
4 document. If we go down? Okay. So under number four there
5 you can see "Standing Up to China's Aggression". And there's
6 a section there on China. And it's been reported, and I have
7 confirmed, that there's 31 mentions of China in this
8 platform. I'm sure you've heard this reported before.

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

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

23 **HON. ERIN O' TOOLE:** Well, certainly,
24 treatment of minorities in China is a very concerning
25 aggression towards religious groups, and we list most of them
26 there, or groups like Hong Kongers, conduct in the South
27 China Sea as well, there's lots of tensions there, the Taiwan
28 Strait. We thought that during the -- particularly during

1 the pandemic when Taiwan was giving us N95 masks and other
2 things, we have to have strong relations with Taiwan,
3 recognizing their democratic rights and have a mature
4 approach to that relationship, which is hard when China was
5 being quite aggressive with respect to Taiwan.

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

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

1 there's been a bit more of an aggressive foreign policy
2 approach taken by China.

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

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

23 **HON. ERIN O'TOOLE:** I think that's a fair
24 summary. And my position prior to being leader was the
25 shadow minister for Foreign Affairs, so I had been talking
26 about many of these policies for many years, several years
27 before I became leader, and there had never been a ground
28 swell of concern. In fact, in many cases, the Chinese

1 Canadian community wanted to make sure that the plight of the
2 Uyghurs, Hong Kong, or other things were highlighted. And
3 Kenny Chiu, a very prominent voice on these issues, was
4 elected for the first time in 2019. So I think that's how I
5 form my opinion on this, that the foreign interference was
6 much more determinative than a policy platform that had 30
7 references to China in it.

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

11 **--- EXHIBIT No./PIÈCE No. CAN 5824:**

12 SITE TF Update On Foreign
13 Interference Threats To Canadian
14 Democratic Institutions - 2021

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

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

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

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

2 **MS. NATALIA RODRIGUEZ:** --- is my
3 understanding?

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

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

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

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

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

25 It -- we were kind of lulled into a sense of
26 complacency, that everything should be fine, there was no --
27 there were no problems in 2019. We now know that not to be
28 the case. We now know from the Globe and Mail reporting, and

1 Sam Cooper, that there were issues in 2019 of financing and
2 other things.

3 So our impression is that the SITE process
4 was not as complete, not as professional, and not as
5 transparent as it should have been when there were reports by
6 this and CSIS-generated intelligence warning of attempts to
7 interfere.

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

11 It's at CAN 124. And -- thank you, that's
12 good.

13 **--- EXHIBIT No./PIÈCE No. CAN 124:**

14 RRM Canada Daily Brief

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

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

1 the CPC."

2 So again, this is talking about a Global
3 Times article that seems to be spreading some misinformation
4 about the CPC campaign.

5 Did you see this article that's being
6 referenced here at the time?

7 **HON. ERIN O' TOOLE:** I did not see the article
8 at the time, no.

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

14 **HON. ERIN O' TOOLE:** No one from a government
15 agency or department, no.

16 **MS. NATALIA RODRIGUEZ:** And was this
17 emblematic of the things that you were hearing on the ground
18 in terms of misinformation in certain areas?

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

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

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

5 **--- EXHIBIT No./PIÈCE No. CAN 126:**

6 RRM Canada Daily Brief

7 **--- EXHIBIT No./PIÈCE No. CAN 130:**

8 RRM Canada Daily Brief

9 **--- EXHIBIT No./PIÈCE No. CAN 132:**

10 RRM Canada Daily Brief

11 **MS. NATALIA RODRIGUEZ:** And you have seen
12 these; correct?

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

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

21 So you've had a chance ---

22 **COMMISSIONER HOGUE:** Ms. Rodriguez, can we go
23 back to the document, please? I would just to see the origin
24 of the document.

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

27 **COMMISSIONER HOGUE:** No, but just the one
28 that we looked to ---

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

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

4 **MS. NATALIA RODRIGUEZ:** And so the three
5 other dailies also talk about misinformation being circulated
6 in Chinese state media, and in Canadian media, Chinese
7 language media.

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

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

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

16 **HON. ERIN O' TOOLE:** No, we were not informed
17 of that. And around the same time, because these documents
18 are dated, our participant, Mr. Soliman, and my chief of
19 staff, Tausha Michaud, were raising reports we were getting
20 from the field, so from various ridings in British Columbia
21 and in Ontario. These type of reports we were sharing and
22 getting no communication the other way. Clearly, they knew
23 some of the instances we were reporting were actually
24 occurring, but that was never confirmed to us in the campaign
25 ---

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

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

28 **MS. NATALIA RODRIGUEZ:** And so to be clear,

1 during the campaign some candidates and some ridings and some
2 campaign staff saw disinformation circulated on social media
3 regarding the Conservative Party, is that right, and you
4 specifically as leader as well?

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

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

7 **HON. ERIN O' TOOLE:** And in some cases in
8 person. Social media, and in some cases of in-person
9 advertising and voters' intimidation.

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

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

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

24 **HON. ERIN O' TOOLE:** Yes. The one I remember
25 the most is Kenny Chiu. The level and volume and tone of the
26 misinformation towards Mr. Chiu was horrendous, and he was
27 fearful for his own wellbeing and that of his family. And it
28 -- it was a personal attack, as I said, of a racially

1 motivated nature, suggesting that he was a race traitor and
2 that the simple thing of a foreign registry with some start
3 of a plan to really hinder the ability for Chinese Canadians
4 to visit family, to remain in family, it was.... So we
5 heard, and I heard directly from him during the campaign, a
6 little bit from the campaign of Mr. Bob Saroya in Ontario,
7 and I think that wasn't through Bob but through one of his
8 campaign workers. But we -- some of our organisers were on
9 WeChat and also saw instances.

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

20 **MS. NATALIA RODRIGUEZ:** So you mentioned
21 right now about wanting to give a warning. Can you expand on
22 that notion?

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

1 At times I thought about making some sort of
2 statement, but I was fearful of that being perceived, or
3 opponents in the campaign using that as some sort of wedge in
4 a narrative that we were being discriminatory.

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

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

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

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

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

26 **HON. ERIN O' TOOLE:** I remember the last time
27 I was in British Columbia during the campaign, I thought
28 about it, because I was hearing from some of our organizers

1 saying, "We've got to do something about this. This is out
2 of control. I heard from Kenny and his team just how
3 targeted and how everyone was tense." Like, people were
4 fearful with the amount of misinformation in the Richmond
5 seats.

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

20 **MS. NATALIA RODRIGUEZ:** So I'll take you to a
21 document, CAN3781.

22 **--- EXHIBIT No./PIÈCE No. CAN 3781:**

23 Threats to Canadian Federal Election
24 2021

25 **MS. NATALIA RODRIGUEZ:** So this one's -- this
26 is a Security and Intelligence Threats to Election Taskforce
27 summary. It's dated September -- December 17, 2021. And so
28 this is now some months after the election. And if we go to

1 the "Summary of Key Observations" at the bottom there, the
2 first bullet -- sorry, just up a bit more. Thank you. It
3 says:

4 "The People's Republic of China [...]
5 sought to clandestinely and
6 deceptively influence Canada's 2021
7 federal election."

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

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

11 **MS. NATALIA RODRIGUEZ:** And the next bullet
12 point says:

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

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

23 "...observed indicators of potential
24 coordination between various Canada-
25 based Chinese language news outlets
26 as well as PRC and CCP news outlets."

27 So again, was this ever confirmed to you,
28 relayed to you, at any time during your time as leader, which

1 was until February of 2022?

2 **HON. ERIN O'TOOLE:** No. And in fact, as I
3 mentioned earlier, we were always -- these issues were always
4 downplayed, essentially, when we raised them with the SITE
5 Taskforce. And you know, these conclusions so quickly after
6 the election show that some people within intelligence and
7 within government knew what we were raising were valid and
8 real issues and shows why we're here today.

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

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

14 **MS. NATALIA RODRIGUEZ:** Yes.

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

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

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

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

26 **HON. ERIN O'TOOLE:** Well the small number of
27 seats would not have impacted the minority government that
28 Canada has right now. But the difference of two, three, five

1 seats, may have allowed me more of a moral justification to
2 remain as leader. There were other forces at play that may
3 not have done that. But when I fell two seats below the
4 threshold met in 2019, that became a very compelling
5 narrative. And in fact, a petition was started within a day
6 and a half of the election results, and the lower result than
7 2019 was raised, as was the turning away of Chinese Canadian
8 voters from me were raised as reasons for launching the
9 petition to force my removal as leader.

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

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

27 The other thing, I probably would have
28 demanded a public warning of some sort. Now that I've seen

1 both the reporting that, in many ways, led to this inquiry,
2 but even some of the limited disclosures here, folks within
3 the government knew that there was a level of foreign
4 interference occurring. And I think we owe it to the tens of
5 thousands, hundreds of thousands of Canadians that it was
6 targeted at, we owed it to them to warn them and to perhaps
7 give them alternative sources for unbiased news or the
8 ability to report instances of intimidation.

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

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

19 **HON. ERIN O'TOOLE:** Yes. You know, the
20 reporting, particularly from the Global Mail that revealed
21 the financial and the problems in the 2019 election, in my
22 view, that should have been the starting point for the 2021
23 SITE Task Force and our participation in it, to say there
24 were some problems of foreign interference in the last
25 election; therefore, we have to do even more to safeguard our
26 parliamentary democracy this time. Actually, the opposite
27 happened. Our SITE Task Force, and my participants in it,
28 were given a sense that everything was fine, that there were

1 no significant problems from 2019, and that the -- we were
2 very confident in the fact that there would be minimal to no
3 foreign interference in the 2021 election. And as I said, as
4 we were raising issues, driving towards the need for public
5 notice and a caution of some, our concerns were always
6 downplayed by the task force. And, you know, Mr. Soliman has
7 been on the record with having that concern. I have that
8 concern. Even in the days after the election, we continued
9 to work with the SITE Task Force and with the Public Safety
10 and Intelligence officials on it, and we kept doing that
11 right up until Mr. Trudeau formed his cabinet and the
12 caretaker period ended, and then we were just cut off.

13 **MS. NATALIA RODRIGUEZ:** So I'll take you to
14 CAN 6739.

15 **--- EXHIBIT No./PIÈCE No. CAN 6739:**

16 Fwd: Follow up

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

23 "As promised, I've attached a
24 document that outlines some key
25 concerns and includes a dropbox link
26 to screenshots from WeChat."

27 And it looks like she sends it there to
28 somebody with a PCO email address. And if we go up, so we

1 have some individuals there, I believe, members of SITE.

2 "Howdy SITE friends,

3 Just received the attached from CPC
4 claiming it shows FI [foreign
5 interference] by PRC in 9 ridings
6 during the election.

7 As you know, we have been engaged by
8 CPC in an ongoing dialogue around
9 these issues. If you could take a
10 look, and let [blank] and [me] know
11 if there is anything in here it would
12 be appreciated."

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

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

25 **MS. NATALIA RODRIGUEZ:** And I will conclude
26 with an opportunity to see if there's anything else that we
27 have not covered today that you would like to tell us about
28 the issues that we've been discussing, foreign interference

1 in the 2019 or 2021 elections.

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

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

19 Thank you, Commissioner.

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

27 **HON. ERIN O' TOOLE:** I believe so, yes. My
28 challenge here is I had designates, I had two designates for

1 the SITE process, Mr. Soliman and Ms. Michaud, who would then
2 report to me and I would share things I was hearing. I
3 believe the SITE panel and task force did have a designate
4 from CSIS involved, and I do believe from time to time some
5 of the Group of Five may have been involved, but I don't know
6 how frequently. And I know that most of the calls and the
7 meetings were done with a group, and so you'd have to ask.

8 **COMMISSIONER HOGUE:** Okay. But it would have
9 been through SITE?

10 **HON. ERIN O' TOOLE:** Through SITE, yes.

11 **COMMISSIONER HOGUE:** Okay. And you were not
12 provided with any names, or phone numbers, or agency that you
13 may call upon if you were encountering any foreign
14 interference problems or nothing of that sort?

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

16 **COMMISSIONER HOGUE:** Thank you.

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

20 **MR. GIB VAN ERT:** Thank you, Commissioner.

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

22 **MR. GIB VAN ERT:**

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

24 **HON. ERIN O' TOOLE:** Morning.

25 **MR. GIB VAN ERT:** You expressed the view in
26 your testimony this morning that you fear a lot of people
27 didn't vote in the 2021 election because they felt
28 intimidated. In evidence yesterday, the National Director of

1 the Liberal Party, Mr. Ishmael, addressed that point in
2 response to a question from counsel for the Human Rights
3 Coalition, one of the parties to these proceedings. And her
4 question was specifically around coercion of international
5 students. And Mr. Ishmael expressed the view, I think I'm
6 being fair to him, that that was not an urgent concern
7 because of the secrecy of the ballot. He emphasized ballot
8 secrecy. And I take it from your evidence that you don't
9 share Mr. Ishmael's confidence that ballot secrecy is enough
10 to encourage people to go to the polls without fear of
11 foreign coercion. Would you just tell the Commissioner what
12 your thoughts are about it? To what extent does the secrecy
13 of the ballot in this country give us some reason to feel
14 confident that foreign coercion of diaspora communities isn't
15 going to be a problem here?

16 **HON. ERIN O'TOOLE:** It's a very good question
17 and something that I think needs to be well understood by the
18 inquiry. How someone votes is completely secret, and thank
19 goodness for that. That's an essential element of our
20 democratic right to vote. But whether you did vote in an
21 election is publicly available, and so the political parties
22 know whether a household has voted in all of the last four
23 general elections federally or in none of them. So sometimes
24 extra door knocking, extra literature can be directed towards
25 people that they know vote. And so if you don't know if
26 they're leaning your way or leaning to the other team's way,
27 you may not spend the extra time to try and communicate with
28 that voter. But if you know that they're a constant always

1 voting, parties spend time on them, that fact that whether
2 you've voted or not, I believe, is something that has caused
3 some concerns within diaspora communities, particularly the
4 Chinese Canadian community because I heard anecdotal reports
5 from some of our MPs that lost that voters said, "I didn't
6 think you needed my vote. I thought you were fine. I'm
7 sorry I didn't get out to vote." And in some cases, they
8 were told that people didn't want to be seen on the voters'
9 list if that riding stayed Conservative.

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

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

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

28 I anticipate that later in these proceedings,

1 the Commission will hear evidence of a meeting of the panel
2 on the 9th of September 2019, where the panel decided that in
3 its future deliberations it would assess potential
4 interference activities for their impact on a single national
5 election as opposed to potential impacts on 338 individual
6 elections across the county. There will be evidence before
7 this Commission that the panel decided to approach foreign
8 interference as a national matter, rather than as a riding by
9 riding basis.

10 Would you tell the Commissioner what you
11 think of that approach to assessing whether there has been
12 foreign interference in elections?

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

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

26 So I do think that was a decision that was
27 incorrect to make. I also think it doesn't reflect our
28 history as a parliamentary democracy first past the post

1 system with its pros and cons. They should have taken the
2 approach that if they knew several ridings were being heavily
3 targeted, that that was sufficient under the protocol to have
4 a public notice and warning. You could have constrained to
5 media and the Lower Mainland of British Columbia or GTA
6 or....

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

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

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

15 **COMMISSIONER HOGUE:** Thank you.

16 Next one is counsel for the Sikh Coalition.
17 Mr. Singh.

18 **MR. PRABJOT SINGH:** Thank you, Commissioner.
19 Again, for the record, it's Prabhjot Singh as counsel for the
20 Sikh Coalition.

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

22 **MR. PRABJOT SINGH:**

23 **MR. PRABJOT SINGH:** Thank you, Mr. O'Toole.
24 I just have a few questions for you.

25 Based on the testimony you've given so far,
26 it sounds like your experience in terms of understanding
27 foreign interference was mostly after the fact. After the
28 election is when the briefings happened and you were informed

1 about potential targeting of yourself and your party. Is
2 that correct?

3 **HON. ERIN O' TOOLE:** About how the targeting
4 was done? Yes. The fact that, you know, there was the risk
5 and potential of it, I was aware of for several years before
6 becoming leader.

7 **MR. PRABJOT SINGH:** Okay. And it's your
8 understanding that you have been targeted specifically
9 because of the Conservative Party platform and positions
10 taken around China and some of the messaging around that
11 position; correct?

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

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

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

28 **MR. PRABJOT SINGH:** And in that case, was it

1 your understanding that members of the intelligence community
2 believed that state or non state actors from India engaged in
3 a disinformation campaign against the Prime Minister at the
4 time?

5 **HON. ERIN O' TOOLE:** Yes. That was -- that
6 was the issue that I wanted to raise following the Prime
7 Minister's trip. The National Security Advisor, Daniel Jean,
8 did side briefings with the media with respect to the Prime
9 Minister's trip. And his suggestion to some of the members
10 of the media that the reason the trip had such terrible media
11 coverage was a result of interference by the Indian
12 Government.

13 And I took very serious issue with the fact
14 that that sounded more like the job of a director of
15 communications and not the job the national safety -- public
16 safety and security advisor of the Prime Minister. I don't
17 feel they should be spinning the media, and you know, I said
18 that publicly with respect to Mr. Jean.

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

25 Ultimately, the Daniel Jean issue came out
26 and was prosecuted at the committee, but that whole issue I
27 think was a bit misplayed and caused more tensions within
28 diaspora communities rather than looking at the role of the

1 national security advisor and how the Prime Minister
2 approached that state visit from invitation to prominent
3 Canadians to attend these sorts of things.

4 So you know, the intersection of potential
5 foreign interference and diaspora politics in Canada is
6 something that I think this Inquiry really needs to dive into
7 to make sure that regardless of how you came to Canada and
8 where you worship, where you work, you should be able to
9 exercise your franchise free from interference from other
10 states or from coercion in Canada by a group.

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

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

24 I do think that the parties both in the House
25 of Commons and their electoral parties that run nominations
26 and that run general elections do need linkages directly with
27 our security agencies so that issues can be flagged like the
28 financing issue from 2019 and so that parties can be aware if

1 there's a security concern of any type before a nomination is
2 completed, before someone gets elected to Parliament, before
3 -- before that potential interference goes right into our
4 Parliament.

5 And so I think how these agencies have the
6 ability to properly, professionally and discretely brief the
7 House of Commons and the political parties is something I
8 hope the Inquiry provides some recommendations on.

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

13 Is it possible that yourself or your caucus
14 may have been targeted for Indian foreign interference
15 because of policy positions that may have aligned with Indian
16 interests without your knowledge, of course? Is that
17 something that's possible that could have happened?

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

25 And so I do know that these issues related to
26 the potential for foreign interference really strike diaspora
27 communities on an emotional level and so that the parties
28 have to be professional and mature about how they address

1 them because they can really make a community feel
2 marginalized or unheard. They can be seen to be ignoring
3 obvious attempts to interfere. So this is why I'm saying I
4 think the professionalization both for the House of Commons
5 and our Parliament is separate from the electoral machines of
6 the Party.

7 And I think there needs to be a responsible
8 way for both the electoral machines of the parties and the
9 House of Commons to get timely, discrete briefings on
10 intelligence issues in the hope that all parties will handle
11 it responsibly.

12 **MR. PRABJOT SINGH:** In the leadup to the 2021
13 election, were you ever made aware of a potential
14 disinformation campaign that targeted your Liberal and NDP
15 counterparts that was mutually amplified by Indian
16 disinformation networks as well as far right Canadian
17 platforms?

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

25 Each of the parties, I think, tried to
26 approach that issue responsibly, but obviously that was --
27 because of the farmers' protests were largely in Punjab, it
28 was a natural issue that brought tensions between Sikh and

1 Hindu communities in Canada and so had no information on any
2 possible foreign interference, but certainly there was
3 diaspora concerns to approach the issue responsibly, and I
4 tried to do that.

5 **MR. PRABJOT SINGH:** And would it surprise you
6 if the -- some of these documents that you've mentioned from
7 the SITE Task Force that you weren't privy to prior, would it
8 surprise you if there was information that there was
9 coordinated disinformation emanating from India trying to
10 exacerbate potential tensions between communities in Canada?

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

22 But I am trying to share what I did see at
23 the time.

24 **MR. PRABJOT SINGH:** And during the relevant
25 electoral periods, were you ever briefed by security and
26 intelligence on the potential Indian threat to foreign
27 interference?

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

1 **MR. PRABJOT SINGH:** Had you been adequately
2 briefed by security and intelligence, would that have
3 increased your situational awareness and your ability to more
4 carefully take precautions for yourself and understand the
5 possibilities of disinformation and the impacts on
6 communities?

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

15 Electors trust them to go to Parliament to
16 represent their issues. We need to trust them to be able to
17 weigh information knowing that intelligence is not evidence,
18 but it's an indication that should help form smart decision-
19 making.

20 I think we need to trust our Parliamentarians
21 more. That's why structures to allow for more of an
22 interface with intelligence services where needed is, I
23 think, prudent and important.

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

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

28 **MR. PRABJOT SINGH:** This is my final

1 question.

2 **COMMISSIONER HOGUE:** Thank you.

3 **MR. PRABJOT SINGH:** So in terms of your
4 suggestion or your observation and based on your experience,
5 what you would like to see is more timely non-partisan
6 briefings and information from the security and intelligence
7 community to be able to inform the decisions of Members of
8 Parliament. Is that fair?

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

10 **MR. PRABJOT SINGH:** Thank you. Those are all
11 my questions.

12 Thank you, Commissioner.

13 **COMMISSIONER HOGUE:** Thank you.

14 Mr. Sirois, counsel for the RCDA.

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

16 **MR. GUILLAUME SIROIS:**

17 **MR. GUILLAUME SIROIS:** Good morning, Mr.
18 O'Toole, madame la Commissaire.

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

20 **MR. GUILLAUME SIROIS:** I'm Guillaume Sirois,
21 counsel for the Russian Canadian Democratic Alliance. I'm
22 going to ask you some questions regarding Russian
23 interference specifically.

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

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

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

4 **HON. ERIN O' TOOLE:** Our experience in the
5 campaign and in our assessments afterwards was the seat
6 makeup of the House -- so we maintained a slight win in the
7 popular vote, but the seat makeup changed dramatically due
8 largely to the vaccine mandate issue. That issue caused
9 several repercussions for us.

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

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

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

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

7 **HON. ERIN O' TOOLE:** Yes. The PPC vote was a
8 live issue. I never mentioned Mr. Bernier at all in the
9 campaign. You know, I am very disappointed in his conduct
10 since leaving our party.

11 But in the final week, I did make an appeal,
12 in the last few days, to PPC voters that if they wanted to
13 see the Liberal Government replaced, we were the vehicle, and
14 that a vote for the PPC was actually indirectly helping Mr.
15 Trudeau. That was as far as I would go to appeal to ardent
16 PPC supporters.

17 But why I say it was a real issue is most of
18 the provinces, as I said, were the ones imposing
19 restrictions. And the restrictions and vaccine mandates
20 really caused that vote to go from two percent to six/seven
21 percent. In some parts of southwestern Ontario, the vote
22 went into double digits.

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

27 So our modelling showed on Friday I was
28 winning the seat count, and on Monday I lost the seat count.

1 It was a tough weekend.

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

6 **--- EXHIBIT No./PIÈCE No. CAN 125:**

7 RRM Canada Weekly Trend Analysis

8 **MR. GUILLAUME SIROIS:** And for the benefit of
9 the public, while the document is being pulled, RRM Canada
10 was responsible for monitoring the digital information
11 environment for foreign state sponsored disinformation during
12 the 2021 election.

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

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

19 "Yonder monitoring identified
20 accounts that may be associated with
21 Russian state-sponsored actors who on
22 a very small scale have amplified
23 content supportive of accounts of two
24 candidates of the Peoples' Party of
25 Canada. [...] RRM notes that both PPC
26 posts involved anti-vaccine and anti-
27 lockdown content."

28 Is this the first time you are hearing about

1 this?

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

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

6 **HON. ERIN O'TOOLE:** Yes. There was always a
7 fear that some of the troll farms and some of the Russian
8 influence was boosting some of the messages from the PPC,
9 both on anti-LGBTQ type messaging, for example. But
10 certainly when covid happened, the restriction/vaccine issue
11 I believe was amplified by those channels. But I wasn't
12 aware of any of the tracking of it.

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

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

19 **MR. GUILLAUME SIROIS:** Okay. I will go now
20 to CAN000134

21 **--- EXHIBIT No./PIÈCE No. CAN 134:**

22 RRM Canada Weekly Trend Analysis

23 **MR. GUILLAUME SIROIS:** Which is the
24 subsequent weekly report from RRM Canada for the September 9
25 to 15 period. As you can see from the first page, this is
26 the report for the week of September 9 to 15. I would like
27 to go to the second page again, please.

28 It's the same kind of paragraph. Similar

1 information. I will read again some excerpts from that
2 paragraph. The firm, being the Yonder firm that we
3 discussed, which I assume is a firm that the Government
4 contracted to conduct those analyses:

5 "The firm has seen less engagement
6 from accounts that generally amplify
7 Chinese state sources, but more
8 engagement from accounts that
9 generally amplify Russian state
10 sources. [...] In general, Yonder
11 reports that Chinese and China state-
12 aligned accounts amplify messages by,
13 or are supportive of, the LPC while
14 Russia-friendly accounts amplify
15 Peoples Part[y] of Canada-related
16 content."

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

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

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

4 At the end of the day, it was close until the
5 end, and these splits, you know, are why I'm in the private
6 sector, largely now, and not in Parliament, but it was a
7 tough campaign. That's why I still believe we shouldn't have
8 had one in the confines of a vaccine over health-related and
9 restrictions of things that were necessary, but were going to
10 be challenging in a civil society.

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

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

24 Later on in the campaign, it coincided with
25 the early part of what was the Delta wave. There were
26 pressures on the Alberta hospital system, a few provincial
27 vaccine mandates came into force, like in Ontario and New
28 Brunswick. So the second part of the campaign was much more

1 covid-centric, is when we lost our momentum. I can't track
2 it on a daily basis, but that's generally how we saw it
3 happening.

4 **MR. GUILLAUME SIROIS:** I understand, but does
5 that generally align, September 9 to September 15, where
6 September 15 is one -- approximately one week before the
7 election?

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

13 **MR. GUILLAUME SIROIS:** And so you said there
14 was a bunch of issues during that time period. But just I
15 want to make sure I understand properly. One of the
16 important issues was the anti-vaccine and anti-lockdown
17 content?

18 **HON. ERIN O' TOOLE:** That was the most
19 important issue.

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

23 **--- EXHIBIT No./PIÈCE No. CAN 141:**

24 RRM Canada Weekly Trend Analysis

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

1 So -- and this paragraph reads in part:

2 "In general, Yonder reports that
3 Chinese and China state-aligned
4 accounts continued to amplify
5 messages by or supportive of the LPC,
6 while Russia-friendly accounts
7 continue to amplify Peoples Party of
8 Canada...related content."

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

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

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

27 **HON. ERIN O' TOOLE:** Well, I was banned to go
28 to Russia, as was the previous leader, Andrew Scheer. You

1 know, I'm wearing my Ukraine pin today. You know, we were
2 very, very strongly opposed to the Putin regime going back to
3 Mr. Harper, who probably his most famous comment as prime
4 minister was confronting Vladimir Putin, asking him to get
5 out of Ukraine during the illegal occupation of Crimea. So
6 we were very, very strongly opposed to the Putin regime, as
7 was the Trudeau Government, I might add, despite early on
8 there was a -- Minister Dion wanted to warm relations with
9 Russia. Ms. Freeland and other members of that caucus pushed
10 to adopt a very strong position countering Putin's
11 aggression.

12 So this was one area where I think the
13 Liberals and Conservatives were generally on the same page,
14 but we were probably known as the slightly stronger tone
15 against -- in Operation Unifier and some of the missions in
16 Latvia and Crimea and Ukraine were all initiatives of the
17 Conservative Government, so we opposed the Putin regime and
18 Russia under his control.

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

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

1 I've watched it unfold in the United States,
2 where the Republican Party has virtually changed their
3 original position, in my view, because of some of this
4 influence. I've seen it in Canada as well, and I've spoken
5 out against it. I do think Mr. Bernier tries to harness some
6 of these forces. Whether accidentally or whether it's
7 coordinated I can't speak to.

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

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

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

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

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

1 **COMMISSIONER HOGUE:** Thank you.

2 So we'll take 20 minutes break. So we'll
3 come back at 11:35.

4 **THE REGISTRAR:** Order, please. À l'ordre,
5 s'il vous plaît. The hearing is in recess until 11:45. La
6 séance est en pause jusqu'à 11h45.

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

8 --- La séance est suspendue à 11h13

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

10 --- L'audience est reprise à 11 h 43

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

13 This sitting of the Foreign Interference
14 Commission is back in session. Cette séance de la Commission
15 sur l'ingérence étrangère est maintenant en cours.

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

17 **COMMISSIONER HOGUE:** So next one is counsel
18 for the Human Rights Coalition.

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

20 **MS. HANNAH TAYLOR:**

21 **MS. HANNAH TAYLOR:** Good morning, Mr.
22 O'Toole.

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

24 **MS. HANNAH TAYLOR:** You mentioned this
25 morning that you had a sense that the Conservative Party's
26 stronger positions on China were probably being tracked
27 closely by the Chinese government prior to the 2021 election.
28 You would agree that it's likely these stronger positions as

1 well as the Conservative Party's support of targeted diaspora
2 communities such as the Falun Gong, Uyghur and Hong Kong
3 communities in its 2021 platform, support of the Uyghur
4 genocide motion and advocacy for the Foreign Influence
5 Registry that likely made it a -- that likely made the Party
6 a target of the Chinese government.

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

8 **MS. HANNAH TAYLOR:** From your perspective,
9 has your treatment by the Chinese government in the 2021
10 election as well as the experiences of other politicians and
11 leaders who've supported targeted communities created an
12 environment in which other politicians, leaders and parties
13 may feel they cannot take a stance against China without
14 facing consequences?

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

20 **MS. HANNAH TAYLOR:** You mentioned this
21 morning that the CSIS briefing you received in 2023 was
22 helpful for understanding what was happening regarding
23 foreign interference issues but that you would have
24 appreciated getting the briefing a few years earlier.

25 Based on your interview summary, it's my
26 understanding that you believe that if an intelligence agency
27 develops a credible belief that a Party or candidate is the
28 target of foreign interference then the agency should brief

1 the Party or candidate even if the threat posed by foreign
2 interference is minimal. Is that correct?

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

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

14 **HON. ERIN O' TOOLE:** Yes, I believe they
15 deserve that same right.

16 **MS. HANNAH TAYLOR:** Thanks, Mr. O'Toole.

17 **COMMISSIONER HOGUE:** Thank you.

18 So government?

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

20 **MR. GREGORY TZEMENAKIS:**

21 **MR. GREGORY TZEMENAKIS:** Good morning, sir.

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

23 **MR. GREGORY TZEMENAKIS:** My name is Gregory
24 Tzemenakis. I'm counsel for the Attorney General of Canada
25 and I just have some clarification questions.

26 So your evidence -- in your evidence this
27 morning, you stated that the Conservative Party of Canada did
28 not lose the general election in 2021 due to foreign

1 interference activities, but they may have lost somewhere
2 between six to nine seats as a result of foreign interference
3 activities; correct?

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

5 **MR. GREGORY TZEMENAKIS:** And I also heard you
6 to say, sir, that those seats may have also been impacted by
7 other factors, such as the position taken by the party on
8 motions in the House of Commons; possibly an understanding in
9 relation to the party's platform, or a misunderstanding in
10 relation to the party's platform; and positions taken in
11 relation to vaccines and vaccine mandates. Is that a fair
12 summary?

13 **HON. ERIN O' TOOLE:** All the issues that were
14 germane in the '21 election would have applied to all those
15 voters as well.

16 The modelling and the historic voting
17 patterns of the Chinese-Canadian diaspora, in particular, is
18 what helped formulate my opinion, but I've always said that
19 seat range, up to nine, is my opinion, based on all these
20 considerations.

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

22 I want to move to just a couple of questions
23 on information flow and, in particular, from the party to the
24 SITE Task Force.

25 So this morning -- and I'm going to start off
26 with a general question, to make sure I understood exactly
27 what you said this morning. I understood you to say that the
28 foreign interference activities that the party was monitoring

1 were raised by your representatives to the SITE Task Force
2 during the writ period in the 2021 election, is that right?

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

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

12 **HON. ERIN O' TOOLE:** What we were doing was
13 sharing kind of anecdotal reports to counter the sort of
14 impression being left by SITE that there were no issues of
15 concern. We were seeing issues of concern, and we were
16 flagging them.

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

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

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

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

1 **MR. GREGORY TZEMENAKIS:** To be fair, I expect
2 that the evidence that will come on Friday by the SITE Task
3 Force in 2021 will be that there were concerns shared, but
4 that they were only shared after the writ period and after
5 the election result. And so I want to give you the
6 opportunity to help us, if that accords with your
7 recollection or if your understanding -- you're still
8 confident in your position that some information was shared
9 during the writ period?

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

13 I must specify that I was not directly
14 involved with the Task Force, my designates were, Mr. Soliman
15 and Ms. Michaud. From what I understand, in the tail end of
16 the campaign, we were raising reports from the ground that we
17 were hearing with respect to FI. We formalized those into
18 the dossier after.

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

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

27 **MR. GREGORY TZEMENAKIS:** --- with Commission
28 counsel? And did I understand correctly, sir, you to say

1 that you did not receive a response to that inquiry? And I'm
2 just trying to understand, when you say, "You" is it you in
3 your personal capacity as leader, or are you suggesting that
4 the party did not receive a response to those inquiries?

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

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

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

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

23 And my concern when you use the term,
24 "Monitoring" our monitoring from the election, we weren't set
25 up to monitor the election for foreign interference, but the
26 SITE Task Force was. And the sharing we did with the Task
27 Force was, again, one way. We didn't get the rapid response
28 mechanism reports; we didn't get what I'm seeing now in real

1 time during the campaign, and I think that's a fundamental
2 failure of the system.

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

9 **HON. ERIN O' TOOLE:** That's -- the protocol, I
10 think, warranted some sort of warning to diaspora communities
11 relying on WeChat, for example, yes. But as I said in my
12 earlier testimony, when my designates in the first meeting
13 regarding the '21 election were told that there were no
14 problems with the 2019 election, and a year after the
15 election I read that there were instances of problems in the
16 2019 election; in my view, that should have been the starting
17 point for the Task Force. We knew there were some problems
18 in 2019. We're going to be more vigilant in '21 to make sure
19 that the interference, whether it's significant or not, plays
20 no role in any of the ridings in the country.

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

27 **HON. ERIN O' TOOLE:** I did make that decision
28 not to formally say anything because of what I perceived to

1 be negative ramifications of that. I also thought the system
2 was working and if there was knowledge of the reports we were
3 hearing that the protocol would indicate the need for some
4 sort of warning.

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

8 **MR. GREGORY TZEMENAKIS:** And the question
9 that I have, sir, is when you say there was an alleged
10 failure in the system, is that your -- when did you formulate
11 that view? Did you formulate that view during the writ
12 period, or did you formulate that view with the benefit of
13 retrospection and further consideration looking back?

14 **HON. ERIN O' TOOLE:** In the final week of the
15 campaign, when some of our candidates and volunteers were
16 very worried about the level of foreign interference and some
17 of the narratives on WeChat, including narratives about me,
18 that's when I determined that we were not prepared as a
19 country for the level and methods of foreign interference.

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

26 Does CSE, do our intelligence agencies even
27 know what's really happening here? I don't think they do.
28 And what I do know is a lot of Canadians, hundreds of

1 thousands of Canadians, now rely on these channels. TikTok
2 is now included in that. That wasn't as big of a concern in
3 2021.

4 So I think that we have to make sure that
5 we're giving our intelligence agencies the resources to
6 properly monitor this, and if we don't have the ability to
7 properly monitor, perhaps there should be some restrictions
8 as we've been seeing with TikTok.

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

11 I have just one more question and it's about
12 the public announcement. In hindsight, do you agree that an
13 announcement by yourself as leader might have afforded an
14 opportunity to address the concerns you discussed this
15 morning regarding misinformation, whether it be in the riding
16 of Mr. Chiu -- apologies, it's not my phone -- whether it be
17 in the riding of Mr. Chui or in the ridings in the lower
18 mainland or in the GTA?

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

23 I will say this. The Winnipeg lab
24 experience, which I talked about earlier, is how the House of
25 Commons wrapped up before the election. When we were
26 bringing up valid public policy questions about potential
27 espionage, potential partnerships with the Wuhan Virology
28 Institute, the Prime Minister and the Government would

1 respond by saying, "Make sure you're not perpetuating anti-
2 Asian hate or discrimination."

3 It was that inadvertent chill around any
4 conversation of this that led me not to say anything publicly
5 and why I'm in favour of an inquiry and mechanisms so that
6 these decisions are taken out of the crucible of electoral
7 politics and are administered and delivered by trusted sort
8 of agencies and public officials so that the politics
9 doesn't, you know, stop or prevent a message from getting to
10 voters.

11 But it is a regret I have, that now that I
12 see everything, I didn't err on the side of making the
13 message, even if it was going to be construed as, you know,
14 our attempts to save the campaign or whatever the political
15 spin might have been. I regret not doing that for those
16 candidates that ended up losing, I feel because of the level
17 of foreign interference.

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

20 **COMMISSIONER HOGUE:** Thank you.

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

22 **COMMISSIONER HOGUE:** It's now for Mr.
23 O'Toole's counsel. Mr. Jarmyn.

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

25 **MR. THOMAS JARMYN:**

26 **MR. THOMAS JARMYN:** Mr. O'Toole, I've just
27 got one question. You finished off discussing with my friend
28 the impact -- or that the chill was one of the reasons you

1 didn't make a statement. Were there any other reasons that
2 factored into your choice not to make a statement with
3 respect to the potential foreign interference?

4 **HON. ERIN O'TOOLE:** The strength of our
5 institutions and our democracy is something that's very
6 important to me, and the pandemic put a strain on a lot of
7 public confidence in institutions and I was very much worried
8 that if we were suggesting some seats were lost or that our
9 electoral fortunes were being impacted by a foreign actor,
10 that some people in the political realm would suggest I was
11 following the approach of the United States and that the
12 election was stolen and all these sorts of things. That's
13 why I never mentioned it period while I was leader of the
14 Party. We worked with the mechanisms, we worked with SITE,
15 worked with Mr. Johnston. And why I'm so hopeful that this
16 Inquiry can take a proper look at this, so that it doesn't
17 become politicized and that we can start restoring our trust
18 in some of these institutions. That's part of the reason I
19 was so cautious, but also part of the reason why I'm so
20 hopeful that this Inquiry really makes some strong
21 recommendations on how we can safeguard things going forward.

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

23 Thank you, Commissioner.

24 **COMMISSIONER HOGUE:** Thank you.

25 Any re-examination, Maître Rodriguez?

26 **--- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR**

27 **MS. NATALIA RODRIGUEZ:**

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

1 Mr. O'Toole, I just want to clarify some of
2 the evidence that you gave in cross-examination in response
3 to my friend the counsel for the Attorney General's
4 questions.

5 I just wanted to understand your evidence.
6 Is it your evidence that you passed on concerns about what
7 you were seeing on the ground during the writ period to your
8 SITE designates? Is that accurate?

9 **HON. ERIN O' TOOLE:** There was -- as we were
10 seeing instances and hearing reports on the ground from the
11 campaign, kind of our central campaign team was talking about
12 it: myself, my chief of staff, the national campaign manager.
13 And the national campaign chair, Mr. Soliman, was also my
14 SITE designate, as was Ms. Michaud. So it was these
15 discussions that I believe Mr. Soliman took to the Taskforce
16 meetings.

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

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

27 **MS. NATALIA RODRIGUEZ:** Did you ask either
28 one of them to pass on those concerns to site? Or was it

1 simply your expectation that they would do so?

2 **HON. ERIN O' TOOLE:** It was my expectation
3 from the commentary and what we were hearing and discussing
4 on the ground.

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

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

12 **MS. NATALIA RODRIGUEZ:** And so to your
13 knowledge though, were those concerns in fact passed on to
14 SITE?

15 **HON. ERIN O' TOOLE:** I certainly know when we
16 prepared the dossier, we provided evidence of the WeChat,
17 evidence of some of the other instances of foreign
18 interference. But I don't know which ones were communicated
19 verbally during the writ itself. That'd be a question for
20 Mr. Soliman.

21 **MS. NATALIA RODRIGUEZ:** Okay. Thank you very
22 much.

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

28 **HON. ERIN O' TOOLE:** No, not with me. They

1 may have been in 2019, but I wasn't part of that election
2 team. But there was no discussion of the protocol when I was
3 leader.

4 **COMMISSIONER HOGUE:** And have you been
5 consulted, when I say you, I mean your Party, have been
6 consulted about the composition of the panel of five?

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

8 **COMMISSIONER HOGUE:** Thank you. Thank you
9 very much for your time.

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

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

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

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

17 **THE REGISTRAR:** Order. The sitting will take
18 a recess for five minutes. La séance est en pause pour cinq
19 minutes.

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

21 --- La séance est suspendue à 12 h 05

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

23 --- La séance est reprise à 12h17

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

26 This sitting of the Foreign Interference
27 Commission is back in session. Cette séance de la Commission
28 sur l'ingérence étrangère a reprise.

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

2 **MR. MATTHEW FERGUSON:** Madam Commissioner,
3 Matthew Ferguson for Commission Counsel. We call the next
4 witness, who is Kenny Chiu.

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

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

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

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

12 **--- MR. KENNY CHIU, Sworn/Assermenté:**

13 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF**

14 **PAR MR. MATTHEW FERGUSON:**

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

16 **MR. KENNY CHIU:** Hello.

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

21 **MR. KENNY CHIU:** Yes.

22 **MR. MATTHEW FERGUSON:** A summary of that
23 interview was prepared.

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

26 **--- EXHIBIT No./PIÈCE No. WIT 14.EN:**

27 Stage 1 Interview Summary: Kenny Chiu

28 **--- EXHIBIT No./PIÈCE No. WIT 14.FR:**

1 Résumé d'entrevue de l'étape 1 :
2 Kenny Chiu

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

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

7 **MR. MATTHEW FERGUSON:** Okay. have you had an
8 opportunity to make corrections or changes to the summary?

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

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

12 **MR. KENNY CHIU:** No.

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

15 **MR. KENNY CHIU:** Yes.

16 **MR. MATTHEW FERGUSON:** I'll now enter the
17 witness summary into evidence, as well as WIT 14.FR, which is
18 the French translation of the summary.

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

21 **--- EXHIBIT No./PIÈCE No. CAN.DOC 24:**

22 Summary information on briefing to
23 Kenny Chiu

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

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

28 **MR. MATTHEW FERGUSON:** Okay. At the request

1 of the Commission, the Government of Canada has produced a
2 summary of that briefing in a format suitable for public
3 disclosure. We will be reviewing parts of that summary
4 today. In accordance with the Commission's obligations to
5 prevent the disclosure of information protected by national
6 security confidentiality, I will ask -- I will not ask
7 questions intended to elicit information that remains
8 classified. I understand that you may not be able to answer
9 aspects of my questions. Please simply indicate that that's
10 the case where you cannot answer for this reason, and I will
11 move on.

12 In this particular case, have you reviewed
13 this document?

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

15 **MR. MATTHEW FERGUSON:** Do you accept -- I
16 understand you also accepted that the document be
17 declassified and your witness -- your names -- your name be
18 mentioned in the summary.

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

20 **MR. MATTHEW FERGUSON:** Okay. And without
21 getting into specifics of the briefing you received, does the
22 document provide an accurate general description of that
23 briefing?

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

25 **MR. MATTHEW FERGUSON:** Then I will enter this
26 as well into evidence.

27 Now, Mr. Chiu, you are the former MP for
28 Steveston East Richmond?

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

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

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

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

9 From 2019 to 2021?

10 **MR. KENNY CHIU:** Correct.

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

13 **MR. KENNY CHIU:** Correct.

14 **MR. MATTHEW FERGUSON:** You immigrated to
15 Canada in 1982 to complete Grade 12 as an international
16 students in Winnipeg?

17 **MR. KENNY CHIU:** Correct.

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

20 **MR. KENNY CHIU:** Yes.

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

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

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

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

28 **MR. MATTHEW FERGUSON:** Can you briefly

1 summarise how, if we look at how you got into politics now.
2 I understand that at some point in time you became a
3 schoolboard trustee in Richmond.

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

12 So when I came to Canada, I pay very close
13 attention to what happens, particularly to the national
14 political situation. I have had a very high regard of
15 Canada's political system, be it a democracy, and so I pay
16 very close attention to what's transpired, the discussion of
17 the Charlottetown Accord, Meech Lake Accord.

18 And then later on, when I -- on the day of
19 wedding, I was actually in Hong Kong doing the banquet
20 circuits, and -- but it was exactly the time when Quebecers
21 were deciding whether to leave Canada, the referendum. And
22 so I was so concerned that I actually have my colleague back
23 then in Richmond send me in an email, email was actually
24 quite, you know, not as popular as then, to let me know
25 whether I have a country to come back to. So that's the
26 level of concern that I have for Canada.

27 And when my wife and I had a family and then
28 the -- they enter into the public school system, we decided

1 that rather than sitting on the side, be a spectator, we
2 decided to move forward and be a contributor. And so I put
3 my name forward to be a Richmond Schoolboard trustee, and in
4 2011, I was elected one.

5 **MR. MATTHEW FERGUSON:** Okay. And you also, I
6 understand, have -- were a frequent commentator on Chinese
7 language TV and radio throughout the 2000s, giving a
8 conservative perspective on Mandarin and Cantonese language -
9 --

10 **MR. KENNY CHIU:** Yes.

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

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

21 **MR. MATTHEW FERGUSON:** Okay. And you then --
22 after your tenure as the -- as schoolboard trustee, you ran
23 as a Conservative in Steveston-Richmond East ---

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

25 **MR. MATTHEW FERGUSON:** --- in 2015, and at
26 that time you lost to the Liberal candidate. Is that
27 correct?

28 **MR. KENNY CHIU:** That is correct. I lost to

1 Mr. Joe Peschisolido. He was originally a Conservative MP
2 under Canadian Alliance. He changed to the Liberal caucus in
3 2002. I was the -- one -- I was one of them, the campaign
4 team that helped him get elected in year 2000. So it was a
5 yes to versus Peschisolido campaign in 2015.

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

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

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

12 **MR. KENNY CHIU:** Correct.

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

17 **MR. KENNY CHIU:** That's what I found, too,
18 yes.

19 **MR. MATTHEW FERGUSON:** Okay. Now, if we just
20 touch on the 2019 campaign, what I'd like to get to focus
21 more with you is the 2021 election campaign. But so we could
22 have maybe a point of reference or perspective of the
23 differences with 2021, can you briefly describe how that
24 campaign was run in 2019?

25 **MR. KENNY CHIU:** It was a little bit
26 different from 2015. In 2015, much like my 2011 school board
27 trustee campaign, around me I have many supporters and
28 friends who would come to help me campaign. I remember being

1 invited after I was elected as a school board trustee to a
2 Canadian Association or Alliance of Canadian Associations
3 gathering.

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

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

7 **MR. MATTHEW FERGUSON:** Okay.

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

12 In 2015, I noticed that a few of them has
13 faded off, but by and large they're still very supporting.
14 Through their connection, I was able to rent a campaign
15 office, for example. But that has dramatically changed in
16 2019.

17 I noticed that not too many of them had come
18 out in support of me any more. They would try not to be, you
19 know, seen as with me campaigning, going door knocking,
20 volunteering services, et cetera. I attribute that to my
21 commentary with media such as Radio Free Asia in support of a
22 more open situation in Hong Kong, but I didn't pay too much
23 attention to it. And that was 2019.

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

27 I understand there was the Hong Kong ---

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

1 **MR. MATTHEW FERGUSON:** --- anti-extradition
2 law protest in 2019 as well.

3 **MR. KENNY CHIU:** Yeah.

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

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

12 Even though there is a lot of pressure coming
13 from constituents of Chinese Hong Kong background advocating
14 and, you know, asking me to take a public stand, I decided
15 not to so, therefore, throughout the entire campaign, you
16 would not find any commentary that are proactively giving out
17 from me.

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

21 **MR. KENNY CHIU:** Unless they ask me for my
22 position and comment, I would honestly provide them, but
23 otherwise, I would not proactively -- Canada has ---

24 **MR. MATTHEW FERGUSON:** Sorry. Perhaps my
25 question wasn't clear.

26 I'm not just speaking about China-related
27 issues, but what was your access like -- what was your access
28 like to the local media in Greater Vancouver Area in the 2019

1 year just at large?

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

8 **MR. MATTHEW FERGUSON:** So after -- as of
9 October 2019, you were elected to the House of Commons. Do
10 you remember the first thing you did after you were elected
11 to the House of Commons?

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

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

16 **MR. KENNY CHIU:** View on what happened and
17 what is the problem with Hong Kong. From my perspective,
18 it's because the government there was trying to resolve a
19 political problem using police brute force and not a
20 political solution. And that's why I had taken up the
21 invitation to join in international election observation
22 mission in Hong Kong because there is -- there was a
23 municipal election. It's called a district council election
24 in Hong Kong.

25 And in my view, the open and fair election
26 conducted there would have been a great testimony how they
27 can pacify, how can they resolve many of the political
28 problems.

1 **MR. MATTHEW FERGUSON:** And in Hong Kong at
2 the time, there was the protests, the demonstrations that
3 were occurring in relation to the anti-extradition laws. Is
4 that correct?

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

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

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

13 I have volunteers, you know, only a month,
14 month and a half ago in my campaign telling me that they will
15 not volunteer for me in the next campaign. They will not
16 even vote for me. Whether they will vote for me or not, they
17 will have to have a deep thought about that.

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

20 **MR. MATTHEW FERGUSON:** When you use the term
21 "rioters", is that your term or is it the term that someone
22 else is using to describe the people that were demonstrating
23 to ---

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

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

9 **MR. KENNY CHIU:** Correct.

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

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

19 And so I joined them at that moment and they
20 then released the report to the House of Commons to, I think,
21 Foreign Affairs Committee and committee tabled that to the
22 House of Commons. Yeah. And that's the background of it,
23 yeah.

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

26 **MR. MATTHEW FERGUSON:** It wasn't just focused
27 on China.

28 **MR. KENNY CHIU:** No.

1 **MR. MATTHEW FERGUSON:** Okay. And on March
2 27, 2021, the People's Republic of China sanctioned Mr.
3 Michael Chong individually and the subcommittee generally.
4 As a member of the subcommittee, what did you take that to
5 mean, that you were sanctioned as a member of the
6 subcommittee?

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

19 **MR. MATTHEW FERGUSON:** And did you take that
20 to mean as -- did you take that to mean that you could not
21 return or travel to China?

22 **MR. KENNY CHIU:** Only the Chinese state would
23 be able to answer your question in black and white.

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

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

28 **MR. MATTHEW FERGUSON:** I'd like to move on to

1 a piece of legislation that you tabled during the 43rd
2 Parliament. Bill C282, an Act to establish the Foreign
3 Influence Registry, that is at -- I'll call the doc ID KCH
4 finishing with 69.

5 **--- EXHIBIT No./PIÈCE No. KCH 69:**

6 Bill C-282 An Act to establish a
7 Foreign Intfluence Registry

8 **MR. MATTHEW FERGUSON:** And we could just
9 scroll through the document. So this is Bill C282 -- excuse
10 me, just go back to the first page. An Act to establish the
11 Foreign Influence Registry, the first reading on April 13,
12 2021. And we can go now to the next page. Okay, the next
13 page. Right. Thank you.

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

17 **MR. KENNY CHIU:** Correct.

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

21 **MR. KENNY CHIU:** This is actually the result
22 of a year-and-a-half study of my staff and myself. I believe
23 Canada needs transparency into foreign influencers ---

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

25 **MR. KENNY CHIU:** --- and to protect our
26 interest. So at first we were modelling a legislative
27 proposal under the U.S. FARA Scheme, but we noticed that, you
28 know, countries such as the Chinese Communist Party

1 controlled China, and also the general public in Canada has a
2 innate anti-Americanism built in. So we decided not to do
3 that. Besides the FARA Scheme perhaps is too thorough as a
4 lowest hanging fruit to deploy, so we decided to model,
5 switch ourselves and model after the Australian model
6 instead. In Australian, it's called the Foreign Influence
7 Transparency Scheme. And that's how we model what we propose
8 eventually after.

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

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

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

23 **MR. KENNY CHIU:** No.

24 **MR. MATTHEW FERGUSON:** --- on behalf of
25 foreign governments ---

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

28 **MR. MATTHEW FERGUSON:** Okay. And did your --

1 does the bill mention any specific countries?

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

11 **MR. MATTHEW FERGUSON:** Okay. And does your
12 bill make any reference or employ the terms foreign --
13 hostile foreign state?

14 **MR. KENNY CHIU:** I don't remember that we
15 have.

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

18 **MR. KENNY CHIU:** Right.

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

21 **MR. KENNY CHIU:** Correct.

22 **MR. MATTHEW FERGUSON:** Okay. Did you have
23 the support of your party's caucus?

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

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

28 **MR. KENNY CHIU:** The dissolution of the 43rd

1 Parliament pretty much puts an end to it.

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

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

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

15 **MR. KENNY CHIU:** Well, it was during the
16 pandemic.

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

18 **MR. KENNY CHIU:** And I remember it was just
19 months before that, before the Parliament rises or arose, we
20 started the discussion and the trying to find facts -- fact
21 finding on the Winnipeg National Microbiology Lab, what
22 happened, under what circumstances the scientists were
23 dismissed, their security clearance removed. And there were
24 a lot of talk about anti-Asian racism even coming from the
25 government MPs and even the Prime Ministers in response to
26 our questioning. And as I explained to you, Madam
27 Commissioner, I have a very high regard of Canada's democracy
28 and it was a very disillusion moment when I see that the

1 Parliament of Canada had asked four times for documents for
2 the National Microbiology Lab situations and the government
3 keep on ignoring it and even took the Parliament represented
4 by the speaker to court. And then when that didn't work, the
5 government decided -- or the governing party decided to pull
6 the plug and call an election on that in the midst of a
7 COVID-19 pandemic that we were suffering. So it was a very
8 chaotic moment. It was also a very polarized moment. People
9 -- you know, there have been supportive of a mandate, you
10 know, against mandates, masking and all that.

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

13 **MR. KENNY CHIU:** Sure.

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

18 **MR. KENNY CHIU:** Yes.

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

22 **MR. KENNY CHIU:** Yeah.

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

27 **MR. KENNY CHIU:** It was surreal. But when we
28 looked at the voter turnout rate and also in light of some of

1 the misinformation that has been grounding many of the
2 constituents, we understand what happened a little bit
3 better. The voter turnout rate in Steveston-Richmond East in
4 the past three elections has been continuously dropping; from
5 2015's 60.25 percent to 2019's 56.94 percent, to 2021's 52.77
6 percent. In other words, over 3,000 eligible voters did not
7 vote in 2021 when they had voted just a mere 23 months ago.

8 And my opponent garnered -- the number of
9 votes that he garnered was actually lower than the vote that
10 I had in the 2015 election.

11 **MR. MATTHEW FERGUSON:** The 2015 election
12 which you lost?

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

14 **MR. MATTHEW FERGUSON:** Right.

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

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

20 **MR. KENNY CHIU:** Correct.

21 **MR. MATTHEW FERGUSON:** Okay.

22 **MR. KENNY CHIU:** It was very unusual and
23 surreal, but, you know, given the polarized opinions in
24 China, Hong Kong, the Covid-19 pandemic and all that, and
25 also with my experience, my observation of China getting
26 involved, I wasn't surprised.

27 My staff, however, they were. My English-
28 speaking staff, ---

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

2 **MR. KENNY CHIU:** --- campaign staff. They
3 were shocked.

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

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

9 **--- EXHIBIT No./PIÈCE No. KCH 1-27:**

10 Chat screenshots: Current Events
11 Discussion. News Coverage. (24/7)

12 **MR. MATTHEW FERGUSON:** And we'll go through
13 some of those. Those are essentially messages that you've
14 provided to -- or screenshots of messages you've provided to
15 the Commission.

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

19 **--- EXHIBIT No./PIÈCE No. KCH 70:**

20 Translation of KCH 1-27

21 **MR. MATTHEW FERGUSON:** So if we go to KCH1 to
22 start with? And can we just scroll -- maybe zoom out a
23 little bit so we can have a bigger -- okay.

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

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

2 **MR. MATTHEW FERGUSON:** Okay. Now, if I look
3 at the first message -- and I won't impress anyone with my
4 Chinese reading skills. I'm referring to the translations at
5 KCH70. But that first message at top, it says -- it
6 translates to:

7 "It would be so ironic if the Chinese
8 elect an anti-Chinese political
9 party, wouldn't it?"

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

12 "Conservative Party- anti-Chinese [...]
13 anti-China, a garbage political party
14 that discriminates against the
15 Chinese!!!"

16 When did you first start -- when did you or
17 your campaign staff first notice these messages circulating
18 on Chinese language social media?

19 **MR. KENNY CHIU:** At the beginning of
20 September. That's when I started receiving screenshots such
21 as this.

22 Understandably, of course, I would not be
23 privileged to be on the receiving end directly of these
24 messages. I'm not members of these chat rooms and groups.
25 So there's zero opportunity for me to counter, and disprove,
26 and argue.

27 I think that is by design, of course.

28 **MR. MATTHEW FERGUSON:** What do you mean by

1 you think it's by design?

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

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

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

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

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

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

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

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

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

25 **MR. MATTHEW FERGUSON:** Okay. If I continue
26 on to KCH4?

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

1 "What matters is [that] O'Toole
2 (vomiting) from Conservative Party is
3 just Trump's follower. Putting him
4 in power is detrimental to Chinese
5 Canadians and to the country's long-
6 term interests."

7 Is that correct?

8 **MR. KENNY CHIU:** Yes. That's approximately
9 correct for the translation.

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

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

16 "It is too ironic that in the federal
17 election, the Chinese vote for an
18 anti-Chinese Party (Conservative
19 Party), which is unacceptable to me
20 personally. China is the motherland
21 of the Chinese..."

22 What do you take that to -- how do you
23 interpret that, Mr. Chiu, as a Chinese Canadian?

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

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

28 **MR. KENNY CHIU:** Not just in Canada, but also

1 in Australia, the U.S., U.K., New Zealand, that they are the
2 only legitimate representative of the welfare of ethnic
3 Chinese around the world, regardless whether you're from Hong
4 Kong, Taiwan, or China, or South East Asia, other places.
5 People such as myself, who has not lived one day under their
6 rule, they still believe they are the legitimate
7 spokesperson, advocate, for our benefit. So it fits very
8 well with that narrative.

9 **MR. MATTHEW FERGUSON:** And then if I go to
10 KCH16? We'll start with KCH16. Just scroll out a little
11 bit. This message by a user named Patrick. And then through
12 17, 18, and 19. Go down to 18 -- 17. And I understand here
13 -- yeah, so it's at 17 -- or 18, rather.

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

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

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

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

22 **MR. MATTHEW FERGUSON:** Okay. What -- if --
23 before I get into your attempts to counter or -- attempts to
24 counter the narrative, can you speak to your experience on
25 the ground? There obviously wasn't just an online campaign
26 against you. What was your experience like going door to
27 door, for example? Meeting with the constituents?

28 **MR. KENNY CHIU:** It was very confusing. Like

1 I said, the pandemic, COVID-19, masking mandates, all these
2 are polarising issues, but as an ethnic Chinese, I have no
3 problem wearing a mask myself. Even when go door knocking.
4 Doors that have been opened to me near 20-some months ago, as
5 soon as they heard my Chinese name, (speaking Chinese), they
6 would shut the door in my face.

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

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

21 **MR. KENNY CHIU:** Correct.

22 **MR. MATTHEW FERGUSON:** Okay. And perhaps in
23 the interest of time, I won't call up the document on the
24 screen, but I'll reference it as CCC ending in 10.

25 **--- EXHIBIT No./PIÈCE No. CCC 10:**

26 Article: Conservatives face ugly
27 barrage over party's China policy
28 [Vancouver Sun]

1 **MR. MATTHEW FERGUSON:** It's a Richmond News
2 article titled Richmond Candidate Attacked on WeChat for
3 Proposed Foreign Influence Legislation, dated September 7,
4 2021.

5 And it cites one of the posts circulating on
6 WeChat as stating:

7 "'This bill is going to have
8 extremely negative consequences for
9 immigrants from mainland China. It
10 will also harm economic, cultural and
11 technological exchanges between
12 Canada and China...'"

13 And:

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

24 Why did you reach out to the English language
25 media in regards to these social media posts on WeChat in
26 Chinese language?

27 **MR. KENNY CHIU:** It was a campaign
28 calculation because of lack of support, and also means to

1 counter foreign interference in our riding, particularly
2 targeting Mainland Chinese and also Hong Kong Chinese
3 Canadians, we have decided to appeal to the non Chinese
4 speaking population in Richmond. The more we exposed this,
5 we were hoping that we would be able to earn some votes that
6 would compensate what we have lost in the Chinese speaking
7 side that actually is subject to foreign interference.

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

13 That's a document at -- I'm sorry, that was
14 CCCC010. I made a mistake in calling up the last document.
15 I'll just reference it. The Richmond News article was KCH
16 68.

17 **--- EXHIBIT No./PIÈCE No. KCH 68:**

18 Article: Richmond candidate attacked
19 on WeChat for proposed 'Foreign
20 Influence' legislation

21 **MR. MATTHEW FERGUSON:** So going back to the
22 Vancouver Sun article, you -- it's mentioned that you -- the
23 barrage and falsification, disinformation and personal
24 attacks was beyond your expectation. Why was it beyond your
25 expectation?

26 **MR. KENNY CHIU:** I -- my experience in the
27 House of Commons had led me to believe that the Government of
28 Canada has set up, you know, all these mechanisms to monitor

1 irregularities during the elections. I was a rookie MP, so
2 I'm not, you know, at -- an expert in SITE Task Force, in
3 CIEPP. You know, even the fact that I understand what NSICOP
4 means, NSIRA means, it's already, you know, top marks from my
5 perspective. So I have a very high expectation that I will
6 be protected. And when things come like a tsunami, to me, I
7 was caught by surprise that things like that would allow, and
8 the Government of Canada did not have any clarification to
9 clear my names.

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

16 "By observation, the message is the
17 same...[b]ut I have no evidence....
18 They..." (As read)

19 Referring to China:

20 "...and its agents) are the
21 most...."

22 "But I have no evidence":

23 "They (China and its agents) are the
24 most experienced infiltrators. They
25 have done it for so many years.
26 They're not going to get caught."

27 So I understand this, is that at this point
28 you're refusing to speculate whether there was a state-

1 sponsored campaign, but in your interview summary, and
2 elsewhere, you have stated that foreign interference by China
3 was a significant factor in your election loss.

4 Has your view as to whether there was PRC
5 Government-sponsored disinformation campaign against you, has
6 that evolved?

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

19 If I may actually put on one point about the
20 Richmond News article.

21 **MR. MATTHEW FERGUSON:** Sure.

22 **MR. KENNY CHIU:** You notice Richmond News
23 article was written by a reporter, her name is Nono Shen.
24 She is actually a Mainland Chinese, and she has also been
25 privy to many of this information. She even receives some of
26 them. That's why when I speak to her and I ask for
27 clarification opportunity, I do not have to explain any of
28 the background, and right away she would start interviewing

1 me and asking me valid and relevant questions.

2 Daphne from Vancouver Sun, for example, there
3 is a lot of background explanation that I have to go through.
4 And that highlights the difference of, and the powerfulness,
5 and effectiveness of segregated disinformation campaign.

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

11 **MR. KENNY CHIU:** Yes.

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

14 **MR. KENNY CHIU:** The distancing of my friends
15 and also former colleagues when I was a commentator at the --
16 at these radio stations, newspapers, outlets, and also online
17 form TVs, did not start during the election, it was actually
18 started. You know, when the Uyghur votes was conducted, for
19 example, that had already happened. It -- you know, I was
20 not given a chance to go live on air to explain myself. So
21 during the election, when I -- when I call up on a press
22 conference, it was actually very poorly attended. Whoever
23 attended didn't come. I don't even know if they actually
24 have reported what we have asked.

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

28 **MR. KENNY CHIU:** In Greater Vancouver. News

1 medias in Greater Vancouver. Ethnic news media in Greater
2 Vancouver.

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

5 **--- EXHIBIT No./PIÈCE No. CCC 4:**

6 Article [Today Commercial News]

7 **MR. MATTHEW FERGUSON:** Do you recognize this
8 document, Mr. Chiu? Have you seen this before? This is a
9 ---

10 **MR. KENNY CHIU:** Can you slow down a little
11 bit, ---

12 **MR. MATTHEW FERGUSON:** Yeah.

13 **MR. KENNY CHIU:** --- so that I can see the
14 title?

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

17 **MR. KENNY CHIU:** Yeah.

18 **MR. MATTHEW FERGUSON:** --- that appeared on
19 September 9, 2021 titled, "Conservative MP Chiu introduced
20 the registration of foreign forces bill. The registration of
21 foreign forces bill to suppress the Chinese community." The
22 article states, as in the title, that you introduced this
23 bill to suppress the Chinese community in Canada.

24 Did you see this article at the time?

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

27 **MR. MATTHEW FERGUSON:** And can you tell us
28 what this bill gets wrong about -- sorry; what this article

1 gets wrong about your bill? Was your intent to suppress the
2 Chinese community?

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

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

18 **MR. MATTHEW FERGUSON:** The article also
19 mentions -- refers to you as being anti-China. How do you
20 respond to being called anti-China?

21 **MR. KENNY CHIU:** I do not believe I am anti-
22 China. I do not support the Chinese Communist Party because
23 of the historical reasons since they got into power in 1949.
24 That is a matter of fact. But China, it's a country
25 representing many people. You know, billion -- over one
26 billion of them, 1.4, I believe. And you know, it's where my
27 cultural heritage is, and why would I be hating China?

28 **MR. MATTHEW FERGUSON:** I'd like to walk you

1 now through some of the Government of Canada directions we
2 received in the last days and weeks -- that the Commission
3 has received. I'll turn now to CAN 00144.

4 --- EXHIBIT No./PIÈCE No. CAN 144:

5 RRM Canada Open Data Analysis October
6 8, 2021

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

15 "We do not have clear evidence of a
16 PRC-directed operation, but we have
17 observed strong indicators of a
18 coordinated campaign as well as [the]
19 links between the campaign and the
20 PRC."

21 First of all, have you seen this report
22 before today?

23 **MR. KENNY CHIU:** No.

24 **MR. MATTHEW FERGUSON:** The fourth bullet on
25 the first page refers to:

26 "Three of the Chinese-language news
27 accounts that first circulated a
28 false narrative about Chiu are

1 members of a media partnership with
2 the Chinese state-run media agency,
3 China News Service..., which
4 [according to the RRM] may be under
5 the direct control of the United
6 Front Work Department..., [which is]
7 China's main department for gathering
8 intelligence and influencing diaspora
9 Chinese communities overseas."

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

12 **--- EXHIBIT No./PIÈCE No. CAN 4821:**

13 SITE TF Analysis 25 October 2021

14 **MR. MATTHEW FERGUSON:** Scroll down a bit to
15 -- keep going, please. Right. Now stop here at "For
16 example".

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

21 "At least three of these Canadian
22 Chinese-language news sites that
23 first circulated a false narrative
24 about Chiu are very likely members of
25 a media partnership with the Chinese
26 state-run media agency, *China News*
27 *Service...*"

28 And here's the distinction:

1 "...which is under the direct control
2 of the CCP's United Front Work
3 Department..."

4 Were you aware of this, Mr. Chiu?

5 **MR. KENNY CHIU:** No.

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

8 We can scroll down to page -- I believe it's
9 page 2. And at page 2 -- keep going, please. Keep scrolling
10 down. Right.

11 Now it's a "Timeline of events," and I'll go
12 -- I'll jump, in the interests of time, to page 7. Here we
13 go. So on page 7 on -- it is mentioned in this report by the
14 RRM:

15 "On September 6, 105.9 Yes My Radio, a
16 Greater Toronto Area radio station
17 that broadcasts in Mandarin,
18 published an anonymous blog post on
19 the open web titled 'please pay
20 attention to Kenny Chiu's 'foreign
21 power registration act/'..."

22 Were you aware of this article of blog post
23 on 105.9 Yes My Radio?

24 **MR. KENNY CHIU:** No.

25 **MR. MATTHEW FERGUSON:** Okay. Do you have any
26 idea why a radio station or a media in the Greater Toronto
27 Area would be interested in you as a candidate in the Greater
28 Vancouver Region?

1 **MR. KENNY CHIU:** No, I don't understand that,
2 why they would have a focus on a candidate on Steveston-
3 Richmond East in British Columbia.

4 **MR. MATTHEW FERGUSON:** Okay. The -- so you
5 were not aware of this at the time. It's mentioned in this
6 report -- if we keep going down the page, it's mentioned:

7 "The content of the 105.9 Yes My
8 Radio post bear some similarities to
9 the content of the third WeChat group
10 message reported by *Glacier Media*,
11 and they are likely one in the
12 same,..."

13 It then mentions a series of articles that
14 were circulating in Chinese-language media in Canada on 105.9
15 Yes My Radio, then another news site, another Chinese news
16 site, *Global Chinese Convergence Media* CGC TV. Are you aware
17 of CGC TV?

18 **MR. KENNY CHIU:** No, never heard of it.

19 **MR. MATTHEW FERGUSON:** Okay. And the last
20 one was the *Today Commercial News*, and you mentioned that
21 that you saw at the time.

22 **MR. KENNY CHIU:** Correct.

23 **MR. MATTHEW FERGUSON:** Okay. And so you
24 weren't aware of any of these reportings -- reports at the
25 time?

26 **MR. KENNY CHIU:** No.

27 **MR. MATTHEW FERGUSON:** It goes on to page 9,
28 that's page -- and it mentions at page 9 -- if you go down

1 there just a bit -- that there's also, "...a WeChat account
2 called "CouponKing54.ca [sic]," which had 60,000 subscribers,
3 that:

4 "...shared an anonymous article
5 titled 'Why should Chinese oppose
6 Conservative MP Kenny Chiu?'"

7 And it mentions that it contains:

8 "The content of the article is nearly
9 identical to the one published by
10 *Today Commercial News,...*"

11 I understand that CouponKing51.ca that's
12 something that you saw; is that correct?

13 **MR. KENNY CHIU:** I'm not aware of their
14 existence.

15 **MR. MATTHEW FERGUSON:** Okay. It's not a site
16 that you visit?

17 **MR. KENNY CHIU:** No.

18 **MR. MATTHEW FERGUSON:** Okay. I understand
19 you've had a chance to review this report today?

20 **MR. KENNY CHIU:** Correct.

21 **MR. MATTHEW FERGUSON:** Is there anything in
22 the report that is news to you, besides these last mentions
23 of the media reporting around that time?

24 **MR. KENNY CHIU:** There's an observation that
25 I would like to draw your attention to.

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

27 **MR. KENNY CHIU:** In the *Today Commercial*
28 *News*, the official publication of that attack piece, you'll

1 notice that they have a link to the private member bill C-
2 282.

3 **MR. MATTHEW FERGUSON:** Right.

4 **MR. KENNY CHIU:** But there was a typo. There
5 was a missing dot, "ww." and the dot was missing.

6 **MR. MATTHEW FERGUSON:** So it was a broken
7 link.

8 **MR. KENNY CHIU:** It's broken link, so anybody
9 who's interested to find the truth, they would not find that.

10 Secondly, if you go back to some of the
11 screenshots that I provided you, similar lines of attack were
12 used with that same broken link that was embedded. Maybe
13 it's just a coincidence, but it's unlikely, from my
14 perspective.

15 **MR. MATTHEW FERGUSON:** I'm aware of the time.
16 I'd just like to cover two more grounds, maybe one-and-a-
17 half. You also mentioned a meeting with seniors in your ---

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

19 **MR. MATTHEW FERGUSON:** --- electoral district
20 in an attempt to counter the narrative of the false
21 allegations being spread against you on social media. Can we
22 speak to that?

23 **MR. KENNY CHIU:** Seniors have a very special
24 position in a family hierarchy.

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

26 **MR. KENNY CHIU:** Many Chinese family would
27 listen to and respect their opinion. And so we figured with
28 all these disinformation in around September 3rd, we decided

1 that we -- when I say "we" this time is MP -- former MP Alice
2 Wong and I, she's the candidate for Richmond Centre and I was
3 the Conservative candidate for Steveson-Richmond East. We --
4 -

5 **COMMISSIONER HOGUE:** Mr. Chiu, can you just
6 speak a bit ---

7 **MR. MATTHEW FERGUSON:** Oh.

8 **COMMISSIONER HOGUE:** --- more slowly ---

9 **MR. KENNY CHIU:** Oh.

10 **COMMISSIONER HOGUE:** Someone reminded me.

11 **MR. MATTHEW FERGUSON:** Sorry. Sorry, it was
12 probably me ---

13 **COMMISSIONER HOGUE:** Probably you.

14 **MR. KENNY CHIU:** Oh, pardon me. Sorry. So
15 the two of us have organized a meeting to meet up with these
16 seniors. They were very concerned. And in that two, three
17 hours meeting, they open up their heart. They express how
18 worried they is -- they are if Canada started persecuting
19 Chinese. And I totally agree. We -- I even shed some tears
20 with them because I identified a kind of fear that they are
21 subjected to. In the end, they were all testified, and they
22 all left relatively happy.

23 **MR. MATTHEW FERGUSON:** And what happened
24 subsequent to that meeting?

25 **MR. KENNY CHIU:** Pictures started to
26 circulate to myself that this same group of seniors have
27 shown up at my opponent's campaign office and take picture
28 with him, and also started campaigning for him.

1 **MR. MATTHEW FERGUSON:** And that was how long
2 after you noticed that you had this meeting with the seniors?

3 **MR. KENNY CHIU:** One or two days.

4 **MR. MATTHEW FERGUSON:** We've seen the social
5 media posts throughout the government productions and the
6 documents that are available to the parties and will be
7 entered into evidence as well. There's the social media
8 post, the media articles that take issues with you as a
9 candidate and your bill and your party. What do you respond
10 to people that claim that, sure, there may have been some
11 false and spurious claims about you and your bill, but wasn't
12 it just legitimate debate among Chinese Canadians?

13 **MR. KENNY CHIU:** When I am not aware of that
14 disinformation, when I am not given a chance to dispute, when
15 there is no counterinformation being provided, when no offer
16 is for the audience to actually look at the bill themselves,
17 the link, it is not a debate at all. It's just one-sided
18 propaganda.

19 **MR. MATTHEW FERGUSON:** And, obviously, wisdom
20 and great ideas come easy after a storm, but in light of the
21 information you have today and the information that you see
22 that was available to the government agencies at the time, is
23 there anything that you would have done or could have done
24 differently knowing -- could have done differently?

25 **MR. KENNY CHIU:** I may not have run for
26 office because as an immigrant, it's already very challenging
27 to build a life here in Canada. To go into public service,
28 it's even more challenging. I -- you know, when I became a

1 school board trustee, I intentionally severed my ties with my
2 relatives in China, with the understanding that I will put
3 them in danger. And, you know, in 2021, unfortunately, it
4 seems like my worry has come true. But then I thought I
5 would be protected by my country, and I was deeply troubled,
6 disappointed that I was exposed, and the government doesn't
7 seem to care. And now that through the Commission I've
8 learned that they've known all about it, it's almost like I
9 was drowning, and they are watching, and the best they could
10 do, by the way, is to let me know that I'm drowning. I don't
11 need their notification. I need their help. And so that's
12 the overall disappointment mixing with a emotion of anger
13 that I have. And, yes, I do not believe the way the Chinese
14 Communist Party treating people in Hong Kong or even just
15 general Chinese, let alone Uyghur Muslims are right and
16 justifiable. But I -- by and large, I have focussed on how I
17 can propose, my party can propose a view, a way of how Canada
18 can be governed better. And for that, I've been betrayed.
19 That's how I see it.

20 **MR. MATTHEW FERGUSON:** Okay. Just a final
21 topic that I'd like to cover before ---

22 **MR. KENNY CHIU:** Just ---

23 **MR. MATTHEW FERGUSON:** --- giving you the
24 last word.

25 **MR. KENNY CHIU:** --- just one more ---

26 **MR. MATTHEW FERGUSON:** Sure.

27 **MR. KENNY CHIU:** --- one more minor point.

28 **MR. MATTHEW FERGUSON:** Yeah.

1 **MR. KENNY CHIU:** And as a visible minority,
2 as a racialized Chinese Canadians, for somebody who would
3 voice up to -- for the benefit of Canada in the House of
4 Commons when I heard hurtful remarks, not just from any MP,
5 but from the Prime Minister of Canada when we asked about the
6 Wuhan rioters, when we asked why are we not shutting down
7 flights from Wuhan in early 2020, because of our constituents
8 who are from China asking us why are we exposing Canada to
9 that, so we asked that question in House of Commons, the
10 answer has always been, you know, mindful of racism, you
11 know, don't be an anti-Asian. To me, as an Asian Canadian,
12 it's very insulting, and for that to come from the top leader
13 of our country, it's doubling insult with injury -- doubling
14 injury with insults.

15 **MR. MATTHEW FERGUSON:** Okay. And you
16 mentioned -- I think it was mentioned in your witness
17 statement that that's -- without attributing any intent, that
18 that sort of played into the CCP playbook.

19 **MR. KENNY CHIU:** Yes. That's what I said,
20 and I still believe in it. There is some coincidental
21 situations between the two.

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

23 **MR. KENNY CHIU:** The Prime Minister said, you
24 know, don't be anti-Asian. If you inquire about what
25 happened in, you know, Wuhan, what happened in Winnipeg
26 Microbiology Lab, don't be anti, you know, Chinese. I don't
27 know if the Chinese Communist government had learned of this
28 line of attack and copied it, or maybe it's the Prime

1 Minister who actually -- and the Liberal Party had actually
2 copied that attack, but the matter of fact is, this anti-
3 Asian, you know, Chinese hate and racism line has been
4 continuous and used in collab by the CCP in my riding against
5 me, but also as you have provided me with information, even
6 in Toronto against myself, against my party, against Erin
7 O'Toole.

8 **MR. MATTHEW FERGUSON:** And I understand that
9 you reported the -- you reported these -- this campaign,
10 these false allegations circulating on -- in media and social
11 media. Did you report it to any -- so you reported that to
12 the party central. Did you report it to -- I understand you
13 also reported it to CSIS at the time?

14 **MR. KENNY CHIU:** I have instructed my staff
15 to provide the information to party central, the Conservative
16 party central, but, yes, because before the election, CSIS
17 had come to me and warned me about, you know, situations that
18 I am not at the liberty to disclose. But at the same time,
19 when -- during the election when I start seeing these -- this
20 information, I remember the contact that I have at CSIS, so I
21 pick up the phone and asked to meet him.

22 **MR. MATTHEW FERGUSON:** Okay. And what time -
23 - when was that about? Just ---

24 **MR. KENNY CHIU:** It would be the -- you know,
25 maybe first -- after first week. It will be in second week
26 of September.

27 **MR. MATTHEW FERGUSON:** Okay. So it was
28 during the campaign.

1 **COMMISSIONER HOGUE:** Thank you very much.
2 We'll break for lunch. We'll come back at
3 2:40.

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

6 The hearing is in recess until 2:40. La
7 séance est en pause jusqu'à 2 h 40.

8 --- Upon recessing at 1:29 p.m./

9 --- La séance est suspendue à 13 h 29

10 --- Upon resuming at 2:44 p.m./

11 --- La séance est reprise à 14 h 44

12 **THE REGISTRAR:** Order please. À l'ordre, s'il
13 vous plait.

14 This sitting of the Foreign Interference
15 Commission is back in session. Cette séance de la Commission
16 sur l'ingérence étrangère est maintenant repris.

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/CONTRE-INTERROGATOIRE PAR**

23 **MR. NANDO de LUCA:**

24 **MR. NANDO de LUCA:** Thank you,
25 Commissioner.

26 Good afternoon, Mr. Chiu.

27 **MR. KENNY CHIU:** Good afternoon.

28 **MR. NANDO de LUCA:** Mr. Chiu, towards the

1 end of your testimony this morning in reflecting upon your
2 experiences of foreign interference in connection with the
3 2021 federal election, you expressed the sentiment that
4 particularly as an immigrant Canadian, you felt betrayed. Do
5 you recall that?

6 **MR. KENNY CHIU:** Yes.

7 **MR. NANDO de LUCA:** Betrayed by whom?

8 **MR. KENNY CHIU:** By those who are in power of
9 this country representing the best interests of the country.

10 **MR. NANDO de LUCA:** Can you be more
11 specific?

12 **MR. KENNY CHIU:** In my view, not wanting to
13 be over partisan, it's the Prime Minister. The buck stops
14 there. He let me down.

15 **MR. NANDO de LUCA:** Can I please get you
16 CANDOC 000024 called up, please?

17 Do you have that before you, Mr. Chiu?

18 **MR. KENNY CHIU:** Yes. Yes.

19 **MR. NANDO de LUCA:** We heard earlier that
20 this is a summary prepared by the Government of Canada of a
21 briefing that CSIS gave to you on September 18, 2023
22 regarding foreign interference in the 2021 General Election;
23 correct?

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

25 **MR. NANDO de LUCA:** And that election took
26 place on September 20, 2021; correct?

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

28 **MR. NANDO de LUCA:** Did you get an

1 understanding on September 18, 2023 why CSIS was only giving
2 you a briefing then about foreign interference that took
3 place for an election two years earlier?

4 **MR. KENNY CHIU:** It wasn't explained to me,
5 no.

6 **MR. NANDO de LUCA:** Mr. Chiu, in connection
7 with the 2019 and 2021 General Election, can you please
8 comment on the usefulness or lack of usefulness of CSIS, the
9 RCMP and any other Canadian security apparatus efforts to
10 track and combat foreign interference?

11 **MR. KENNY CHIU:** In 2019, perhaps, it was
12 still at the time of being established and also running
13 through teething problems, et cetera, et cetera, but I
14 participated in the 43rd election, 2019 election, without
15 much anticipation of mechanisms that would counter foreign
16 interference. And then throughout my two years at the House
17 of Commons, I've learned about these what I've termed the
18 alphabet soup: GAC, that's Global Affairs Canada; CSIS of
19 course everybody knows; the SIWTE Taskforce; Security and
20 Intelligence Threats to Elections Taskforce; and then so on
21 and so forth. There's RM, P5, NSICOP, CSE, CCE, EFCC, and
22 then CIEPP. All these.

23 So the impression I have is it's a well-
24 resourced net of protective mechanisms. And so I gradually
25 developed what is now to me, it's a false sense of security.
26 And that was -- that's why I was deeply disappointed after
27 the 2021 election.

28 **MR. NANDO de LUCA:** Okay. When you say false

1 sense of security, did you have higher expectations for all
2 of those groups or bodies?

3 **MR. KENNY CHIU:** Yes, I have expectations.
4 Perhaps it's undue. Perhaps it's, you know, unrealistic
5 expectations perhaps. But, you know, I've collected 15
6 acronyms that are involved with elections security and I
7 don't think it's expecting too much to get a call from one of
8 these organizations and offer their advice how to counter
9 interference such as the ones that I've encountered.

10 **MR. NANDO de LUCA:** So back to my question,
11 would you -- am I correct in assuming that you would
12 characterise the utility or usefulness of all of these
13 organizations in relation to foreign election interference,
14 especially for the 2021 election, as not being terribly
15 useful?

16 **MR. KENNY CHIU:** As of this moment, I would
17 have to agree with that.

18 **MR. NANDO de LUCA:** Okay.

19 **MR. KENNY CHIU:** After the election, in fact
20 the CSIS briefing that you cited in 2023, September, was the
21 very first one that any government agency had approached me
22 and contacted me. I was hoping that Special Rapporteur Mr.
23 Johnston would actually have been in touch with me, but he
24 did not.

25 **MR. NANDO de LUCA:** Mr. Chiu, based on your
26 experiences with the elections that you participated in,
27 2015, 2019, and 2021, the federal campaigns, can you please
28 tell the Commission how Chinese Canadians can be influenced

1 and coerced to support the PRC regime, including via the
2 Canadian election process?

3 **MR. KENNY CHIU:** Once the immigrants who have
4 settled in big cities, like Greater Toronto or Greater
5 Vancouver, they have a choice of relying more on ethnic media
6 from -- for their updates, and their news, and their
7 viewpoints. And that exactly is why for over 15 years I've
8 been involved with Chinese news media, because I want to
9 develop or provide different angles for our listeners, our
10 audience, our citizens to consider in terms of Canadian
11 politics.

12 And so imagine if for years they developed a
13 reliance and dependency on media sources that are somehow
14 somewhat controlled or influenced by a foreign power,
15 willingly or unwillingly. You pretty much will have control
16 of how these people get their source of information, how they
17 perceive an issue.

18 In a previous hearing, I believe how Ukraine
19 -- the war -- the invasion of Russia into Ukraine, that could
20 have been portrayed, in fact indeed it has, in some of the
21 Chinese media to align more with the Chinese Communist
22 Party's positions than the Canadian general public ones.

23 **MR. NANDO de LUCA:** Okay. And from your
24 answer, it sounds like there's at least a potential for
25 influence or control by the PRC, how prevalent a problem or
26 pervasive a problem do you think it is with the current
27 sources?

28 **MR. KENNY CHIU:** It's definitely a

1 vulnerability. It's an exposure. All we have power to look
2 at is what happens in Canada. Who is to say, for example, if
3 somehow they do business in mainland China, and all of a
4 sudden, certain owners of a radio station in Canada, the
5 relative gets a huge contract. What happens overseas, we
6 have no jurisdictions. We have no information about. And
7 that is the exposure, that is the vulnerability of ownership
8 and directing and influencing the media positioning and also
9 as well as the direction that they are going.

10 **MR. NANDO de LUCA:** Thank you. Those are my
11 questions.

12 **MR. KENNY CHIU:** Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 Counsel for Michael Chong?

15 **MR. GIB van ERT:** Thank you, Commissioner.

16 No questions.

17 **COMMISSIONER HOGUE:** No questions?

18 Counsel for the Human Rights Coalition?

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

20 **MS. HANNAH TAYLOR:**

21 **MS. HANNAH TAYLOR:** Good morning, Mr. Chiu.

22 **MR. KENNY CHIU:** Good morning. Good
23 afternoon.

24 **MS. HANNAH TAYLOR:** Oh, good afternoon.

25 **MR. KENNY CHIU:** Yes.

26 **MS. HANNAH TAYLOR:** Good afternoon, Mr. Chiu.
27 So you mentioned this morning that now that you've learned
28 that intelligence agencies knew what was happening to you and

1 what you were experiencing, it's as if you were drowning
2 while they watched and the best they could do is to let you
3 know you were drowning. And you can let me know if I've
4 misquoted you. You noted that you did not need their
5 notification, you needed their help.

6 What support and protections did you need as
7 you were drowning?

8 **MR. KENNY CHIU:** As the Prime Minister was
9 giving me all the alphabets, through my mind, I was replaying
10 September 20th during the election, or at the end of the
11 election, or during the election, what would I do if I were
12 told officially by SITE Taskforce, or through the
13 Conservatives, whatever, that my riding has been under
14 foreign interference? I would have no answer to that because
15 we started detecting irregularities starting, like, early
16 September ourselves. And we have taken steps to protect
17 ourselves. We have taken steps to clear the air, but to no
18 effect that we found all the work that we've done.

19 So one big question I have in mind would be
20 instead of just notifying me, that's why I was suggesting to
21 Madam Commissioner that if we could develop an effective way
22 of communicating to the diaspora communities that are the
23 target of foreign powers exploitation, I think that would
24 help tremendously. And that's what I came up with when I
25 sort of go back in time and think about.

26 **MS. HANNAH TAYLOR:** Okay. Thank you, Mr.
27 Chiu.

28 With your leave, Commissioner, I hope to put

1 a document to Mr. Chiu today. We didn't include it in our
2 cross-examination request, but at the evening of April 1st,
3 we let Commission counsel know that we intended to ask for
4 your leave to put the document to the witness. It's the
5 interview summary of Benjamin Fung. It's at WIT 5.EN. If
6 granted leave, I would ask that it be entered as an exhibit.

7 **COMMISSIONER HOGUE:** Can you put the document
8 on the screen?

9 **MS. HANNAH TAYLOR:** For the Court Reporter,
10 it's -- or Court Operator, it's WIT 5.EN.

11 **--- EXHIBIT No./PIÈCE No. WIT 5 EN:**

12 Interview Summary: Benjamin Fung

13 **COMMISSIONER HOGUE:** It's fine. You can ask
14 your question.

15 **MS. HANNAH TAYLOR:** Thank you, Commissioner.
16 And Mr. Chiu, my focus with this document
17 will just be ---

18 **MR. MATTHEW FERGUSON:** Excuse me, Madam
19 Commissioner. We didn't advise -- excuse me for
20 interrupting. We didn't advise the parties of the document
21 that's being put to the witness, so maybe if we just give the
22 parties five or 10 minutes to review the document? It's the
23 witness summary of Benjamin Fung, which is WIT 5.

24 **COMMISSIONER HOGUE:** Surely. But what I
25 suggest is we'll just wait for the question, ---

26 **MR. MATTHEW FERGUSON:** Okay.

27 **COMMISSIONER HOGUE:** --- and then we'll break
28 to let everyone take a look at the document.

1 **MS. HANNAH TAYLOR:** Sure.

2 **COMMISSIONER HOGUE:** Do you have more than
3 one question ---

4 **MS. HANNAH TAYLOR:** For my ---

5 **COMMISSIONER HOGUE:** --- from this document,
6 or?

7 **MS. HANNAH TAYLOR:** It would be a couple
8 questions. I would -- the easiest might be to, like, go
9 through -- well, I can make it one, if it's easiest, I can
10 make it one.

11 **COMMISSIONER HOGUE:** Okay.

12 **MS. HANNAH TAYLOR:** Yeah, okay. Sure, I'll
13 make it one.

14 **COMMISSIONER HOGUE:** Is it going to be along
15 one?

16 **MS. HANNAH TAYLOR:** No, no.

17 So Mr. Chiu, again, the question that I'll
18 have for you having to do with the summary, really what I'll
19 do is I'm just going to point to a couple of the social media
20 platforms Mr. Fung mentions in this summary, and then ask you
21 questions about those.

22 **MR. KENNY CHIU:** Okay.

23 **MS. HANNAH TAYLOR:** So if it's easiest, I can
24 just point them out and then we can take a break, perhaps?

25 **COMMISSIONER HOGUE:** Yes.

26 **MS. HANNAH TAYLOR:** It's up to you, of
27 course.

28 **COMMISSIONER HOGUE:** Yes.

1 **MS. HANNAH TAYLOR:** Okay.

2 So Mr. Fung's interview summary notes that
3 beginning in the September 2021, this information about you
4 and criticism of the Conservative party began being shared on
5 several social media platforms, including WeChat, which we
6 see at paragraph 6, if we could just scroll down. And then
7 you'll notice WeChat's mentioned in there, and then also
8 WhatsApp, which we see at paragraph 7 on the next page.

9 And you see that, Mr. Chiu?

10 **MR. KENNY CHIU:** Yes.

11 **MS. HANNAH TAYLOR:** And so from your
12 perspective, are these primary social media platforms and
13 messaging apps for Chinese-Canadians, including those who
14 were your constituents?

15 **MR. KENNY CHIU:** Am I to answer right now,
16 or...?

17 **COMMISSIONER HOGUE:** No. I think, then,
18 we'll break.

19 **MS. HANNAH TAYLOR:** Okay.

20 **COMMISSIONER HOGUE:** Because everyone will
21 review the document, or at least the paragraphs that are
22 useful. So I don't think -- is the document very long,
23 or...? No? So we'll take just five minutes.

24 **MS. HANNAH TAYLOR:** Okay, thank you.

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

27 This hearing is now in recess for five
28 minutes. La séance est maintenant pause pour cinq minutes.

1 --- Upon recessing at 2:58 p.m./

2 --- La séance est suspendue à 14 h 58

3 --- Upon resuming at 3:03 p.m./

4 --- La séance est reprise à 15 h 03

5 **THE REGISTRAR:** This hearing of the
6 Commission on Foreign Interference is back in session. Cette
7 séance de la Commission sur l'Ingérence Étrangère a repris.

8 **--- MR. KENNY CHIU, Resumed/Sous le même serment:**

9 **COMMISSIONER HOGUE:** May I ask you just to
10 warn the witness that the document has not been filed yet?
11 The document that you're using, the summary, is not part of
12 the evidence yet.

13 **MS. HANNAH TAYLOR:** Yeah, yes.

14 Mister...

15 **COMMISSIONER HOGUE:** Just for the witness to
16 know.

17 **MS. HANNAH TAYLOR:** Yeah.

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

19 **MS. HANNAH TAYLOR, (Cont'd/Suite):**

20 **MS. HANNAH TAYLOR:** Mr. Chui, the document is
21 not part of the evidence yet, as the person whose witness
22 statement it is isn't...

23 **MR. KENNY CHIU:** Thank you. Appreciate that.

24 **MS. HANNAH TAYLOR:** So going back to my
25 actual question, we were looking at WeChat and WhatsApp.

26 **MR. KENNY CHIU:** Yeah.

27 **MS. HANNAH TAYLOR:** From your perspective,
28 are these primary social media platforms and messaging apps

1 for Chinese-Canadians, including those who are your
2 constituents?

3 **MR. KENNY CHIU:** Yes.

4 **MS. HANNAH TAYLOR:** Okay.

5 **MR. KENNY CHIU:** But it's not an exclusive
6 list because in China technology is developing very rapidly.
7 Every couple of years you will start seeing new apps. For
8 example, one of them, it's Xiaohongshu, and this is becoming
9 more popular, even in Taiwan, and it's now coming to other --
10 to the rest of the world, such as Canada.

11 And so, yes, TikTok, Douyin, WeChat, QQ, but
12 also the up and coming ones.

13 **MS. HANNAH TAYLOR:** Thank you, Mr. Chiu.

14 And you mentioned QQ. Mr. Fung's interview
15 summary, and perhaps in the interest of time I won't bring
16 you to the paragraphs, but he also mentions that
17 disinformation about you and/or criticism about the
18 Conservative Party and Erin O'Toole was published by Chinese
19 language media outlets and news websites like *Today*
20 *Commercial News*, QQ, *Chinesecanadianvoice.ca*, the *Global*
21 *Times*, and *Rise Magazine*.

22 From your perspective, are these primary news
23 sources for Chinese-Canadians, including those who are your
24 constituents?

25 **MR. KENNY CHIU:** Yes.

26 **MS. HANNAH TAYLOR:** And from your
27 perspective, was the spread of disinformation about you and
28 criticism of the Conservative Party through these particular

1 social media platforms and news outlets, as well as what you
2 have described as your effective shunning from ethnic news
3 media in the Greater Vancouver Area, in particular,
4 significant?

5 **MR. KENNY CHIU:** Yes. Although the list of
6 media is not exclusive, so there are other medias that are
7 engaging more into self-censorship, for example, that also
8 play into the whole game as well.

9 **MS. HANNAH TAYLOR:** And these are Chinese
10 language ---

11 **MR. KENNY CHIU:** Correct.

12 **MS. HANNAH TAYLOR:** --- outlets?

13 **MR. KENNY CHIU:** Correct.

14 **MS. HANNAH TAYLOR:** Okay.

15 If we could turn to -- scroll down to
16 paragraph 10 in the witness summary?

17 At paragraph 10, Mr. Fung says:

18 "Reproducing the same text nearly
19 verbatim is very typical of CCP
20 propaganda. A small deviation from a
21 source text might prompt
22 repercussions against the author if
23 it's thought to convey the wrong
24 meaning. As a result, authors will
25 often hesitate to make even small
26 changes and will hew closely to the
27 original text." (As read)

28 In your review of the disinformation shared

1 about you, did you notice a pattern in similar messaging,
2 almost verbatim texts among a number of indirect ---

3 **MR. KENNY CHIU:** Yes.

4 **MS. HANNAH TAYLOR:** Yes?

5 **MR. KENNY CHIU:** Yes, I have. And they share
6 similar attack arguments, and also even the insults are
7 identical.

8 **MS. HANNAH TAYLOR:** Thank you.

9 Based on your understanding of the Chinese
10 government's treatment of those who oppose its actions, would
11 you agree that your public stance on China issues and your
12 support, or perceived support of Hong Kongers and Uyghurs,
13 was likely one of the reasons that you became a target of the
14 Chinese government?

15 **MR. KENNY CHIU:** Yes.

16 **MS. HANNAH TAYLOR:** Those are all my
17 questions.

18 Thank you, Commissioner. Thank you, Mr.
19 Chiu.

20 **COMMISSIONER HOGUE:** Thank you.

21 Attorney General.

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

23 **MR. GREGORY TZEMENAKIS:**

24 **MR. GREGORY TZEMENAKIS:** Good afternoon, sir.
25 My name is Gregory Tzemenakis; I'm counsel for the Attorney
26 General.

27 **MR. KENNY CHIU:** Good afternoon.

28 **MR. GREGORY TZEMENAKIS:** I have four quick

1 areas I would like to touch upon to just clarify the
2 evidence. I'm going to ask the Court Reporter to pull up
3 your witness statement, which is 000014.

4 In your evidence this morning, sir, you said
5 -- and please correct me if I'm wrong at any point -- that
6 foreign interference activities was a factor in the loss of
7 -- in your riding in general election 2021; correct?

8 **MR. KENNY CHIU:** Correct. More specifically,
9 foreign interference from China from the PRC.

10 **MR. GREGORY TZEMENAKIS:** And did I also
11 understand you to say that foreign interference was not the
12 only factor that -----

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

14 **MR. GREGORY TZEMENAKIS:** --- might have
15 contributed to the loss?

16 **MR. KENNY CHIU:** That is correct. Just like
17 any other elections, there are multiple actors at play.

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

19 I'm going to ask if we can turn to paragraph
20 41 of your witness summary, and I just want to clarify, sir,
21 that in addition to the evidence that you gave this morning,
22 does this paragraph -- is this paragraph still consistent
23 with your view? And the paragraph reads -- I'm not going to
24 read the whole paragraph -- or I will for the record:

25 "Although foreign interference by
26 China was a significant factor in his
27 election loss, Mr. Chiu acknowledges
28 it was not the only factor. Other

1 factors likely contributed to the
2 outcome. The election took place in
3 a very politically polarized climate
4 after..."

5 **MR. MATTHEW FERGUSON:** Excuse me.

6 **COMMISSIONER HOGUE:** Yes.

7 **MR. MATTHEW FERGUSON:** It's just -- sorry,

8 ---

9 **COMMISSIONER HOGUE:** You're going too fast.

10 **MR. MATTHEW FERGUSON:** Yes.

11 **MR. GREGORY TZEMENAKIS:** Okay.

12 I'm not going to read it, sir. Can you just
13 confirm for us that the context of this paragraph still
14 remains true, given your evidence this morning?

15 **MR. KENNY CHIU:** Yes.

16 **MR. GREGORY TZEMENAKIS:** Now, sir, I want to
17 talk a little bit on another topic about information flow,
18 and I heard you say this morning that some of the concerns
19 about misinformation you raised with the national campaign,
20 so with the campaign of the Conservative Party of Canada that
21 was managing the national campaign. Is that right?

22 **MR. KENNY CHIU:** The Conservative Party of
23 Canada has provided a lot of leeway for local campaigns to
24 conduct itself. But we do have -- maintained a conduit to
25 provide information to communicate with the central campaign.
26 So my staff, for example, my campaign manager, he has
27 participated in that mechanism; he's the point man.

28 **MR. GREGORY TZEMENAKIS:** Okay. Did you

1 understand -- do you know if the campaign asked any of the
2 concerns that your staff expressed to the SITE Task Force?

3 **MR. KENNY CHIU:** Not directly for sure.

4 **MR. GREGORY TZEMENAKIS:** Do you expect ---

5 **MR. KENNY CHIU:** However, we -- I have
6 instructed my staff to talk to the central campaign about our
7 situation that we're facing.

8 **MR. GREGORY TZEMENAKIS:** Okay, I get that
9 part. I'm just asking if you understood -- did the campaign
10 ever tell you that they passed your concerns along ---

11 **MR. KENNY CHIU:** Oh.

12 **MR. GREGORY TZEMENAKIS:** --- to the SITE Task
13 Force?

14 **MR. KENNY CHIU:** The Conservative
15 headquarters, whether they have?

16 **MR. GREGORY TZEMENAKIS:** Yes.

17 **MR. KENNY CHIU:** No, I don't think I have
18 heard from the central campaign whether they have or not.

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

20 I want to talk a little bit about -- and
21 appreciating that I do not want you to get into any
22 classified information whatsoever, am I correct that you met
23 with the Canadian Security Intelligence Service for a
24 security awareness briefing prior to GE 2021?

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

26 **MR. GREGORY TZEMENAKIS:** And did you also
27 meet with them during the writ period to discuss other
28 matters?

1 **MR. KENNY CHIU:** Yes, per my request.

2 **MR. GREGORY TZEMENAKIS:** Per your request.

3 **MR. KENNY CHIU:** I called them and I have
4 them come to my campaign office to talk to them.

5 **MR. MATTHEW FERGUSON:** Did you have any other
6 meetings with the service during the writ period, other than
7 that one occasion?

8 **MR. KENNY CHIU:** No. I feel like I need to
9 clarify ---

10 **MR. GREGORY TZEMENAKIS:** Please.

11 **MR. KENNY CHIU:** --- that the meeting that
12 CSIS contacted me while I was still an MP, prior to the
13 election, of course. They would not explain to me why they
14 want to talk to me. They sat down, they only asked me
15 questions and I provided answer, and that was it.

16 **MR. GREGORY TZEMENAKIS:** Okay.

17 I'm not going to get into the specifics of it
18 ---

19 **MR. KENNY CHIU:** Yeah, yeah.

20 **MR. GREGORY TZEMENAKIS:** --- but I don't want
21 you to lie.

22 **MR. KENNY CHIU:** I would not be able to
23 answer you.

24 **MR. GREGORY TZEMENAKIS:** That's fine.

25 My last or second-last topic is we were
26 talking a little bit about the misinformation campaign on
27 WeChat and other Chinese language media. Do you recall that
28 discussion?

1 And my friend just took you to excerpts from
2 the testimony and identified certain media organizations and
3 social media platforms.

4 **MR. KENNY CHIU:** SITE Task Force, yeah.

5 **MR. GREGORY TZEMENAKIS:** No, no, the platform
6 where there was misinformation.

7 **MR. KENNY CHIU:** Okay.

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

9 **MR. KENNY CHIU:** As observed by our end.

10 **MR. GREGORY TZEMENAKIS:** As observed by your
11 campaign.

12 **MR. KENNY CHIU:** By my campaign, yes. Yes.
13 The screenshots.

14 **MR. GREGORY TZEMENAKIS:** And I understood you
15 to say that you could not -- well, let me ask a different
16 question.

17 As a candidate, do you agree that voters may
18 not understand a Party's position or a Party's platform and
19 that efforts need to be made to explain and clarify positions
20 and platforms?

21 **MR. KENNY CHIU:** I think so, yeah. It would
22 be -- it would be the job of a candidate, for example, to
23 articulate that. Sure.

24 **MR. GREGORY TZEMENAKIS:** And it's -- I'm
25 going to suggest to you, and I think it's not contested, that
26 it's not only the job of the candidate, it's the job of the
27 candidate, it's the job of the Party, it's the job of the
28 national and local candidates. Is that fair?

1 **MR. KENNY CHIU:** Yeah, I think so. Just like
2 the Government of Canada is responsible for clarifying
3 untruth about legislative matter that in the House of
4 Commons, for example ---

5 **MR. GREGORY TZEMENAKIS:** Right.

6 **MR. KENNY CHIU:** --- Bill C288.

7 **MR. GREGORY TZEMENAKIS:** And isn't it also
8 true that people and individuals can express opinions that
9 you may not agree with or that others may not agree with, but
10 that's part of the electoral process?

11 **MR. KENNY CHIU:** Oh, definitely. Sure.

12 **MR. GREGORY TZEMENAKIS:** And it's part of the
13 democratic process.

14 **MR. KENNY CHIU:** Yeah.

15 **MR. GREGORY TZEMENAKIS:** You just have to say
16 "yes" or "no" for the record.

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

18 **MR. GREGORY TZEMENAKIS:** Yes.

19 And my question to you is, you become aware
20 of these communications that are taking place on WeChat and I
21 heard you say you didn't have an ability to engage in the
22 debate because you weren't a user. Is that fair?

23 **MR. KENNY CHIU:** That's right. I don't use
24 WeChat.

25 **MR. GREGORY TZEMENAKIS:** So how did you
26 become aware and could those who made you aware have ---

27 **MR. KENNY CHIU:** Through my volunteers and my
28 supporters. They used WeChat and they have seen all these

1 disinformation being circulated.

2 **MR. GREGORY TZEMENAKIS:** And could your
3 volunteers -- and we'll talk about volunteers in particular.

4 Could the volunteers on your campaign have
5 engaged or have put forward your correct position or
6 clarified your position or explained your position on these
7 platforms?

8 **MR. KENNY CHIU:** I believe you are searching
9 a rational discussion in the heat of a very emotionally-
10 charged disinformation campaign. That would be nearly
11 impossible. The very fact that the group of seniors who came
12 to me -- came to us, myself and MP -- former MP Alice Wong,
13 we explained to them we thought we have, quote unquote,
14 disarmed them and we clearly articulated what exactly my
15 proposal, Bill C282, it's supposed to do. That did not help.

16 **MR. GREGORY TZEMENAKIS:** My last question is
17 this. You made a very conscious effort to do that with the
18 seniors in a very emotional meeting, but no similar effort
19 was made on the WeChat platforms. Am I right on -- if I have
20 it wrong, please tell me I'm wrong.

21 **MR. KENNY CHIU:** No, that -- you are correct.

22 **MR. GREGORY TZEMENAKIS:** Okay.

23 **MR. KENNY CHIU:** You are correct.

24 **MR. GREGORY TZEMENAKIS:** Thank you very much,
25 sir.

26 **MR. KENNY CHIU:** Yeah.

27 **COMMISSIONER HOGUE:** Thank you.

28 Re-examination, Mr. Ferguson?

1 **MR. MATTHEW FERGUSON:** If you'd just allow me
2 a moment, Madam Commissioner.

3 **MR. KENNY CHIU:** Madam Commissioner, I was
4 wondering if I could add just one sentence to that very last
5 answer.

6 **COMMISSIONER HOGUE:** Yes, you can.

7 **MR. MATTHEW FERGUSON:** It may save the re-
8 examination.

9 **MR. KENNY CHIU:** The Member of Parliament,
10 the House of Commons has prohibited us from using WeChat when
11 I was a Member of Parliament because of security concern. It
12 was just weeks ago I was an MP and then during the election,
13 I'm not. And knowing the danger that I'm submitting myself
14 to, we have made a conscious decision not to get a WeChat
15 account nor engage with people on WeChat.

16 Thank you.

17 **COMMISSIONER HOGUE:** Thank you.

18 **MR. MATTHEW FERGUSON:** No further questions.

19 **COMMISSIONER HOGUE:** Thank you.

20 **MS. NATALIA RODRIGUEZ:** I think we just need
21 -- sorry, Madam Commissioner. It's -- we just need five
22 minutes to switch to the next witness.

23 **COMMISSIONER HOGUE:** To switch to the next
24 witness?

25 Thank you very much, Mr. Chiu, and good luck.

26 **MR. KENNY CHIU:** Thank you.

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

1 The hearing is in recess until five minutes.

2 La séance est en pause jusqu'à cinq minutes.

3 --- Upon recessing at 3:16 p.m./

4 --- La séance est suspendue à 15 h 15

5 --- Upon resuming at 3:21 p.m./

6 --- La séance est reprise à 15 h 21

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

9 This sitting of the Foreign Interference
10 Commission is back in session. Cette séance de la Commission
11 sur l'ingérence étrangère à repris.

12 **COMMISSIONER HOGUE:** Good afternoon,
13 Ms. Kwan.

14 **HON. JENNY KWAN:** Good afternoon.

15 **COMMISSIONER HOGUE:** So Me Rodriguez, it's
16 your turn.

17 **MS. NATALIA RODRIGUEZ:** Thank you very much.
18 If we can have the witness affirmed, please.

19 **THE REGISTRAR:** Could you please state your
20 name for the record, and spell your last name, please.

21 **HON. JENNY KWAN:** Jenny Kwan, K-W-A-N.

22 --- **HON. JENNY KWAN, Affirmed/sous affirmation solennelle:**

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

24 **MS. NATALIA RODRIGUEZ:**

25 **MS. NATALIA RODRIGUEZ:** Good afternoon,
26 Ms. Kwan.

27 **COMMISSIONER HOGUE:** I just want to make sure
28 that ---

1 **MS. NATALIA RODRIGUEZ:** Yes.

2 **COMMISSIONER HOGUE:** --- it's fine if they
3 are not ---

4 **MS. NATALIA RODRIGUEZ:** Oh.

5 **COMMISSIONER HOGUE:** --- present ---

6 **MS. NATALIA RODRIGUEZ:** I did not ---

7 **COMMISSIONER HOGUE:** --- your colleagues?
8 It's okay? I see that your two friends ---

9 **MR. ADDISON LEIGH:** Yes, I think they're just
10 on their way back, Madam Commissioner.

11 **COMMISSIONER HOGUE:** Pardon me?

12 **MR. ADDISON LEIGH:** I think they're just on
13 their way back, Madam Commissioner. I can go take a look.

14 **COMMISSIONER HOGUE:** Okay, but I think we'll
15 wait just to make sure that ---

16 **MS. NATALIA RODRIGUEZ:** Yes.

17 **COMMISSIONER HOGUE:** --- they are with us
18 before we start. Sorry. Is there anybody else missing or
19 it's fine? Because I see many empty seats. It's okay? I
20 haven't noticed if all the seats were -- no, okay. There
21 is....

22 Okay. So you can go on.

23 **MS. NATALIA RODRIGUEZ:** Okay. Thank you very
24 much.

25 Good afternoon, Ms. Kwan. Good to see you
26 again. As you know, my name is Natalia Rodriguez. I'm
27 Commission Counsel.

28 On February 15, 2024, you had an interview

1 with Commission Counsel; is that right?

2 HON. JENNY KWAN: That is correct.

3 MS. NATALIA RODRIGUEZ: And an interview
4 summary was generated from that interview.

5 HON. JENNY KWAN: That's correct.

6 MS. NATALIA RODRIGUEZ: And I'm now going to
7 call up WIT 12.EN.

8 --- EXHIBIT No./PIÈCE No. WIT 12.EN:

9 Interview Summary: Jenny Kwan

10 MS. NATALIA RODRIGUEZ: And Ms. Kwan, is this
11 the interview summary that was generated from your interview
12 with Commission Counsel?

13 HON. JENNY KWAN: Yes, it is.

14 MS. NATALIA RODRIGUEZ: And you've had a
15 chance to review that summary for accuracy?

16 HON. JENNY KWAN: Yes.

17 MS. NATALIA RODRIGUEZ: And do you have any
18 corrections, additions, or deletions to make to that summary
19 at this time?

20 HON. JENNY KWAN: I do not.

21 MS. NATALIA RODRIGUEZ: And do you adopt the
22 contents of this summary as part of your evidence before the
23 Commission today?

24 HON. JENNY KWAN: I do.

25 MS. NATALIA RODRIGUEZ: Great. So we'll have
26 that entered as the next exhibit. And for the record, the
27 French translation is at WIT 12.FR.

28 --- EXHIBIT No./PIÈCE No. WIT 12.FR:

1 Résumé d'entrevue : Jenny Kwan

2 **MS. NATALIA RODRIGUEZ:** And also for the
3 record, you have a copy of your witness summary, of your
4 interview summary, rather, with you today as you give
5 testimony. Is that right?

6 **HON. JENNY KWAN:** That is correct. I have a
7 copy here.

8 **MS. NATALIA RODRIGUEZ:** And that's just as an
9 memory aid?

10 **HON. JENNY KWAN:** Just in case if I need to
11 refer to it.

12 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.
13 So I understand that you are a Member of
14 Parliament for the NDP for the riding of Vancouver East. Is
15 that correct?

16 **HON. JENNY KWAN:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** And you were first
18 elected to parliament in 2015. Is that correct?

19 **HON. JENNY KWAN:** That's right.

20 **MS. NATALIA RODRIGUEZ:** And you were
21 re-elected in 2019.

22 **HON. JENNY KWAN:** Yes.

23 **MS. NATALIA RODRIGUEZ:** And you were elected
24 again in 2021?

25 **HON. JENNY KWAN:** Yes.

26 **MS. NATALIA RODRIGUEZ:** And you were
27 previously member of the British Columbia Legislative
28 Assembly from 1996 until 2015 when you ran for your current

1 position. Is that right?

2 **HON. JENNY KWAN:** That's right. I was the
3 member of the Legislative Assembly for Vancouver Mount
4 Pleasant.

5 **MS. NATALIA RODRIGUEZ:** And that was with the
6 provincial NDP.

7 **HON. JENNY KWAN:** That is right. That's
8 correct.

9 **MS. NATALIA RODRIGUEZ:** And from 1998 until
10 2001, you were a provincial member of cabinet. Is that
11 right?

12 **HON. JENNY KWAN:** That is correct.

13 **MS. NATALIA RODRIGUEZ:** And I understand you
14 entered politics in 1993 when you were elected to the
15 Vancouver City Council.

16 **HON. JENNY KWAN:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** And you immigrated to
18 Canada with your family from Hong Kong at the age of 9. Is
19 that right?

20 **HON. JENNY KWAN:** That's right.

21 **MS. NATALIA RODRIGUEZ:** And I understand that
22 before politics you were a community legal advocate working
23 primarily in Vancouver's Downtown East side.

24 **HON. JENNY KWAN:** That's right.

25 **MS. NATALIA RODRIGUEZ:** Now, you received a
26 briefing by CSIS concerning foreign interference in May of
27 2023. Is that right?

28 **HON. JENNY KWAN:** That's correct. In fact, I

1 got two briefings if you will. One was just prior to the
2 2021 election. It was kind of like a general briefing. And
3 then in May of 2023, I received a more specific briefing from
4 CSIS.

5 **MS. NATALIA RODRIGUEZ:** Okay. And so I'll
6 take you now to CAN.DOC.23. Now, it's a document entitled
7 Commission Request for Summary Information On Briefing To
8 Jenny Kwan.

9 **--- EXHIBIT No./PIÈCE No. CAN.DOC 23:**

10 Commission request for summary
11 information on briefing to Jenny Kwan

12 **MS. NATALIA RODRIGUEZ:** At the request of the
13 Commission, the government has produced a summary of the
14 briefing that you received in May of 2023 in a format that is
15 suitable for public disclosure. Now, you may be asked
16 questions about this summary today. In accordance with the
17 Commission's obligations to prevent the disclosure of
18 information protected by national security confidentiality, I
19 will not be asking you any questions intended to elicit any
20 information that remains classified.

21 Now, I understand you may not be able to
22 answer aspects of my question as a result, so simply you can
23 indicate, where you cannot provide some information in the
24 answer, you can just say that you cannot answer for this
25 reason, and I will move on to something else.

26 And you've had a chance, I understand, to
27 review this summary. Is that right?

28 **HON. JENNY KWAN:** That's correct.

1 **MS. NATALIA RODRIGUEZ:** And you've agreed
2 that the summary could be made public and your name attached
3 to it. Is that right?

4 **HON. JENNY KWAN:** Yes.

5 **MS. NATALIA RODRIGUEZ:** And -- now, speaking
6 in general terms, without getting into specifics, does the
7 summary generally accord with your recollection of the type
8 of information that you were provided with in that briefing?

9 **HON. JENNY KWAN:** Yes.

10 **MS. NATALIA RODRIGUEZ:** And again, without
11 getting into the details of the content of the briefing or
12 any specifics, did you find that briefing, and again we're
13 speaking about the May 2023 briefing, did you find it to be
14 helpful?

15 **HON. JENNY KWAN:** Yes, it was helpful, and
16 particularly, I thought it was important for me to know and
17 to be informed that I am a target by the CCP, and that I
18 would likely be a what was termed as a "evergreen target".

19 **MS. NATALIA RODRIGUEZ:** Thank you. And did
20 the briefing provide you with any tools that you could
21 implement to better protect yourself against foreign
22 interference or attempts of foreign interference?

23 **HON. JENNY KWAN:** The briefing explained to
24 me the structure of what foreign interference would look like
25 coming from China and how the United Front work department
26 would be set up, and how possibly that work would be
27 undertaken. There were no -- I'm not at liberty to disclose
28 details around some of that work. So from that perspective

1 it was good to know.

2 The other piece that would be really good to
3 know, of course, is just to know that you're being a target.
4 It brings to the forefront, I think, the reality of what is
5 and potentially could be out there. And so from that
6 perspective I thought it was useful and helpful.

7 **MS. NATALIA RODRIGUEZ:** Thank you. Now, you
8 would agree that you follow events in Hong Kong and Mainland
9 China fairly closely?

10 **HON. JENNY KWAN:** Yes.

11 **MS. NATALIA RODRIGUEZ:** And why is that?

12 **HON. JENNY KWAN:** Well, Hong Kong is my
13 birthplace, so I have obviously a special connection to it,
14 and my ancestors, they come from China. My parents were born
15 in China, my grandparents were born in China, and so there is
16 that connection from that perspective. So with news that
17 emerged in the international community is something that I do
18 follow and to watch and see what is going on.

19 **MS. NATALIA RODRIGUEZ:** And do you have
20 family ties currently to Hong Kong?

21 **HON. JENNY KWAN:** I do not, and especially in
22 light of the fact to know that I am being targeted, and I'm
23 particularly grateful for that, I don't have to worry about
24 family members or relatives that are there, unlike some of
25 the other people who might as a result of being targeted.

26 **MS. NATALIA RODRIGUEZ:** Is that because you
27 don't have family in Hong Kong or Mainland China or is it
28 because you don't have -- you haven't maintained any

1 connection with them?

2 **HON. JENNY KWAN:** It's because we don't have
3 any family members that are left in Hong Kong or China. We -
4 - when we immigrated to Canada, my family unit, we were the
5 last group to leave Hong Kong, and so consequently we don't
6 have any close relatives. We may have some loose relatives,
7 if you will, or distant relatives in China that I don't
8 really know.

9 Some years ago, when I travelled back to
10 China on my own, as somebody who was trying to find my roots,
11 I met people there living in my mom's house or my mom's
12 family's home that I have no idea who they are, but they're
13 all there in that village living in the home, taking care of
14 the home, but they are not -- I wouldn't classify it as
15 family members.

16 **MS. NATALIA RODRIGUEZ:** Okay, thank you. And
17 some -- what are some of the issues related to Hong Kong and
18 the PRC that you have spoken up about and been vocal on.

19 **HON. JENNY KWAN:** Well, on the issue around
20 Hong Kong and, of course, the national security law is a
21 critical issue for the people of Hong Kong. I watch Hong
22 Kong very closely, and one of the reasons why my family
23 immigrated to Canada was because of the handover. My family
24 were particularly worried about what is the aftermath of
25 that. And, of course, in addition to that, they wanted to
26 give opportunities to the children. There are six of us,
27 together a family of eight, and my mom only has a Grade six
28 level of education. My dad has a Grade 10 level of

1 education, and they wanted their children to have
2 opportunities. So we immigrated here, and I'm watching very
3 carefully in terms of what's developing.

4 So with the national security law and what
5 was clear to me is that the policy on one country, two system
6 has been completely dismantled. I also watch on the news the
7 devastating police brutality against the protesters and the
8 peaceful protesters. So many of them are young people. So
9 that's something that is close and near and dear to my heart.

10 And, of course, prior to that, I was also
11 made aware, I wasn't involved in the electoral system at that
12 time, but, of course, was made aware and watch on the news
13 like many people the Tiananmen massacre, and that whole news
14 was just -- and again, another devastating piece of news
15 that's surfacing in the community. The issue around the
16 Uyghur, Uyghur genocide is another issue that I follow very
17 closely as well and advocate for. The situation with Taiwan,
18 for example, as well, so there are a number of different
19 issues to which I watch very closely to see what is evolving
20 in the community.

21 **MS. NATALIA RODRIGUEZ:** And, Ms. Kwan, I
22 would just ask that for the sake of the translators, and I
23 also have to remind myself at times, just to be aware that
24 they are translating in real time and to try and slow down a
25 little bit for them.

26 **HON. JENNY KWAN:** Apologies.

27 **MS. NATALIA RODRIGUEZ:** Okay. No, no need to
28 apologize.

1 Was there a time when you started to become
2 more vocal about these issues, and if so, when would that
3 have been?

4 **HON. JENNY KWAN:** Yes, particularly at the
5 time when, you know, the news was surfacing about Hong
6 Kongers taking to the streets and peaceful protests, and,
7 literally, we're talking about, you know, millions of people
8 taking to the streets and to raise the issues worried about
9 the extradition law and so on, I started to sort of tune in
10 even more so. And then you started to hear the news of the
11 police brutality emerge. And then that's really at a point
12 where I felt like I have to speak up and you have to stand
13 with Hong Kongers as someone who was born in Hong Kong. So
14 those were the issues that really brought it to the
15 forefront, but, you know, all throughout my political career,
16 I've always spoken up for human rights, and raised the issues
17 around human rights concerns related to China. So such as,
18 for example, with the Tiananmen massacre on certain
19 anniversaries of those days, I would issue statements, for
20 example, to highlight that situation and to remember the
21 victims and their families, as an example.

22 **MS. NATALIA RODRIGUEZ:** And so when you said
23 around the national security law, around that time and the
24 protests in Hong Kong, I take it that would be around 2019;
25 is that right?

26 **HON. JENNY KWAN:** That's correct. That's
27 when this first emerged.

28 **MS. NATALIA RODRIGUEZ:** Okay. So is it fair

1 to say that for the last five years you have been more vocal
2 about some of these China related issues that you've
3 mentioned?

4 **HON. JENNY KWAN:** Yes.

5 **MS. NATALIA RODRIGUEZ:** Okay. And I
6 understand that you've also spoken at and attended rallies in
7 relation to PRC issues. Can you maybe tell us a little bit
8 about those?

9 **HON. JENNY KWAN:** Yeah, there were a number
10 of different community rallies held. One was held actually
11 just outside of the Vancouver Public Library, and it was the
12 earlier on period with respect to the national security law,
13 and so I spoke at that rally there. There were other rallies
14 to which I spoke in front of the consulates building, or
15 residence, if you will, and ---

16 **MS. NATALIA RODRIGUEZ:** And, sorry, when
17 would that have been, the one in front of the consulate?

18 **HON. JENNY KWAN:** I did it a number of
19 different times when I stood in front of that building. And
20 the first time to which I did that, let me just pass back my
21 memory, I believe that would have been in 2020 and 2021, to
22 be sure, I think.

23 **MS. NATALIA RODRIGUEZ:** And so maybe to
24 refresh your memory, I would call up JKW 149.

25 **--- EXHIBIT No./PIÈCE No. JKW 149:**

26 Photo Democracy Walk near Chinese
27 Consulate

28 **MS. NATALIA RODRIGUEZ:** Okay. So I don't

1 know if this is available in native format or if it's just an
2 image view, but it's difficult to appreciate in the black and
3 white, but if we zoom out a little bit, so that we can kind
4 of see. Okay. So do you know whether this would have been
5 one of the instances in which you were speaking in front of
6 the Chinese consulate?

7 **HON. JENNY KWAN:** Yes, it was. So I'm
8 standing in this image on a flatbed truck that the organizers
9 used as a platform, and that's in front of the Chinese
10 consulate.

11 **MS. NATALIA RODRIGUEZ:** And if we can go to
12 JKW 150, and zoom out as well? Is that building that we're
13 seeing on the right, is that the Chinese Consulate?

14 **--- EXHIBIT No./PIÈCE No. JKW 150:**

15 Photo Democracy Walk near Chinese
16 Consulate

17 **HON. JENNY KWAN:** That's correct.

18 **MS. NATALIA RODRIGUEZ:** Okay. So we can
19 appreciate a little bit the distance, where you are relative
20 to the consulate. And so this would be the same event as the
21 last photo that we saw; is that right?

22 **HON. JENNY KWAN:** That's right.

23 **MS. NATALIA RODRIGUEZ:** Okay. And can you
24 tell us a bit more about the experience of protesting --
25 well, speaking at an event in front of the Chinese Consulate?

26 **HON. JENNY KWAN:** So at this event, the
27 organizers brought us there. We sort of began, I think, with
28 a walk, and then sort of ended up at this location, and

1 speakers were invited up. I was -- I believe I was the only
2 elected official to appear and speak at this event. And at
3 this event, as I was speaking, I was noticing as well that
4 there is a camera, actually, right by the tree there.
5 Anyway, just right by the fence there. And you can see the
6 camera kind of turn, and then it alerted me to the fact that
7 what was happening was they were actually recording images
8 possibly, or at least being able to see who was out there and
9 participating. And I know that for some of the community
10 members they're particularly concerned about being
11 identified. So as a result, some people wore masks. Some
12 people wore hoodies and the like to sort of try and sort of
13 protect their identity, or at least not to be so easily
14 identifiable in this event. And so we were speaking this --
15 and I think I had a megaphone of some sort or a mic of some
16 sort to speak. There were people also across the street, by
17 the way, so that they're not right within the vicinity of
18 this area, perhaps to evade the cameras possibly, but that's
19 sort of the nature of the event.

20 **MS. NATALIA RODRIGUEZ:** And I noticed that
21 you did not seem to have your face covered or you're not
22 wearing a hoodie or not -- you're not hiding your identity in
23 any way. Was that a concern for you or what was the reason
24 for not wanting to conceal yourself?

25 **HON. JENNY KWAN:** I was not masking. I was
26 not trying to hide my identity. I speak publicly about these
27 issues. I am an elected official. I support human rights
28 everywhere. Not just here in Canada, but abroad as well, and

1 I fight for these things. And so as an elected official, I
2 feel very much that I have this privilege, this honour, this
3 platform that's before me, and I have to use it. I feel like
4 that's part of my job. And so in this instance, when we're
5 talking about, you know, the Tiananmen massacre that
6 occurred, the situation with Hong Kong, where people are
7 losing their basic human rights, where the rule of law that
8 once supplied to them is no more, I feel like that it is my
9 job to speak up and I have a platform to do so. It would be
10 a disservice if I were to hide my identity to the position
11 that I hold to which I honour, I think, in my role as a
12 Member of Parliament. And I'm also cognizant as well that
13 there are many members of the diaspora community who are not
14 at liberty to do that because they are afraid because they
15 have family members that are there, that are in Hong Kong or
16 in China that might have repercussions for them. And in some
17 ways, I also feel like it's my responsibility to speak up and
18 to be that voice.

19 **MS. NATALIA RODRIGUEZ:** Thank you. Now, I
20 want to move on -- we can take the document down. I want to
21 speak a little bit about your experience with Chinese
22 community associations. And in your witness summary, you
23 refer to some of these as "The Big Five". And I wanted you
24 to explain what you meant by that. Who are The Big Five and
25 why are they considered important?

26 **HON. JENNY KWAN:** So in our community, there
27 are a number of community events that would be hosted by
28 various organizations. The biggest ones would be, for

1 example, the Lunar New Year celebration, the big parade that
2 takes place in Chinatown. The organizations that come
3 together to organize this would be what I call "The Big
4 Five". Sometimes it's six, but generally, it's this frame.
5 The Chinese Benevolent Association is one of them. The
6 Chinese Freemasons is also another one. The Chinese Cultural
7 Centre is the third one. The Vancouver Chinatown Merchants
8 Association is another organization. And finally, an
9 organization called S.U.C.C.E.S.S., which in full, the name
10 is the United Chinese Community Enhancement Services Society.

11 **MS. NATALIA RODRIGUEZ:** And I understand
12 while these five may have some, or potentially six, have some
13 significance, there are many, many, many different community
14 associations within the Canadian Chinese community. Can you
15 tell us briefly about that?

16 **HON. JENNY KWAN:** Yes, there are many
17 community organizations within the Chinese community to be
18 sure. Some of them are service oriented, non-profit
19 orientated, but there are also many what we call clan
20 associations. These associations were really established
21 long ago, back in the day when Chinese people came to Canada,
22 they were really being discriminated against in many ways,
23 and they clan associations are grouped together usually by
24 people's last names or districts, or region, if you will, and
25 it really became an association for people to network, to
26 find support and kinship with each other, and back in the day
27 with all the discrimination that took place, some of them
28 even created this space to house people, because Chinese

1 people were not allowed to -- anyways, there was a lot of
2 restrictions and discriminatory practices towards Chinese
3 people.

4 So these clan associations exist in my
5 riding. A lot of them were first established in -- around
6 Chinatown. And so there are literally hundreds of those in
7 my riding.

8 **MS. NATALIA RODRIGUEZ:** And in terms of The
9 Big Five that you mentioned, are they headquartered within
10 your riding?

11 **HON. JENNY KWAN:** Yes, they are.

12 **MS. NATALIA RODRIGUEZ:** And can you describe
13 your relationship with these five organizations historically
14 and how it is now? And if there's been any change, to note
15 that as well.

16 **HON. JENNY KWAN:** Yeah, I will say that
17 historically, I've had a good relationship with all these
18 organizations. We would work together, collaborate on
19 different issues at different times, and to support the
20 community and to advocate for policy change or whatever the
21 case may be.

22 But I will say that over time, as I became
23 more and more vocal on the issues that profile China's human
24 rights violations, as an example, especially for sure during
25 the Hong Kong -- with the Hong Kong National Security Law
26 situation, I sensed that there was a shift in attitude from
27 these organizations towards me.

28 **MS. NATALIA RODRIGUEZ:** And what do you mean

1 by a shift in attitude. Can you give us an example?

2 **HON. JENNY KWAN:** So for example, I was
3 noticing -- in my office, we were noticing that, you know,
4 the invitations that would, for example, would come to my
5 office, and we would not receive some invitations to our
6 office, as an example. Some of the community leaders would
7 shy away from engaging with me, as an example. And so you
8 sort of just see those kinds of changes. It became -- in the
9 beginning it was a little more subtle, and then it became
10 more and more obvious over time.

11 **MS. NATALIA RODRIGUEZ:** And when did you
12 begin to perceive that change?

13 **HON. JENNY KWAN:** I would say in and around
14 2019 I started to notice there's some shift and some change.
15 But for sure as you sort of move towards 2020, 2021, you
16 know, you really noticed a significant departure from that
17 behaviour.

18 **MS. NATALIA RODRIGUEZ:** And so I'll take you
19 now to JKW 65_R.

20 **--- EXHIBIT No./PIÈCE No. JKW 65 R:**

21 Press release February 18, 2022

22 **MS. NATALIA RODRIGUEZ:** And this is a press
23 release dated February 18, 2022. It's titled *CCP suspected*
24 *of manipulating the political ecology of Chinese Canadians*
25 *through Lunar New Year celebration events*. And my
26 understanding is that this is a press release by the Chinese
27 Concerned Group, who is an intervenor in this Commission, and
28 it's about your exclusion from a Lunar New Year celebration

1 in 2022.

2 I assume you have seen this press release
3 before? Is that right?

4 **HON. JENNY KWAN:** Yes, I have.

5 **MS. NATALIA RODRIGUEZ:** Okay. And can you
6 tell us about that particular event and how you were excluded
7 from that event?

8 **HON. JENNY KWAN:** Yeah, so this was an event
9 that was coming in to celebrate the Lunar New Year. So we
10 were just kind of coming out of covid. And so over the covid
11 period, the big celebration that took place in my riding did
12 not happen. There was no big parade and so on because of
13 covid. So this would have been the first time since that
14 period where a Lunar New Year event celebration is being held
15 in the community. While it's not a parade, but still it's
16 deemed to be a significant celebratory moment.

17 At this event, it was -- there were two
18 organizations that organized this event, and one of them is
19 the Chinese Benevolent Association.

20 But for this event, we saw in the newspaper
21 afterwards -- not only did my office not receive an invite
22 for it, but we saw in the newspaper coverage of the event
23 that there were people invited, elected officials invited,
24 from outside of Vancouver. There were definitely Members of
25 Parliament from Vancouver too from outside of the district
26 where the event was being hosted at, like people from
27 Richmond, for example, were invited to it, the Mayor of
28 Richmond, for example, was invited to it, provincial elected

1 officials were invited to Richmond -- or invited to it. And
2 there was, I think, councillors from Burnaby invited to it.

3 What's glaringly obvious is that I, myself,
4 as a Chinese Canadian who is in that riding, in that area
5 there, was not invited. The Mayor of Vancouver at the time
6 was also not invited as well. So that became quite obvious,
7 at least from my perspective, that there's a distinction on
8 who they've chosen to be invited to this event.

9 **MS. NATALIA RODRIGUEZ:** And if we can go to
10 the bottom of that page? And the press release says, in the
11 last paragraph:

12 "As Chinatown falls under the
13 electoral district of Jenny Kwan and
14 she is the longest serving Chinese-
15 Canadian politician, a celebration of
16 Lunar New Year in Vancouver's
17 Chinatown excluding Jenny Kwan and
18 Vancouver's current mayor Kennedy
19 Stewart makes no sense."

20 And if we keep going:

21 "The Concerned Group feels that the
22 only plausible reason is that Jenny
23 Kwan had, in Parliament, brought up
24 the Hong Kong situation as well as
25 voting in support of the motion
26 naming China's Uyghur persecution as
27 genocide..."

28 And it goes on from there. Do you agree with

1 that assessment?

2 **HON. JENNY KWAN:** Yes, I do.

3 **MS. NATALIA RODRIGUEZ:** I want to take you
4 now to JKW 70_R. And this is a letter from you, and it is
5 addressed to the Canadian Security Intelligence Service.
6 That's CSIS.

7 **--- EXHIBIT No./PIÈCE No. JKW 70 R:**

8 Letter to CSIS

9 **MS. NATALIA RODRIGUEZ:** And if we go down
10 just a little bit? Okay. Thank you.

11 It is a letter speaking to CSIS about your
12 exclusion from that Lunar New Years celebration. You recall
13 sending this letter?

14 **HON. JENNY KWAN:** Yes, I do.

15 **MS. NATALIA RODRIGUEZ:** And why did you write
16 to CSIS about this?

17 **HON. JENNY KWAN:** Well from the briefings,
18 from the first briefing from CSIS, one of the things that
19 they said to me was that, please, keep us informed. Stay
20 alert. These are some of the -- you know, certain things
21 that you might be suspicious about, or you wondered about,
22 please, keep us informed. So, to that end, I thought it was
23 important for CSIS to know that this has occurred, and so I
24 wrote that letter and brought it to their attention.

25 **MS. NATALIA RODRIGUEZ:** So if we go to the
26 last paragraph of the letter, and then it says,

27 "I hope CSIS could look into this to
28 determine whether or not, or to what

1 extent foreign influence or agents of
2 a foreign government is or are
3 affecting how community events are
4 organized and reports its findings to
5 various authorities including the
6 federal government." (As read)

7 Did you receive a response to this letter?

8 **HON. JENNY KWAN:** I did not.

9 **MS. NATALIA RODRIGUEZ:** If I can turn now to
10 JKW-66_R?

11 --- EXHIBIT No./PIÈCE No. JKW 66 R:

12 Press release July 10, 2023

13 **MS. NATALIA RODRIGUEZ:** And this one is dated
14 July 10, 2023, and it looks to also be a press release. And
15 this one's entitled "Canadian Chinese Concern Group on CCP's
16 Human Rights Violations, Expresses Concerns Over Possible
17 Infiltration of Chinese Communist Party in Chinese Canadian
18 Museum". And it is a press release that speaks about your
19 exclusion from a Chinese museum event. Can you -- I assume
20 you saw this press release at the time since it is about you?

21 **HON. JENNY KWAN:** Yes, I have seen this.

22 **MS. NATALIA RODRIGUEZ:** And can you tell us a
23 little bit about that event and what led to this press
24 release?

25 **HON. JENNY KWAN:** So in Chinatown, we had a
26 very big event, actually, and that is the opening of the
27 Chinese Canadian Museum, the first in Canada. And so this
28 was a big event in terms of the opening, and there were many

1 community members and elected officials there. What happened
2 at this event was, as the local representative where the
3 Canadian Chinese Museum is located, as someone who's
4 represented this riding, and some I say who's broken barriers
5 for Chinese Canadian communities over the last 30 years in my
6 role as an elected official at one level or another, it was a
7 curious thing where at this event I was -- while I was
8 invited to it, I did -- I was not acknowledged of my presence
9 for the event. I did not receive a designated seat where
10 many of the prominent electoral officials were. And even
11 when -- during the program, elected officials, federal
12 representatives were invited up on stage to unveil a plaque
13 from the federal government. I was not invited to
14 participate in that. It was just a very curious thing and I
15 suppose in some ways, on a personal level, a little bit of a
16 hurtful thing that occurred. But in the face of that, and I
17 think the community groups and people who attended events saw
18 it as well, some came up to me afterwards and said, "Why
19 didn't they acknowledge you? Why didn't you go up on stage?
20 Why didn't you speak?" And said these things to me. And I
21 said, "Well, you know, I don't know. I'm not the organizer,
22 but here you are."

23 And so the concerned group, of course, who's
24 an active group in our community watching all of these things
25 all the time, and they also picked it up, and, consequently,
26 I think they wrote this press release.

27 **MS. NATALIA RODRIGUEZ:** And was that event
28 held in your riding?

1 attending local community events
2 related to the election." (As read)

3 So this is, again, the 2019 election.

4 "This was accomplished via PRC proxy
5 agents hiding the direct involvement
6 of these PRC officials." (As read)

7 Now, taking into account that this is
8 referring to events leading up to the 2019 election and you,
9 having given your evidence that you started noticing these
10 exclusions from events starting in and around 2019, does this
11 paragraph generally accord with your understanding of why and
12 how you may have been excluded from local community events
13 such as the ones that you described for us today?

14 **HON. JENNY KWAN:** Yes.

15 **MS. NATALIA RODRIGUEZ:** So is it fair to say
16 that, in your view, there is a relationship between your
17 advocacy around China-related issues and your exclusion from
18 local community events?

19 **HON. JENNY KWAN:** I think it is quite
20 plausible that is the case. What we also know is that a
21 former colleague of mine, Richard Lee, a former MLA, who was
22 shunted, I guess, from the community, and the word is that if
23 community groups invited him to events, then representatives
24 from the consulate would not attend, as an example. So
25 consequently, Richard did not get a lot of invitations. So
26 this kind of practice is something that we know does occur in
27 the community.

28 **MS. NATALIA RODRIGUEZ:** Now I want to move on

1 to your experience with your constituents. What has your
2 experience with your constituents been like in the last 5
3 years, so since 2019, and have you noticed a change in your
4 constituents' demeanour, or in their interactions with you,
5 and what can you tell us about that?

6 **HON. JENNY KWAN:** My constituents, many of
7 them, of course, have watched me grow up, as they say, over
8 all these years. But in the latter part, in the last five
9 years or so particularly, with my outspokenness around human
10 rights violations from China and particularly with the Hong
11 Kong situation and so on, I'm noticing nervousness and fear
12 from some of my constituents, and particularly, the elderly
13 Chinese Canadian members. I've had people come up to me, to
14 whisper to me, worried about their support for me and that it
15 might be found out by the CCP, and that there might be
16 repercussions for themselves or that of their family members.
17 They have this fear in their heart, as an example. They
18 would often just come up to me, hold onto me, grab my arm,
19 and sort of whisper these things to me. I would reassure
20 them to say that no one will know who you voted for because
21 our ballots are secret. Nobody can tell. Only you know, as
22 you mark the ballot, as an example. There are instances
23 where people would come up and ask me to say, "Did you really
24 protest the consulate and stood in front of the consulate to
25 speak out against them", as an example. Others would ask me
26 to pay attention and focus on domestic issues, as an example.
27 And then in that reference, I think to mean not to speak out
28 against China. There are others who have outright said to me

1 that they weren't going to be donating to me or supporting me
2 because of that. So there is definitely some change in
3 behaviour.

4 **MS. NATALIA RODRIGUEZ:** And so with respect
5 to the 2021 election, did you experience any of that -- those
6 concerns conveyed to you as you went door knocking and
7 canvassing for votes in 2021?

8 **HON. JENNY KWAN:** There were some people that
9 I door knocked on where they asked me "What is your position
10 on certain policies?", for example, on the Uyghur issue, as
11 an example. And you know, so those kinds of things would
12 surface. What is my position on Hong Kong? Those kinds of
13 things. But you can never know for sure was that a
14 determining factor for them in terms of that behaviour. But
15 from time to time, yes, those issues did come up.

16 **MS. NATALIA RODRIGUEZ:** And did they express
17 concern about supporting you in 2021 for fear of reprisal?

18 **HON. JENNY KWAN:** A lot of these
19 conversations, when people say these things to me, they -- so
20 when I am talking about the seniors who raised those concerns
21 to me, some of them during the campaign would say that
22 they're worried, but a lot of them after the campaign would
23 continue to raise these issues up with me.

24 **MS. NATALIA RODRIGUEZ:** Okay. So it wasn't
25 limited to the 2021 campaign is what you're saying.

26 **HON. JENNY KWAN:** No. I think these kinds of
27 sentiments sometimes it precedes the campaign, sometimes it's
28 after the campaign. It kind of just continues, and it kind

1 of just doesn't stop.

2 **MS. NATALIA RODRIGUEZ:** And so with respect
3 to the 2021 election, I understand there was an incident in
4 2021, in August, that led to the NDP filing a complaint with
5 the Commissioner of Canada Elections. Can you tell us a
6 little bit about that?

7 **HON. JENNY KWAN:** Yes. During the campaign,
8 we were alerted by someone that there was a WeChat post from
9 Fred Kwok inviting members of the Chinese community to attend
10 a free lunch. And when we looked at this post, a few things
11 jumped out at me. One was, is this even legal? Because
12 they're offering a free lunch in the middle of a campaign in
13 support of my opponent. Could that be construed as vote
14 buying, a bribe if you will? So that was my first thought.

15 And second, of course, is who's hosting this?
16 You know, who's the host of this event? Is it Fred Kwok as
17 an individual? If he was doing that, is he a third-party?
18 Is he a registered third-party? Because we have rules and
19 regulations related to that. If not, is it the Liberal Party
20 he's doing that? And so that question around the host and
21 potential violations of the *Election Act* also came up.

22 Then, of course, because it's a free lunch,
23 and the way in which the language was posed in this WeChat
24 message basically said, "Come and bring your friends.
25 Doesn't matter about the number. No need to pay." Then
26 you're imagining lots of people will go to this event, so
27 then the cost issue also becomes a factor. And in an
28 election, election financing, contribution limits, and all of

1 those matter a lot. So then my thought was would they be in
2 violation of that as well?

3 So our -- the lawyer for the NDP, we
4 contacted central and advised them of the situation. So the
5 lawyer for the NDP filed a complaint with the OCCE.

6 **MS. NATALIA RODRIGUEZ:** And just for the
7 record, that document is at JKW 76.

8 **--- EXHIBIT No./PIÈCE No. JKW 76:**

9 Letter to OCCE: Complaint re
10 collusion and vote-buying in
11 Vancouver East

12 **MS. NATALIA RODRIGUEZ:** And in the interest
13 of time, I will move to a different area. Well, actually,
14 staying in this topic for one second, if I can take you to
15 CAN 1075.

16 **--- EXHIBIT No./PIÈCE No. CAN 1075:**

17 SITE TF SITREP: 07 September 2021

18 **MS. NATALIA RODRIGUEZ:** So this is a SITE
19 Task Force SITREP. It's dated September 7, 2021. And my
20 understanding is the lunch took place at the end of August.
21 Is that right?

22 **HON. JENNY KWAN:** That is correct. I believe
23 it was the 29th.

24 **MS. NATALIA RODRIGUEZ:** Okay. So this would
25 have been about almost 10 days after. And if we go down, the
26 report says on the last bullet point:

27 "The Facebook page for the Vancouver
28 Hong Kong Forum Society...published

1 screengrabs from a WeChat group with
2 what they claim are members of the
3 Chinese Benevolent Association...of
4 Vancouver, a group that many open
5 source reports claim are linked to
6 China's United Front Work Department.
7 The chat that shows what is purported
8 to be an offer of a free lunch to
9 support the LPC Vancouver East
10 candidate as someone who 'cares about
11 the issues of the Chinese people.'"

12 And this Hong Kong Foreign Society:

13 "...further claims that the message
14 encourages solidarity among Chinese
15 voters in a manner similar to South
16 Asian voter solidarity."

17 Can I take it that as a candidate you were
18 aware of the SITE Task Force in 2021?

19 **HON. JENNY KWAN:** I was not.

20 **MS. NATALIA RODRIGUEZ:** Okay. Did you know
21 that there was a SITE Task Force and it was -- and that it
22 was called that?

23 **HON. JENNY KWAN:** No.

24 **MS. NATALIA RODRIGUEZ:** Okay.

25 **HON. JENNY KWAN:** I only learned of this from
26 this hearing.

27 **MS. NATALIA RODRIGUEZ:** Okay. So is it fair
28 to say, then, that SITE did not inform you that they had

1 flagged this issue with the lunch shortly after it took
2 place?

3 **HON. JENNY KWAN:** That is correct.

4 **MS. NATALIA RODRIGUEZ:** Okay. Did any
5 official from any government department or agency tell you at
6 the time that this had been picked up by the SITE Task Force?

7 **HON. JENNY KWAN:** No.

8 **MS. NATALIA RODRIGUEZ:** Okay.

9 **HON. JENNY KWAN:** In fact, it was our
10 campaign -- after the election, we contacted CSIS to let them
11 know that this had occurred.

12 **MS. NATALIA RODRIGUEZ:** Okay. And to be
13 fair, it's RRM Canada and GAC that picked this up, and it's
14 in a SITE Task Force report, but the sourcing is from the
15 Rapid Response Mechanism. Just wanted to make that clear.

16 So in terms of sources of information related
17 to foreign interference in the 2019 and 2021 elections, it
18 sounds like it wasn't SITE. That wasn't your go-to for
19 information on foreign interference in the elections. Is
20 that right?

21 **HON. JENNY KWAN:** That's correct.

22 **MS. NATALIA RODRIGUEZ:** Okay. And so who did
23 you understand you were to report any suspicious activities
24 to during those two elections?

25 **HON. JENNY KWAN:** Well, the first place, of
26 course, is to the OCCE, and then, of course, related to
27 matters on foreign interference it would be CSIS.

28 **MS. NATALIA RODRIGUEZ:** Okay. So you

1 understood that if there was -- if you had any concerns about
2 suspected or possible foreign interference during those
3 elections, you were to go -- to contact CSIS directly. Is
4 that right?

5 **HON. JENNY KWAN:** Well, CSIS had asked me to
6 keep them informed, and so that's what we did, to keep them
7 informed after the election. At the time when this free
8 lunch event was being promoted from Fred Kwok, our first
9 thought was Elections Canada, the OCCE, and those violations
10 within it, that's why we lodged our complaint to them
11 directly.

12 It wasn't until after when other items
13 surfaced, for example, the Vancouver Sun wrote an article
14 about it, and in that article they talked a lot about foreign
15 interference, and then it started to make me think, "Hmm, is
16 it this foreign interference related?" And then of course,
17 after I was briefed by CSIS in May of 2023, it became even
18 more apparent to me that this might be a foreign interference
19 activity. And so to that end, I did follow up with CSIS, as
20 well as OCCE on it.

21 **MS. NATALIA RODRIGUEZ:** And did you have a
22 sense for what constituted suspicious activity that should be
23 reported? Did you understand what that threshold was for you
24 to report something to CSIS?

25 **HON. JENNY KWAN:** No. No, I -- no. They
26 never advised exactly what would be the threshold and what
27 are the clear signs, it's just to alert you to be more aware.
28 And so then, you know, you're being more aware. And during

1 the election campaign period, the things that jumped out at
2 us with respect to this event were the potential violations
3 of the *Election Act*. And then after the fact, when you put
4 all the different pieces together, all the different
5 information that's surfacing, then you start to wonder, "Is
6 this a foreign interference activity that took place?"

7 **MS. NATALIA RODRIGUEZ:** And unfortunately, I
8 am out of time, but I would like to ask you one final
9 question, and that is, is there anything else you would like
10 to tell us about any of the issues within Stage 1 of our
11 mandate, which is the 2019 and 2021 elections that we have
12 not had a chance to discuss?

13 **HON. JENNY KWAN:** I think that's really --
14 it's really important to actually look at the WeChat post
15 that Fred Kwok put up because there's some very specific
16 language within it that in the context of foreign
17 interference that we should be paying attention to. So I
18 wonder if we can actually pull up that post ---

19 **MS. NATALIA RODRIGUEZ:** Sure.

20 **HON. JENNY KWAN:** --- so that we can go
21 through it.

22 **MS. NATALIA RODRIGUEZ:** Absolutely.

23 So we can see it at CCC 186.

24 **--- EXHIBIT No./PIÈCE No. CCC 186:**

25 Press release from Chinese-Canadian
26 Concerned Group on the Chinese
27 Communist Party's Human Rights
28 Violation

1 **MS. NATALIA RODRIGUEZ:** And I pull this one
2 up because it has the original post and it has the -- if you
3 can go down, please. And it has the translation as well.

4 So that's -- if we can zoom in on the side-
5 by-side there.

6 And maybe just briefly tell us who Fred Kwok
7 is or who he was at that time.

8 **HON. JENNY KWAN:** Yeah. Fred Kwok at the
9 time was the chair of the Chinese Benevolent Association.
10 He's also the chairperson for the Chinese Cultural Centre.
11 He is very involved with the Chinese Freemasons and I believe
12 he holds the title of being an honorary leader, national
13 leader, of the Chinese Freemasons.

14 So that's the background a little bit about
15 Fred.

16 But if you look at the post and even the
17 translation here did not pick it up and reflected it. But in
18 three places, the post reference Chinese people using the
19 word "Chinese people" in three different places, talking
20 about, if I can put it on the record here, the post says:

21 "Just over two weeks left in the
22 federal election. Throughout these
23 years, the Chinese community and the
24 Chinese people have long been
25 neglected." (As read)

26 So here they use "Chinese people".

27 "The Chinese people must show their
28 voting power in this election [again

1 they use Chinese people]. Now that
2 this Liberal candidate is running for
3 the first time in Vancouver East, we,
4 the Chinese people must show their
5 voting power to the politicians." (As
6 read)

7 So the third time they're saying "Chinese
8 people". Then it goes on to say, "The South Asian people
9 already have a huge influence."

10 Then here it says, "The Chinese should also
11 show solidarity."

12 So here I'm going to sort of pause for a
13 minute and just go to the Chinese version of the post. Where
14 they use the word "the Chinese", they actually -- the literal
15 translation in Chinese is (other language) meaning China
16 person or China people, so that's one distinction there.

17 And when you say and use the word China
18 person or China people, I take that to mean a Chinese
19 national, not a Chinese person or Chinese people.

20 They again use this term (other language),
21 Chinese nationals, later on in the message where they go on
22 to say:

23 "Tomorrow morning at 11:30 a.m. lunch
24 at Flota restaurant. No matter how
25 many we'll need to pay. You all may
26 bring some friends here to show that
27 you care. When the future victory
28 comes, at least there will be a few

1 more MPs who will care about the
2 issues of the Chinese people." (As
3 read)

4 That should actually say, "at least there
5 will be a few more MPs who will care about the issues of
6 Chinese nationals" because in the Chinese version of the
7 post, it once again says (other language) meaning China
8 person or China people, and that in reference to Chinese
9 nationals.

10 So this is -- to me, is deliberate. The --
11 using that term, they're talking about wanting to elect
12 someone who will prioritize the issues that are of concern to
13 Chinese nationals, to the Chinese government or to China, if
14 you will.

15 **MS. NATALIA RODRIGUEZ:** Thank you for that
16 clarification.

17 Those are all of my questions. The
18 participants may have some other questions for you.

19 **COMMISSIONER HOGUE:** Thank you.

20 But before that, we will take a short break,
21 15 minutes. So we'll be back at 4:30.

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

24 The hearing is in recess until 4:30. La séance
25 est maintenant en pause jusqu'à 16 h 30.

26 --- Upon recessing at 4:16 p.m./

27 --- La séance est suspendue à 16 h 16

28 --- Upon resuming at 4:34 p.m./

1 --- La séance est reprise à 16 h 34

2 **THE REGISTRAR:** Order please. À l'ordre, s'il
3 vous plait.

4 This sitting of the Foreign Interference
5 Commission is back in session. Cette séance de la Commission
6 sur l'ingérence étrangère à repris.

7 **--- HON. JENNY KWAN, Resumed/Sous la même affirmation :**

8 **COMMISSIONER HOGUE:** The first one this time
9 is counsel for Human Rights Coalition.

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

11 **MS. HANNAH TAYLOR:**

12 **MS. HANNAH TAYLOR:** Good afternoon, Ms. Kwan.

13 **HON. JENNY KWAN:** Good afternoon.

14 **MS. HANNAH TAYLOR:** You spoke a bit about
15 this with Commission counsel this morning. You mentioned in
16 your interview summary that you noticed more fear and
17 apprehension from your constituents beginning in 2019, and
18 it's also mentioned in your interview summary that during the
19 2021 election, constituents, donors, and supporters told you
20 that because you protested in front of the Consulate, they
21 were fearful about voting for you.

22 Your summary mentioned that they were worried
23 that the Chinese Government would find out that they had
24 voted for you or supported you, and that this would
25 compromise the safety of their families in China.

26 Do you know why they were afraid for the
27 safety of their families in China?

28 **HON. JENNY KWAN:** I would suspect that if

1 they were supporting someone who would be critical of China's
2 human rights record, that they fear that there could be
3 repercussions for them, and part of those repercussions
4 potentially could be the safety of their family members in
5 China.

6 **MS. HANNAH TAYLOR:** And without providing any
7 identifying information, would you be able to share who
8 expressed these kinds of fears to you during the 2021
9 election? You mentioned Chinese Canadian seniors in
10 particular expressed these fears, but were there other groups
11 in particular that came to you with apprehension?

12 **HON. JENNY KWAN:** Well they're just mostly
13 individuals. They don't tend to come to me as a group. It
14 will be individuals who will see me, you know, in the
15 community somewhere, and they'll come up and whisper these
16 things at me. The age, of course, ranged.

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

18 **HON. JENNY KWAN:** It's not necessarily just
19 seniors. But seniors, for me, are particularly vulnerable, -
20 --

21 **MS. HANNAH TAYLOR:** Okay.

22 **HON. JENNY KWAN:** --- just because they're
23 elderly and many of them, you know, may not have a lot of the
24 resources to even figure out where to get help. And many of
25 them are alone. And it just breaks my heart that they would
26 have this fear, you know, with them.

27 I also remember when I first entered into the
28 political arena, and first as sort of, like, a volunteer, I

1 worked really hard to get people who have never registered
2 before to vote, and there were points in time where I said,
3 "I don't even care who you vote for." I mean, I was working
4 on -- you know, volunteering for a campaign. But it didn't
5 matter for me who they ultimately voted for. I just wanted
6 them to vote, to exercise their democratic right.

7 And for these seniors to express fear in
8 voting, you know, to participate full -- participating fully
9 in our Canadian democratic system was something that they're
10 now fearful of, it was just something that struck me to be
11 particularly challenging. And I worry for the seniors.

12 **MS. HANNAH TAYLOR:** Okay. And so what I'm
13 hearing is that particularly among Chinese Canadian seniors,
14 although the folks who came to you, the Chinese Canadian
15 members of your constituency that came to you with these
16 fears ranged when it comes to range, but particularly with
17 seniors, the fear was not only voting for you, although that
18 was a particular fear, but engaging in voting more generally?
19 That was also a fear?

20 **HON. JENNY KWAN:** Yes, because if they fear
21 that someone would know how they voted, or if they -- someone
22 would know they supported an individual who China was seeing
23 to be -- who deemed that individual to be anti-China, then
24 there might be repercussions for them. That's my insinuation
25 of what that means when they, I think, whisper these things
26 to me, and I did my best to assure them that their vote is
27 private, is secret, no one would know, to reassure them that
28 it is our democratic right as Canadians to exercise that

1 right.

2 **MS. HANNAH TAYLOR:** And did they say
3 specifically what they were afraid might happen to them or
4 their families? Like, what these repercussions were that
5 they were afraid of if they voted for you or if it was found
6 out who they voted for more generally? These more general
7 fears?

8 **HON. JENNY KWAN:** They weren't specific about
9 exactly what they think might happen or may not happen to
10 their family members, but other than just to express a fear,
11 and then a fear for their safety.

12 **MS. HANNAH TAYLOR:** To the extent that you
13 know, were your constituents afraid because they had received
14 direct threats from the Chinese Government or proxies, or did
15 they understand there to be an implicit threat to their
16 safety and the safety of their families?

17 **HON. JENNY KWAN:** No one has expressed to me
18 that there was a direct threat. What people just said to me
19 was that they have this fear and they just expressed their
20 thoughts.

21 Some of them actually feared for me. Some of
22 them have said, you know, "You should be careful too." And
23 so some of them had expressed that sentiment for my safety.

24 **MS. HANNAH TAYLOR:** Thank you very much, Ms.
25 Kwan.

26 **HON. JENNY KWAN:** Thank you.

27 **COMMISSIONER HOGUE:** Counsel for Micheal
28 Chong?

1 **MR. GIB van ERT:** No questions. Thank you.

2 **COMMISSIONER HOGUE:** No questions?

3 The AG? Oh, there's -- oh, I don't have --
4 no, I think there's the OCC ---

5 **MR. LUC BOUCHER:** Yes.

6 **COMMISSIONER HOGUE:** --- before. Sorry.

7 **MR. LUC BOUCHER:** Yes.

8 **COMMISSIONER HOGUE:** It's not on my list.

9 Sorry. Désolé, Me Boucher.

10 **MR. LUC BOUCHER:** Je prendrais quelques
11 minutes seulement.

12 **COMMISSIONER HOGUE:** C'est correct. Mais
13 quelqu'un peut m'indiquer par ailleurs, en principe, le temps
14 alloué est de combien?

15 **MR. LUC BOUCHER:** C'est 5 minutes.

16 **COMMISSIONER HOGUE:** Ok.

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

18 **MR. LUC BOUCHER:**

19 **MR. LUC BOUCHER:** Good afternoon.

20 **HON. JENNY KWAN:** Good afternoon.

21 **MR. LUC BOUCHER:** I'll direct you -- we'll go
22 directly to the luncheon for Mr. Vander Vies that was paid by
23 Mr. Kwok. Okay. I understand that you've been elected for -
24 - since 2015 to the Parliament and you were an elected
25 official before that for 10 years? Twelve (12) years?

26 **HON. JENNY KWAN:** I was elected federally in
27 2015. Prior to that, I was elected provincially from 1996
28 until 2015. And then prior to that, I was elected

1 municipally from 1993 to 1996.

2 **MR. LUC BOUCHER:** So you understand that
3 every time you have to get elected to continue your
4 positions? You understand that? And you understand that
5 getting elected is about the business of getting votes;
6 right?

7 **HON. JENNY KWAN:** Well I understand that with
8 each election cycle, I have to earn the trust of the
9 electorate and support from them to get elected. And yes,
10 ultimately it is getting votes into the ballot box.

11 But for me, it's a little bit more than that.
12 It is about standing up for what you believe in and then
13 fighting for those beliefs.

14 **MR. LUC BOUCHER:** Okay. And to get votes,
15 you need to communicate with the communities? Is that ---

16 **HON. JENNY KWAN:** Of course. Part of the
17 electoral process is communications and being able to
18 communicate with the electorate would absolutely be paramount
19 in the electoral process.

20 **MR. LUC BOUCHER:** And using the pillars of
21 the communities to get in contact with them is part of the
22 job?

23 **HON. JENNY KWAN:** Using communication tools?

24 **MR. LUC BOUCHER:** No, the ---

25 **HON. JENNY KWAN:** Is that what you mean?

26 **MR. LUC BOUCHER:** --- important persons of
27 community. The pillars of the communities.

28 **HON. JENNY KWAN:** Oh, I see. So getting

1 support from community leaders ---

2 **MR. LUC BOUCHER:** Yes.

3 **HON. JENNY KWAN:** --- to show support for
4 your candidacy? Yes. Of course. I think every elected
5 official would aim to try and get that. Or every candidate.

6 **MR. LUC BOUCHER:** Okay. Being a Member of
7 Parliament since 2015, you must be familiar with the *Canada*
8 *Elections Act*?

9 **HON. JENNY KWAN:** I am.

10 **MR. LUC BOUCHER:** Okay. And when the lunch
11 occurred, one of your worries was that Mr. Kwok did not
12 register as a third party?

13 **HON. JENNY KWAN:** Well when the -- when we
14 learned of the event and saw the WeChat post, a number of
15 things jumped out at me. One of course is who is organizing
16 this. And if Mr. Kwok was organizing this, is he a
17 registered third party? Is he doing this as an individual?
18 Is he abiding by the contribution limits as they are set out
19 in the *Elections Act*?

20 The other element, of course, related to
21 those concerns, is the fact that the post, the WeChat post,
22 spoke about a free lunch, and it seemed unlimited, urging
23 people to bring as many people as they can, and using clear
24 language to say, "Don't worry. No need to pay." Then you
25 start to wonder, is this a violation of the *Elections Act*
26 pertaining to buying votes? So that's another element in
27 relation to that. And then, of course, contribution limits,
28 because all campaigns have limitations related to that, and

1 would there be violations of contribution limits?

2 **MR. LUC BOUCHER:** Okay. And have you been
3 following the Commission's testimonies prior to yours?

4 **HON. JENNY KWAN:** I have, for the most part.
5 There were some moments where I wasn't able to catch elements
6 of it, but for the most part, yes.

7 **MR. LUC BOUCHER:** Okay. Did you have a
8 chance to listen to the Commissioner Simard, Commissioner
9 Côté, and Mylène Gigou testify?

10 **HON. JENNY KWAN:** I did, yes.

11 **MR. LUC BOUCHER:** And in fact, you learned
12 from that testimony that the lunch was at the request of
13 Mr. Vander Vies?

14 **HON. JENNY KWAN:** Yes, I had heard that
15 testimony. What was of course interesting is that in the
16 WeChat post there was no indication that this is a free lunch
17 at the behest of the candidate.

18 **MR. LUC BOUCHER:** Okay.

19 **HON. JENNY KWAN:** As well, in the media
20 reporting that came afterwards, in the Vancouver Sun, there
21 was a prominent article from a reporter, a columnist I should
22 say, and there was no indication in that report that this was
23 a free lunch event organised at the behest of the candidate.

24 Mr. Fred Kwok was interviewed, and in fact he
25 said in that article that he violated the *Election Act* for he
26 did not register as a third-party and he also said in that
27 article that he paid \$1,500 for the lunch.

28 **MR. LUC BOUCHER:** Okay. But in fact, in that

1 article, and we may disagree, but in that article what
2 Mr. Kwok worries was that he also contributed to the
3 Conservative Party \$1,200, and he may have over contributed
4 at that time.

5 **HON. JENNY KWAN:** In that article, he
6 mentioned that he also contributed to another candidate, but
7 in terms -- I guess in terms of the contribution limit, there
8 are two elements to it, in terms of the personal contribution
9 and those limits and to two different candidates, but there
10 is also a contribution limit for the free lunch to which he
11 was contributing to. So that's the way I read that article.
12 Contribution limits could apply in both instances.

13 **MR. LUC BOUCHER:** Now, if we come back to the
14 purpose of this Commission, the occurrence of the lunch, the
15 issue might be where the money comes from. Exact? And
16 during your witness statement, at paragraph 41, I won't ask
17 the people, but you stated at paragraph 41 that:

18 "In light of a media report about
19 transfer of funds from the Chinese
20 Consulate in Toronto to campaigns..."

21 You wonder:

22 "...whether the Chinese Consulate in
23 Vancouver may be operating at petty
24 cash slush fund to finance events,
25 such as the lunch hosted by
26 Mr. Kwok."

27 My question is do you have any evidence, any
28 evidence besides that media article targeting the consulate

1 in Toronto, do you have any evidence of that slush fund
2 existing in the Vancouver area?

3 **HON. JENNY KWAN:** So first off, on the issue
4 around the cost of the lunch, there is a big question in my
5 mind that is still outstanding, and that is whether or not
6 the actual cost of the lunch is the same amount as the
7 reported amount.

8 **MR. LUC BOUCHER:** But Ms. -- just -- because
9 the Commission is concerned with foreign interference.

10 **HON. JENNY KWAN:** Yes.

11 **MR. LUC BOUCHER:** Now, foreign interference
12 in the lunch would be where the money comes from.

13 **MR. SUJIT CHOUDHRY:** Your Honour,
14 Commissioner, excuse me, I think Ms. Kwan is well aware of
15 the question, and I think she's getting to an answer. So I'd
16 ask my friend to desist from interrupting her so that she can
17 complete her answer.

18 **MR. LUC BOUCHER:** That's fine.

19 **COMMISSIONER HOGUE:** Complete your answer.

20 **HON. JENNY KWAN:** Thank you so much. Yes, if
21 you could indulge me, and I apologise if I'm taking time to
22 explain this, so that I can connect the dots with respect to
23 the question.

24 So from the market rate to which my office
25 was able to attain for a event such as this, it seemed to
26 indicate that the cost of the lunch is -- far exceeds the
27 amount that's been reported, at least by a third, maybe even
28 half or more than what was reported. So then the outstanding

1 question is, who paid for that amount? Where did the source
2 of that money come from?

3 And so related to that, then, could it be a
4 foreign interference actor who paid for that amount? We have
5 no information with respect to that. We cannot even verify
6 what is the actual amount of the cost.

7 So when the news media and reports was coming
8 forward to indicate that allegedly that there is a slush fund
9 that was set up for elections, I -- in Toronto, I can't help
10 but wonder whether or not the same thing is happening here in
11 Vancouver as well.

12 So this is how it relates, and that's why
13 chasing that money is so critical. Finding out where that
14 source of funds might have come from is so critical.

15 **MR. LUC BOUCHER:** Thank you.

16 **COMMISSIONER HOGUE:** Thank you.

17 **MR. LUC BOUCHER:** C'tait mes questions.

18 **COMMISSIONER HOGUE:** Now, it's your turn.

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

20 **MR. BARNEY BRUCKER:**

21 **MR. BARNEY BRUCKER:** Good afternoon,
22 Ms. Kwan. My name's Barney Brucker. I'm here for the
23 Attorney General. Thank you for assisting us with the
24 Inquiry by being here today.

25 I'm not going to ask what was on the menu for
26 lunch, so we can at least get that out of the way.

27 **HON. JENNY KWAN:** I was told it was pretty
28 lavish, but I wasn't invited.

1 **MR. BARNEY BRUCKER:** I just wanted to ask
2 about your riding. Vancouver East, was it?

3 **HON. JENNY KWAN:** Yes, it is.

4 **MR. BARNEY BRUCKER:** And what is the ethnic
5 makeup of that riding?

6 **HON. JENNY KWAN:** I'm very proud to be
7 representing Vancouver East. It's one of the most diverse
8 communities or ridings if you will across the country. At
9 one point, reports indicate that we have some 76 different
10 spoken languages in the district. And pertaining to the
11 ethnic diaspora community, we have a wide-ranging cultures
12 and representation in the riding. The Chinese Canadian
13 community, according to census, seem to indicate that our
14 population is about a little under 20 percent or so of the
15 overall population.

16 **MR. BARNEY BRUCKER:** Okay. You had mentioned
17 that prior to the election you had had a briefing by CSIS.
18 And I take it that did not involve any classified
19 information. That it was a, I think you called it, a general
20 briefing?

21 **HON. JENNY KWAN:** Yes, it was a general
22 briefing. I think that the purpose, at least I was told the
23 purpose of that was to alert members of parliament about
24 foreign interference, and to bring that to our attention.

25 **MR. BARNEY BRUCKER:** And do you know if other
26 MPs of various party stripes were also given a similar type
27 of briefing prior to the election?

28 **HON. JENNY KWAN:** To my knowledge, some other

1 MPs were, although who exactly, that I don't know.

2 **MR. BARNEY BRUCKER:** And do you know that
3 either before or during or even after the election the NDP
4 National Campaign, or Committee, or whatever their correct
5 terminology is, did they also receive a briefing?

6 **HON. JENNY KWAN:** You mean during the
7 campaign if they received or ---

8 **MR. BARNEY BRUCKER:** Yes. Before the --
9 leading into the campaign or during the campaign did the
10 national party receive a briefing, do you know?

11 **HON. JENNY KWAN:** From CSIS? I was not
12 advised.

13 **MR. BARNEY BRUCKER:** Okay. So let me suggest
14 to you that among the general concepts put forward during
15 this general briefing, CSIS may have explained their mandate,
16 that they were not a law enforcement agency. There may have
17 been the discussion about what is foreign interference and
18 what isn't foreign interference, and also, a discussion about
19 perhaps how would you try -- how could you recognise it or
20 what is the -- what are the methods employed, in a general
21 way. And also, some contact information for you or members
22 of your staff to contact government organisations if you saw
23 something of concern during the elections. Is that fair?

24 **HON. JENNY KWAN:** That's fair, and CSIS was
25 definitely clear to say that they do not have investigative
26 powers.

27 **MR. BARNEY BRUCKER:** Okay. And you mentioned
28 a follow-up after -- shortly after the election. And I can't

1 recall because my notes aren't very good, but what was that
2 follow up in -- about?

3 **HON. JENNY KWAN:** Yes. So after the
4 election, and in light of this free lunch that was -- that
5 Fred Kwok had put on the WeChat platform after the election,
6 and my office contacted CSIS to inform them of this event
7 that took place. There was also another -- sorry. I'll just
8 leave it there.

9 **MR. BARNEY BRUCKER:** Okay. I thought we
10 might away from the lunch, but apparently not.

11 Can you tell me, did it occur to you when you
12 contacted CSIS about the free lunch that -- was the reason
13 for that that it was possible foreign interference? Is that
14 why you contacted?

15 **HON. JENNY KWAN:** That is correct.

16 After the event when we started to think
17 about all the different things that were occurring and
18 putting these different pieces together, you start to wonder,
19 could this be a foreign interference activity. And so CSIS
20 had said to me that to please keep them informed and to let
21 them know that if we think there were any suspicious
22 activities to let them know. And so as you think about these
23 things, I thought it would be best to keep them informed, and
24 that's exactly what I did.

25 **MR. BARNEY BRUCKER:** And did it occur to you
26 when you contacted the Commissioner of Canada Elections about
27 a possible campaign violation that also may be foreign
28 interference?

1 **HON. JENNY KWAN:** Well, at the time when the
2 matter was happening, the first thing that jumped out at me
3 was, was this legal. They're offering a free lunch to people
4 in the middle of a campaign. And my head space went right to
5 the *Elections Act* and those kinds of violations, so that's
6 why the lawyer for the NDP, after we contacted them, filed
7 that letter as such.

8 Subsequent to that, there was a media
9 reporting also in the Vancouver Sun that talked about that
10 event and then also raised a whole number of other foreign
11 interference related issues.

12 And so when you sort of start to think about
13 that -- and this really came to hit me hard, I guess, was
14 when -- after my briefing in May of 2023. And I started to
15 think maybe that really was potentially a foreign
16 interference activity.

17 And when you started to hear all the
18 different news that were surfacing about the slush fund and
19 all of those kinds of things, and so that's why I followed up
20 in writing a letter to the OCCE raising these issues again
21 and also bringing that up to the attention of CSIS.

22 **MR. BARNEY BRUCKER:** I think I just have one
23 more question.

24 Back to the briefing that you had prior to
25 the 2021 election, did you adjust your campaign strategy or
26 your campaign approach in any way as a result of that
27 briefing?

28 **HON. JENNY KWAN:** No. What they were telling

1 us was to sensitize us to this possibility, and so I hadn't
2 thought much of it other than to say, okay, I will be alert
3 and pay attention. But I wasn't thinking that necessarily
4 this would be happening or may happen, so we did not really
5 adjust our strategy in that way. But as the campaign sort of
6 evolved, as things happened and then later on, as I said, in
7 May of 2023 when all these other pieces of information were
8 coming forward, I started to wonder about it and perhaps
9 connect the dots.

10 **MR. BARNEY BRUCKER:** Right. Was your
11 campaign monitoring WeChat?

12 **HON. JENNY KWAN:** No, we didn't. And the
13 reason why is that some years ago, we did -- my office, we
14 did use WeChat as a platform to get information out, putting
15 forward statements and government announcements and different
16 things like that through that platform. And then partway
17 through, we had discovered that I was being censored.

18 What happened was one of the statements, and
19 I believe it was a statement about the anniversary of the
20 Tiananmen massacre that we had put up, and it was censored
21 and was taken down. And someone alerted us to that.

22 And I thought, wow, I'm being censored by
23 Chinese authorities as a Canadian elected official. That
24 cannot be allowed to happen.

25 So I decided that I would not use the WeChat
26 platform.

27 **MR. BARNEY BRUCKER:** And when you discovered
28 that, did you report that to Commissioner of Canada Elections

1 or CSIS or to anybody?

2 **HON. JENNY KWAN:** No, that happened way
3 before with all of this, and this is before I even thought
4 about potential foreign interference issues.

5 **MR. BARNEY BRUCKER:** Okay. Thank you, Ms.
6 Kwan.

7 **COMMISSIONER HOGUE:** Thank you.
8 Mr. Choudhry?

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

10 **MR. SUJIT CHOUDHRY:**

11 **MR. SUJIT CHOUDHRY:** Ms. Kwan, so I just
12 would like to begin with a couple of kind of background
13 issues about your political career just for the record.

14 So is it true that you're the only Chinese
15 Canadian to have been elected to all three levels of office -
16 - all three levels of government?

17 **HON. JENNY KWAN:** I believe so.

18 **MR. SUJIT CHOUDHRY:** Yes. And you were the
19 first Chinese Canadian to serve in the B.C. Cabinet.

20 **HON. JENNY KWAN:** That's correct.

21 **MR. SUJIT CHOUDHRY:** Okay. So as you know,
22 the focus of this phase of the public inquiry is on the 43rd
23 and 44th General Elections and foreign interference and the
24 related issue of information flow. And so I'd like to kind
25 of use your experience as a window into that issue because
26 that's really what's of most interest to the Commissioner.

27 And so what I'd like to first take you to, if
28 I may, is the WeChat message because I think getting the

1 language right is important. So I'd like to take you to the
2 version of the WeChat message translation that you provided,
3 and that is in your witness statement. It's Witness
4 Statement 12, paragraph 41.

5 And I know there have been a couple of
6 different versions of this witness statement, so forgive me
7 if I've not got the right paragraph.

8 Okay. So this is the different version.

9 Could we -- if I could ask for assistance
10 from Commission counsel. This -- I had it at paragraph 41 of
11 my version.

12 Actually, if you just scroll up, please.

13 Yes, there you go, 38.

14 And so just to clarify for the record, here
15 in your translation, is it true that you've drawn the
16 distinction between the references to the terms "Chinese
17 community" and "Chinese people" and "Chinese nationals"?

18 **HON. JENNY KWAN:** Yes, that's correct.

19 **MR. SUJIT CHOUDHRY:** Right. And the term --
20 by the term "Chinese national", your evidence is that that
21 term refers to persons whose main political concern or
22 allegiance is China.

23 **HON. JENNY KWAN:** That is correct.

24 **MR. SUJIT CHOUDHRY:** As opposed to Chinese
25 people of an ethnicity or Chinese community.

26 **HON. JENNY KWAN:** That is correct.

27 So for example, I'm a Chinese person, Chinese
28 Canadian individual born in Hong Kong, so some people would

1 say I'm a Hong Konger and a Chinese person. Others, for
2 example, might be born in Malaysia and whose heritage is
3 Chinese as well. And so that's also another Chinese person.

4 But when we say "Chinese nationals", then
5 that is a very specific language which affiliates you to
6 China, and so in this context I believe the language refers
7 to someone whose allegiance is first and foremost to China.

8 **MR. SUJIT CHOUDHRY:** And so Commission
9 counsel took you to the SITREP reports that are
10 contemporaneous with the 2021 elections. And it's true that
11 those SITREP reports flagged this event, and they flagged --
12 and they linked this event to groups that were allied with
13 China. They even linked that event to the United Front.

14 **HON. JENNY KWAN:** That's correct.

15 **MR. SUJIT CHOUDHRY:** So certainly to the
16 federal government or entities within the federal government,
17 at the time the event took place, in the intelligence
18 community this event raised red flags.

19 **HON. JENNY KWAN:** Yes, that's correct.

20 In looking at that document, the SITE report
21 that came out, I believe the knowledge of that information
22 was in and around September the 7th, I believe. And as it
23 happens, that was also the date in which the NDP lawyer filed
24 a complaint to OCCE.

25 **MR. SUJIT CHOUDHRY:** but of course, they
26 haven't been told about -- that the intelligence community
27 had flagged the very same event that you were raising a
28 complaint about.

1 **HON. JENNY KWAN:** No. In -- from the
2 hearing, they had advised the Commission that they were not
3 informed of this and, of course, neither was I as the
4 candidate.

5 **MR. SUJIT CHOUDHRY:** So could we call up
6 CAN.DOC 23? This is the summary of the CSIS briefing.

7 And I'd like you to scroll down. There's a
8 phrase that begins, "With a better understanding".

9 Yes. Could we just stop there?

10 So I'd like to read this phase to you, Ms.
11 Kwan. So this is again the public document that summarizes,
12 on a non-confidential basis, the CSIS briefing you received
13 in May 2023, and it says the following:

14 "With a better understanding of PRC
15 foreign interference methodology and
16 tradecraft, Ms. Kwan would be better
17 able to reduce the effectiveness of
18 such threats in the future, enabling
19 her to respond and resist foreign
20 interference efforts by reporting
21 them to CSIS and other authorities."

22 So reporting them to CSIS. So would you --
23 would a person reading this reasonably conclude that you were
24 advised to report foreign interference -- potential foreign
25 interference to CSIS or other authorities?

26 **HON. JENNY KWAN:** That's correct. That's
27 what I understood from the briefing that I was to do, and so
28 that is what we did. We reported the matter to CSIS, and

1 then other authorities as well.

2 And so of course during the election campaign
3 it was to the OCCE, and then also not just during the
4 election campaign but afterwards as well, in August, when the
5 OCC reached out to me and talked to me about another
6 potential foreign interference matter, and I raised with them
7 at that time this incident and I was advised by them that
8 they were of less interest on this matter.

9 **Mr. SUJIT CHOUDHRY:** Right.

10 **HON. JENNY KWAN:** The other authorities that
11 we also brought this issue to the attention was the RCMP.
12 And so we had an opportunity where the RCMP had connected
13 with us, and we brought this to their attention and that was
14 in September 2022.

15 **MR. SUJIT CHOUDHRY:** So just to kind of
16 collect all this, so you brought this event to the event
17 [sic] of OCCE in September 2021 at the very same time that a
18 SITREP report had flagged this event as being a possible
19 incident of foreign interference. You then raised it again
20 with CSIS in October 2021. You raised it with the RCMP in
21 September 2022, and you raised it again with OCCE in July and
22 August of 2023. So you raised it four times with CSIS and
23 other authorities; correct?

24 **HON. JENNY KWAN:** Correct.

25 **MR. SUJIT CHOUDHRY:** And then what happened?

26 **HON. JENNY KWAN:** Nothing happened. I have
27 not received any information about the complaint from OCCE.
28 I learned later on that most recently a decision has been

1 made, and that was communicated to the party lawyer in March.

2 It seemed to me from all these entities to
3 which we brought this information to, there just simply
4 wasn't that much interest in regards to it and nor was there
5 any ability for these government entities to collaborate or
6 to work together to address the issue. They all seemed to me
7 working in isolation of one another.

8 **MR. SUJIT CHOUDHRY:** And so just a couple
9 more points on this and I'm -- on the issue of the lunch and
10 your complaints about it.

11 So there's -- I just want to put in -- to
12 mark as an exhibit an affidavit from Gabriel Yiu, who was our
13 campaign manager. And that document is Witness 8_AF.

14 **--- EXHIBIT No./PIÈCE No. WIT 8 AF:**

15 Affidavit of Gabriel Yiu with
16 Interview Summary

17 **MR. SUJIT CHOUDHRY:** That, just for the
18 record, Commissioner, just provides some evidence regarding
19 the costing of this event and raises the question -- it's the
20 factual basis for the question as to where the missing funds
21 might have come from. I won't take you to it.

22 And so I'd like to, though, take you to the
23 answer that was given by the OCC witnesses on Thursday
24 regarding their conclusion that the event could not have
25 possibly been an instance of foreign interference because, of
26 course, it was host -- according to them, it was requested by
27 the Liberal candidate.

28 But let's assume that to be true, right? Is

1 it still nonetheless possible that there might have been
2 foreign interference in relation to this campaign event, even
3 if it were requested by your political opponent?

4 **HON. JENNY KWAN:** Well, yes, I think both
5 could be true. It could very well be that the candidate
6 requested a free lunch to be hosted on his behalf to support
7 him, absolutely. But it also could be true that foreign
8 interference actors might have observed this and seized on
9 that opportunity to -- and used that opportunity as a foreign
10 interference activity. And so both could be true. And
11 especially in light of the fact that the reported cost of the
12 event has not been verified with the actual cost. And based
13 on the commercial market rate that we were able to obtain
14 from the restaurant in and around that time, to host a
15 similar event, the reported amount at best is a third of the
16 actual market cost and quite possibly, you know, the rest of
17 the -- sorry; is two-thirds of the market cost, and quite
18 possibly a third of the cost for the event, or a half or even
19 more of the cost of the event was paid by someone else.

20 **MR. SUJIT CHOUDHRY:** And it's your job as a
21 -- as someone making complaints is to raise questions.
22 You're not a plaintiff in a lawsuit; it's not your job to
23 provide evidence. It's your job to tell an investigative
24 authority to do their job and to use their investigative
25 tools.

26 **HON. JENNY KWAN:** Well, that's exactly it.
27 I'm not investigating this matter; I am providing as much
28 information as we can garner to them and for the people whose

1 task to investigate this.

2 So the OCCE in part is tasked to investigate
3 what violations have taken place, and on the question around
4 foreign interference, from my perspective, chase the money
5 and then maybe they would be able to find out whether or not
6 there are other actors involved and whether or not foreign
7 interference is part of that.

8 Of course, in context putting in context of
9 all of this to look at the person who posts the WeChat
10 message out, which was Fred Kwok, whose affiliation is the
11 Chair of the Chinese Benevolent Association, whose
12 affiliation is an honorary national leader of the Chinese
13 Freemasons and so on.

14 So put that in -- on one side. Then you also
15 have to think about all the other activities that are going
16 on as well. The Chinese Benevolent Association, along with
17 the Chinese Freemasons, have also undertaken quite actively
18 in various ad campaigns that they put out in support of the
19 message and narrative of the CCP. And so therefore, putting
20 all these together would be important to -- for it to be
21 considered in an investigation.

22 **MR. SUJIT CHOUDHRY:** And so should the SITREP
23 report have been provided to OCCE when you lodged your
24 complaint with them about this event?

25 **HON. JENNY KWAN:** From the testimony, from
26 what we understood, from what I understand is that it had
27 not.

28 **MR. SUJIT CHOUDHRY:** But should it have been,

1 in your view?

2 **HON. JENNY KWAN:** Yes, absolutely it should
3 have been.

4 You know, when you collect this information
5 and you have multiple departments collecting this
6 information, wouldn't you want to use that information in
7 real time, and so that you can ensure that the investigation
8 is actually done properly?

9 We had filed a complaint, but that
10 information was not shared with the OCCE, and to which, from
11 my perspective, is really problematic. What is the point of
12 gathering this information if you can't use it in real time?
13 Especially when there's an active complaint.

14 **MR. SUJIT CHOUDHRY:** And so I guess I have
15 one last question which is about kind of looking forward.

16 And so the Commissioner is going to be making
17 recommendations regarding different institutional mechanisms
18 to detect, deter, and counter foreign interference, and
19 she'll be looking at different institutions as they currently
20 exist; she'll be thinking, perhaps, or proposing new
21 institutions be created. Once such institution is OCCE.

22 So based on your experience of how the OCCE
23 addressed alleged foreign interference in one event, do you
24 have any thoughts to share about the role of the OCC going
25 forward and whether they would be able to detect foreign
26 interference in relation to issues in their mandate?

27 **HON. JENNY KWAN:** Well, from my perspective,
28 when you look at the investigative process that I'm aware of

1 from the OCCE, it's clear to me that it was a failed process,
2 and not only did they not get the necessary evidence to
3 verify the actual cost of the event, they did not use the
4 authority or the tool that they have to compel the
5 restaurant, who refused to provide a receipt, to get that
6 information. And so consequently, they don't have all the
7 evidence before them to determine whether or not foreign
8 interference had occurred, or some other act -- whoever that
9 other actor might have been, to pay for the difference
10 between the actual reported amount versus the reported
11 amount.

12 And so you know, I kind of look at it like
13 this. You have multiple government agencies who have a bit
14 of the ingredients, let's put an analogy that I can
15 understand, of baking a cake. Everybody has a little bit of
16 the ingredients here and there and multiple agencies, the
17 RCMP, CSIS, OCCE, this Taskforce, for example. And they all
18 have it. And then when you want to bake the cake, you want
19 to make sure all the ingredients are mixed well together in
20 the order in which it should be to produce the product.

21 Well that didn't happen here. Instead, what
22 happened is that you have a half-baked product, because
23 everybody owned their own ingredients and filled it in
24 whenever they felt like it. And that doesn't make any sense
25 at all. And so that's a failure of the system. And then
26 when you have all the tools to follow to try and get the
27 ingredients, or sorry, to get the product, you think that
28 you'd used all the tools, but it seemed to me that OCCE did

1 not use all the tools, because they did not compel the
2 restaurant to produce the receipt and to follow the cost to
3 verify the amount of that free lunch event.

4 So it's a failure of a system to me, and I'm
5 deeply disappointed about it.

6 The worst thing for me about all of this is,
7 aside from my complaint itself, set that aside for a minute,
8 is what message is being sent to public? We look at
9 government agencies and they are supposed to instil
10 confidence, and trust, and faith in the hearts and minds of
11 the public. We rely on them to do the very work to
12 investigate and to verify, and to ensure the law is being
13 followed. But I think that in this instance, the
14 investigation failed in that.

15 And in relation to foreign interference, the
16 message here is that for the -- if in fact there was foreign
17 interference that took place in this free lunch event, the
18 message sent to them is, "You can get away with it." That is
19 the message, and that is not helpful.

20 And so that's what I'm worried about. That's
21 why it's so important to do this work. And so I do hope that
22 the Commission -- you know, I advocated for this Commission,
23 I'm so happy that it is here, and I do look forward to the
24 recommendations from the Commission, and I do hope that the
25 Commission will look at all these elements and make
26 recommendations so that we can effectively combat foreign
27 interference, and yes, in real time as well.

28 **MR. SUJIT CHOUDHRY:** Thank you, Ms. Kwan.

1 **COMMISSIONER HOGUE:** Thank you.

2 Re-examination, Ms. Rodriguez?

3 **MS. NATALIA RODRIGUEZ:** No. None for this
4 witness. Thank you.

5 **COMMISSIONER HOGUE:** Thank you very much.
6 You're free to go, or you may stay if you prefer.

7 We have another witness. I see that actually
8 he is already in the room, so instead of taking a break, I
9 suggest that we continue right away.

10 **MS. NATALIA RODRIGUEZ:** Thank you.

11 **COMMISSIONER HOGUE:** We are running a bit
12 late.

13 **THE REGISTRAR:** Mr. Chong, do you wish to be
14 affirmed or sworn?

15 **HON. MICHAEL CHONG:** I'll swear in, please.

16 **THE REGISTRAR:** Okay. Thank you. Can you
17 please state your name and spell your last name for the
18 record, please?

19 **HON. MICHAEL CHONG:** My name is Michael
20 Chong. C-H-O-N-G.

21 **--- HON. MICHAEL CHONG, Sworn/Assertmenté:**

22 **THE REGISTRAR:** Thank you very much.
23 Counsel, you may proceed.

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

25 **MS. NATALIA RODRIGUEZ:**

26 **MS. NATALIA RODRIGUEZ:** Thank you.

27 Good afternoon, Mr. Chong. As you know, my
28 name is Natalia Rodriguez. I'm Commission counsel.

1 On February 15, 2024, you had an interview
2 with Commission counsel. Is that right?

3 **HON. MICHAEL CHONG:** That's correct.

4 **MS. NATALIA RODRIGUEZ:** And an interview
5 summary was generated from that interview; correct?

6 **HON. MICHAEL CHONG:** That's correct.

7 **MS. NATALIA RODRIGUEZ:** And so I will now
8 turn up WIT 18.EN.

9 --- EXHIBIT No./PIÈCE No. WIT 18.EN:

10 Stage 1 Interview Summary: Michael
11 Chong

12 **MS. NATALIA RODRIGUEZ:** And this is the
13 summary that was generated from your interview? Is that
14 correct?

15 **HON. MICHAEL CHONG:** That is correct, but I
16 have one clarification in paragraph 20. It's a minor one,
17 but I think it's an important one.

18 **MS. NATALIA RODRIGUEZ:** Sure. Let's go there
19 now.

20 **HON. MICHAEL CHONG:** In paragraph 20, in the
21 second bracketed portion of the paragraph, I just want to
22 clarify that the Conservative Party requires a payment of a
23 minimal membership fee, but the Liberal Party of Canada does
24 not.

25 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. So
26 what I understand you to be saying is that while it says
27 there that you observed that both the CPC and the Liberal
28 Party have minimal criteria and you ascribe the payment of

1 the minimal membership fee to both, it is actually only true
2 for the Conservative Party and not for the Liberal Party of
3 Canada? Am I understanding that correctly?

4 **HON. MICHAEL CHONG:** That is correct.

5 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. Do
6 you have any other modifications, additions, or deletions to
7 make to this summary?

8 **HON. MICHAEL CHONG:** I do not.

9 **MS. NATALIA RODRIGUEZ:** And do you otherwise,
10 given the caveats that we just discussed, adopt the contents
11 of this witness summary as you just modified as part of your
12 evidence before this Commission?

13 **HON. MICHAEL CHONG:** I do.

14 **MS. NATALIA RODRIGUEZ:** Thank you. So we'll
15 have that entered in as the next exhibit.

16 And for the record, the French translation of
17 that summary can be found at WIT 18.FR. And that will also
18 go in as an exhibit.

19 **--- EXHIBIT No./PIÈCE No. WIT 18.FR:**

20 Résumé d'entrevue de l'étape 1 :

21 Michael Chong

22 **MS. NATALIA RODRIGUEZ:** Do you have a copy of
23 your interview summary with you?

24 **HON. MICHAEL CHONG:** I do not.

25 **MS. NATALIA RODRIGUEZ:** Okay. I wasn't sure.
26 Do you wish to have one with you?

27 **HON. MICHAEL CHONG:** That would be helpful.

28 **MS. NATALIA RODRIGUEZ:** Okay. And so you can

1 refer to it if you wish, just to recall parts of your
2 evidence.

3 And just a little bit in terms of your
4 background, I understand you are a Conservative Member of
5 Parliament for Wellington-Halton. Is that right?

6 **HON. MICHAEL CHONG:** Wellington-Halton Hills.
7 That's correct.

8 **MS. NATALIA RODRIGUEZ:** And you were first
9 elected as an MP in 2004? Is that right?

10 **HON. MICHAEL CHONG:** That's correct.

11 **MS. NATALIA RODRIGUEZ:** And you entered the
12 Federal Cabinet of Prime Minister Harper in 2006? Is that
13 right?

14 **HON. MICHAEL CHONG:** That's right.

15 **MS. NATALIA RODRIGUEZ:** And currently, you're
16 the Shadow Minister of Foreign Affairs for the Official
17 Opposition? Is that right?

18 **HON. MICHAEL CHONG:** That's right.

19 **MS. NATALIA RODRIGUEZ:** And you received a
20 briefing from CSIS concerning foreign interference in May of
21 2023? Is that right?

22 **HON. MICHAEL CHONG:** That is correct.

23 **MS. NATALIA RODRIGUEZ:** Okay. And so the
24 subject matter of that briefing will be dealt with in Stage 2
25 of the Commission's process, so I won't be asking you any
26 questions about that, but I just wanted to clarify that you
27 did in fact receive a briefing in May of 2023?

28 **HON. MICHAEL CHONG:** Correct.

1 **MS. NATALIA RODRIGUEZ:** Okay. And so would
2 you agree that you follow events in Hong Kong and Mainland
3 China fairly closely? Or policy issues that relate to Hong
4 Kong and Mainland China?

5 **HON. MICHAEL CHONG:** Yes, I would agree with
6 that.

7 **MS. NATALIA RODRIGUEZ:** And why is that?

8 **HON. MICHAEL CHONG:** Well it's for the reason
9 that I'm the spokesperson for the Conservative Party on
10 foreign policy. And so for that reason, I follow foreign
11 affairs quite closely. And as is known, developments in the
12 People's Republic of China, including in the Special
13 Administrative Region of Hong Kong, in a particular note,
14 inform policy, not just here in Canada, but in other western
15 democracies.

16 **MS. NATALIA RODRIGUEZ:** And do you have a
17 personal family connection to Hong Kong as well?

18 **HON. MICHAEL CHONG:** I do. My father
19 immigrated from Hong Kong to Canada in 1952 as a Chinese
20 immigrant. He came here alone. And so as a result, the rest
21 of his family, my extended family, remained behind in Hong
22 Kong. And so I have a lot of family over there presently in
23 Hong Kong.

24 **MS. NATALIA RODRIGUEZ:** And is the family
25 connections part of the reason why you have been and continue
26 to be vocal on issues related to the PRC?

27 **HON. MICHAEL CHONG:** No, actually. My
28 primary reason for speaking up is that I speak for the

1 Conservative Party of Canada with respect to foreign policy.
2 That's the reason why I have been speaking on matters
3 concerning foreign policy, particularly on matters related to
4 the People's Republic of China and Hong Kong.

5 **MS. NATALIA RODRIGUEZ:** Okay. So you speak
6 to matters of foreign -- that have a foreign element, so to
7 speak, foreign affairs element, and that includes issues
8 related to the PRC, but it also includes issues relating to
9 other countries? Is that what you're saying?

10 **HON. MICHAEL CHONG:** Yeah, that's right. And
11 look, I obviously follow things closely in Hong Kong out of
12 personal interest as well, but when I speak, I'm speaking on
13 behalf of the Party and because I've been given this role by
14 the Party Leader, you know, I have an obligation to speak up
15 on the Party's position on foreign policy including with
16 respect to the PRC.

17 **MS. NATALIA RODRIGUEZ:** And what are some of
18 the issues that you have spoken up about in relation to the
19 PRC in your role as a shadow minister?

20 **HON. MICHAEL CHONG:** Both domestic and
21 foreign. You know, obviously spoke up frequently about
22 foreign interference threat activities taking place here on
23 Canadian soil that are directed toward Canadian citizens.
24 Spoke up about espionage activities that have been directed
25 toward Canadian universities, private sector companies. Both
26 the espionage and the foreign interference activities are
27 activities that have been at the direction of the People's
28 Republic of China.

1 I've spoken up on international issues as it
2 relates to China's violations of international law as it
3 relates to the Convention of the Law of the Sea in the South
4 China Sea, and its increasing illegal actions as it relates
5 to the Philippines to Malaysia to Vietnam and to other
6 vessels in that area. I've spoken up on its violation of the
7 1997 Joint Declaration, the Sino-British Joint Declaration,
8 which is an international treaty which guarantees Hong Kong's
9 liberties and civil rights for 50 years from 1997.

10 Spoken up on issues concerning its violations
11 of international law as it relates to the Genocide Convention
12 of 1948, as it relates to the Uyghurs in Xinjiang Province,
13 its persecution of other minority groups in the PRC,
14 Christians, Tibetans, and other minorities.

15 So it's -- it is a broad file, as the
16 relationship between our two countries, it's broad, wide, and
17 deep.

18 **MS. NATALIA RODRIGUEZ:** And with respect to
19 the 2019 election, I understand that your primary role in
20 2019 was as a candidate. Is that right?

21 **HON. MICHAEL CHONG:** Yes.

22 **MS. NATALIA RODRIGUEZ:** Did you have any role
23 in the national campaign informally?

24 **HON. MICHAEL CHONG:** I did not.

25 **MS. NATALIA RODRIGUEZ:** Or informally either?

26 **HON. MICHAEL CHONG:** No.

27 **MS. NATALIA RODRIGUEZ:** And speaking about
28 the 2019 election, I understand that about two months ahead

1 of that election you received an email that you reported as
2 suspicious. Is that right?

3 **HON. MICHAEL CHONG:** That's correct. I
4 received a -- what was obviously a spoof email, an email
5 purportedly from the Ministry of Foreign Affairs of the
6 People's Republic of China, that contained a veiled threat
7 that suggested that I was banned, not only from entering the
8 PRC, but that other Asian countries had been notified of such
9 ban, implying that I could be extradited from those other
10 Asian countries to the PRC. I took the step at the time of
11 notifying the Minister of Foreign Affairs, in particular, her
12 staff person, her exempt staff person, her political staff
13 person, and forwarded that communication to that staff
14 person.

15 **MS. NATALIA RODRIGUEZ:** So I'll take you to
16 the email.

17 It's at MMC 4. You can scroll down a little
18 bit. Okay, thank you.

19 **--- EXHIBIT No./PIÈCE No. MMC 4:**

20 Threatening correspondence directed
21 at MP Michael Chong

22 **MS. NATALIA RODRIGUEZ:** So is this the email
23 that you received?

24 **HON. MICHAEL CHONG:** It is.

25 **MS. NATALIA RODRIGUEZ:** Okay. And it's dated
26 August 23rd, 2019?

27 **HON. MICHAEL CHONG:** That's correct.

28 **MS. NATALIA RODRIGUEZ:** And it purports to be

1 from someone named Zhong Shan. Do you know this individual?

2 **HON. MICHAEL CHONG:** I do not.

3 **MS. NATALIA RODRIGUEZ:** Okay. And we can see
4 it's coming from an -- a Gmail account.

5 **HON. MICHAEL CHONG:** Yes.

6 **MS. NATALIA RODRIGUEZ:** Who did you
7 understand the email to be from?

8 **HON. MICHAEL CHONG:** Frojrn an individual who
9 sent it from a Gmail account, but who put the prefix on the
10 account to suggest that it was from the Ministry of Foreign
11 Affairs of the People's Republic of China.

12 **MS. NATALIA RODRIGUEZ:** Okay. And so the
13 language that you were paraphrasing is there. We can read it
14 into the record:

15 "This is to inform you that you've
16 been barred from entering Chinese
17 territory. Including Hong Kong. A
18 note will be sent to other Asian
19 countries and cities. Do not attempt
20 to enter Beijing, Shanghai, or Hong
21 Kong as you will be ejected from
22 entry. Thank you."

23 So what did you understand that to be
24 communicating?

25 **HON. MICHAEL CHONG:** My understanding was
26 that an individual had decided to email me a veiled threat.
27 What I wasn't certain about was whether or not this was a
28 proxy agent acting on behalf of the Government of the PRC or

1 whether this was simply somebody freelancing.

2 **MS. NATALIA RODRIGUEZ:** And what did you do
3 when you received this? What were -- what steps did you
4 take, if any?

5 **HON. MICHAEL CHONG:** So I contacted the
6 Minister of Foreign Affairs' exempt staffer, whose name
7 escapes me, and I told that person that I had received this
8 email. I forwarded the email on to that individual, and that
9 was the last I heard of it.

10 **MS. NATALIA RODRIGUEZ:** So we'll go to that
11 email.

12 It's at MMC 5.

13 **--- EXHIBIT No./PIÈCE No. MMC 5:**

14 Email Fwd: Barred from entering
15 Chinese territory

16 **COMMISSIONER HOGUE:** Prior to that, I have
17 just one question on the email received on August 23rd. Can
18 we go back?

19 **MS. NATALIA RODRIGUEZ:** Can we go back to --
20 there we go.

21 **COMMISSIONER HOGUE:** There is a reference to
22 the <https://petitions.ourcommons.ca>.

23 **HON. MICHAEL CHONG:** Oh, yes.

24 **COMMISSIONER HOGUE:** Can you tell me what
25 it's all about?

26 **HON. MICHAEL CHONG:** Yeah. So ---

27 **COMMISSIONER HOGUE:** If you know.

28 **HON. MICHAEL CHONG:** --- if ---

1 **COMMISSIONER HOGUE:** If you know.

2 **HON. MICHAEL CHONG:** I don't know the
3 specifics of this petition, I can't recall, but it would be
4 available to the Commission on the ourcommons.ca website.
5 ourcommons.ca website is a URL of the Parliament of Canada.
6 It's -- several years ago, approximately 10 years ago,
7 Parliament allowed for established e-petitions, electronic
8 petitions, which is a way that individuals can start an
9 online electronic petition. I can't recall the exact nature
10 of this petition, but it probably had something to do with --
11 -

12 **COMMISSIONER HOGUE:** Okay. It's a reference
13 to ---

14 **HON. MICHAEL CHONG:** --- the People's
15 Republic of China. Yeah.

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

17 **MS. NATALIA RODRIGUEZ:** So if you can go
18 MMC 5. If we go to the last page.

19 Okay, so that's the email that you received.
20 And then it looks like you forward it on to someone, and you
21 say, "As discussed. Regards, Michael." That's you.

22 And if we go up.

23 We can see that the person says:

24 "Got it! Thanks, Michael. We'll be
25 in touch."

26 And that's person's...

27 If we just go down a bit. Sorry.

28 That person's title is Advisor, Planning and

1 Regional Affairs (Ontario), Office of the Minister of Foreign
2 Affairs.

3 So this is the person that you sent this
4 correspondence to; right?

5 **HON. MICHAEL CHONG:** That's correct.

6 **MS. NATALIA RODRIGUEZ:** And the person says:

7 "Got it! Thanks, Michael. We'll be
8 in touch."

9 Did you ever receive a response to this?

10 **HON. MICHAEL CHONG:** I -- no, I don't believe
11 I did.

12 **MS. NATALIA RODRIGUEZ:** Okay. And did you
13 report this to the leadership of the party, the fact that you
14 had received this email and you were forwarding it on?

15 **HON. MICHAEL CHONG:** No.

16 **MS. NATALIA RODRIGUEZ:** And are you aware of
17 any investigation that was done and any outcome as a result
18 based on the fact that this -- that you reported this up?

19 **HON. MICHAEL CHONG:** I am not aware of any --
20 well, I -- okay. So I am not aware of any investigation that
21 was done as a result of me forwarding the email to the
22 Minister of Foreign Affairs. The RCMP, as you know,
23 subsequently did do an investigation of this particular
24 email, but that was sometime later.

25 **MS. NATALIA RODRIGUEZ:** Okay. And that's
26 because you forwarded it on to the RCMP as well?

27 **HON. MICHAEL CHONG:** No, that's because the
28 RCMP contacted me in May or June of last year asking me to

1 sit down with them to outline any potential foreign
2 interference threat activities that may have been directed at
3 me ---

4 **MS. NATALIA RODRIGUEZ:** Right.

5 **HON. MICHAEL CHONG:** --- over the last
6 several years, one of which pieces of information I gave them
7 this.

8 **MS. NATALIA RODRIGUEZ:** Right. But at this
9 time, then, you reported this to the Minister of Foreign
10 Affairs and nothing came out of it from your perspective?

11 **HON. MICHAEL CHONG:** No. That's correct, I
12 never heard anything else about it. And the reason why I
13 reported it to the Minister of Foreign Affairs because I
14 thought it's the Minister of Foreign Affairs who would want
15 to let her Chinese counterpart know that somebody is spoofing
16 their Ministry of Foreign Affairs Communications account
17 purporting to act on their behalf.

18 **MS. NATALIA RODRIGUEZ:** Right. And so prior
19 to this incident, did you have a sense of who you should be
20 reporting such incidences to?

21 **HON. MICHAEL CHONG:** No.

22 **MS. NATALIA RODRIGUEZ:** Okay. So -- but as
23 you've said, this was reported to the Minister of Foreign
24 Affairs because you thought she could then advise her
25 counterpart?

26 **HON. MICHAEL CHONG:** Yeah. And I think
27 that's -- yes, that's correct. And my thinking was, you
28 know, she is a member of parliament, she is the Minister of

1 Foreign Affairs, that's the appropriate level for me to deal
2 with, rather than trying to figure out some person deep in
3 the bowels of the Canadian bureaucracy.

4 **MS. NATALIA RODRIGUEZ:** Right. So this is a
5 few weeks before the writ period that you received this
6 email. At that time, who did you understand or what did you
7 understand to be the process for candidates to report
8 suspicious activities to throughout the campaign?

9 **HON. MICHAEL CHONG:** I wasn't aware of any
10 process.

11 **MS. NATALIA RODRIGUEZ:** Okay. Were you ever
12 briefed in 2019, either prior to during the election, as to
13 who you should be reporting instances of suspected or
14 possible foreign interference as a candidate, either during
15 the campaign or preceding the campaign?

16 **HON. MICHAEL CHONG:** No.

17 **MS. NATALIA RODRIGUEZ:** And were you ever
18 informed as to what type of activity should be reported as
19 suspicious or possible foreign interference?

20 **HON. MICHAEL CHONG:** Sorry, was I?

21 **MS. NATALIA RODRIGUEZ:** Were you ever
22 informed as to what kind of activity constituted something
23 that you should report as suspected or possible foreign
24 interference?

25 **HON. MICHAEL CHONG:** No one ever informed me
26 before or during the 2019 election.

27 **MS. NATALIA RODRIGUEZ:** Thank you. And
28 during the 2019 election, were you ever made aware of any

1 concerns regarding irregularities due to foreign
2 interference?

3 **HON. MICHAEL CHONG:** Before the 20 ---

4 **MS. NATALIA RODRIGUEZ:** In the 2019 ---

5 **HON. MICHAEL CHONG:** Yeah.

6 **MS. NATALIA RODRIGUEZ:** --- election, during
7 the election, ---

8 **HON. MICHAEL CHONG:** M'hm.

9 **MS. NATALIA RODRIGUEZ:** --- either during or
10 after, ---

11 **HON. MICHAEL CHONG:** Yeah.

12 **MS. NATALIA RODRIGUEZ:** --- were you ever
13 told, either by fellow candidates, or by other MPs, or people
14 on the campaign, staffers, about incidences of suspected or
15 possible foreign interference or issues related to that in
16 2019? Was that something that you were ever made aware of?

17 **HON. MICHAEL CHONG:** No.

18 **MS. NATALIA RODRIGUEZ:** Okay. And in 2019,
19 were you aware of the SITE Taskforce?

20 **HON. MICHAEL CHONG:** Yes, I was aware of it.

21 **MS. NATALIA RODRIGUEZ:** And what was your
22 understanding of their role?

23 **HON. MICHAEL CHONG:** It had been stood up to
24 protect the integrity of the General Election. It was an
25 intra-government of -- intragovernmental taskforce within the
26 Government of Canada to ensure protection of the election
27 from foreign threats and foreign interference.

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

1 understand that they were an entity that you were to report
2 instances of suspected foreign interference to?

3 **HON. MICHAEL CHONG:** No.

4 **MS. NATALIA RODRIGUEZ:** Okay. So turning now
5 to the 2021 election, I understand that in September of 2021,
6 you participated in an all-candidates meeting in the Township
7 of Puslinch. Can you tell us a little bit about that and
8 what happened?

9 **HON. MICHAEL CHONG:** So Puslinch Township is
10 a rural township in my riding of Wellington-Halton Hills.
11 It's a small rural township consisting of roughly I think six
12 or 7,000 people. That is the municipality of the corporation
13 of the Township of Puslinch, to give you an idea of its
14 scale. Most everyone knows each other.

15 This all-candidates debate has been run by
16 the local service club there for many decades. They do the
17 same thing during federal and provincial elections.

18 During this particular all candidates debate,
19 which took place entirely over Zoom as a result of the
20 restrictions of the pandemic, there was an individual who
21 appeared in the audience who asked two very loaded questions
22 that suddenly piqued my interest. This individual spoke in
23 Mandarin-accented English and asked me two questions that
24 were really in the form of two accusations. The first was
25 that I was responsible in criticizing the Government of the
26 People's Republic of China for the rise in anti-Chinese
27 racism and discrimination in Canada. In that same question,
28 the individual referenced that Han Dong had made similar

1 statements and that Han Dong had said that those who are
2 criticizing the Government of the People's Republic of China
3 are responsible for the rise in anti-Asian discrimination and
4 hate in Canada.

5 The second question focused on essentially
6 accusing me of aping or mimicking American foreign policy
7 and, you know, the -- made that assertion that in the pre-
8 amble to the question and then formed the question along the
9 lines of, you know, shouldn't Canada have an independent
10 foreign policy when it comes to the People's Republic of
11 China?

12 So that took place during the Puslinch all-
13 candidates debate. I was taken by surprise when it happened.

14 After the debate, we asked around if anybody
15 had ever seen or heard of this individual, and to this date,
16 no one has a clue who this individual or person is, which is
17 particularly surprising because Puslinch Township is a very
18 small, tight-knit rural community. And so to this day we
19 don't know who this individual is.

20 **MS. NATALIA RODRIGUEZ:** And this may be
21 obvious, but is there a large Chinese community, Chinese
22 Canadian community, in Puslinch?

23 **HON. MICHAEL CHONG:** No, there's not. You
24 know, I -- you know, the riding I represent is largely a
25 rural agricultural riding with smaller towns in it, and you
26 know, frankly, you know, my father and my family are one of
27 the few Chinese Canadians who live in the riding.

28 And you know, I remember when I went to, you

1 know, went to school in the riding, that I often was the only
2 minority in the school or in the classroom.

3 So there is not a significant Chinese
4 community anywhere in the riding, and including Puslinch
5 Township.

6 **MS. NATALIA RODRIGUEZ:** So fair to say that,
7 given what you've just told us, you deemed this incident as
8 suspicious?

9 **HON. MICHAEL CHONG:** I did. I have not
10 concluded that it's foreign interference threat activities
11 directed at me during an election because I don't have any
12 evidence it was directed by the PRC Consulate in Toronto, but
13 it's consistent with those kinds of activities.

14 **MS. NATALIA RODRIGUEZ:** And did you report
15 this incident?

16 **HON. MICHAEL CHONG:** I did, several months
17 later, to CSIS.

18 **MS. NATALIA RODRIGUEZ:** To CSIS. Okay. And
19 so I want to pull up MMC 8. And just go down a little bit.

20 **--- EXHIBIT No./PIÈCE No. MMC 8:**

21 Email : RCMP conclusion to FAI
22 investigation

23 **MS. NATALIA RODRIGUEZ:** So this is dated
24 December 14, 2023 and it's from the RCMP to you. And it
25 says:

26 "This email is to provide an update
27 on the RCMP investigation into the
28 potential FAI emails received and an

1 encounter Mr. Chong experienced.”

2 So when they say the encounter that you
3 experienced, is that relating to this all-candidates debate?

4 **HON. MICHAEL CHONG:** That’s correct.

5 **MS. NATALIA RODRIGUEZ:** Okay.

6 **HON. MICHAEL CHONG:** And the emails that I
7 had received.

8 **MS. NATALIA RODRIGUEZ:** Is that in relation
9 to the spoof email that you received?

10 **HON. MICHAEL CHONG:** That is correct.

11 **MS. NATALIA RODRIGUEZ:** Okay. And in the
12 second paragraph, it says that:

13 “Although the emails are
14 antagonistic, they do not satisfy the
15 elements of an uttering threats
16 offence.”

17 So did you understand that this was kind of
18 the conclusion of that -- of the investigation into the spoof
19 email?

20 **HON. MICHAEL CHONG:** Yes, I concluded that
21 that was the end of the investigation.

22 **MS. NATALIA RODRIGUEZ:** And then it says:

23 “The individual from the virtual all-
24 candidates meeting cannot be
25 identified as the list of registered
26 participants was not retained by the
27 organizers.”

28 And so you took this to be the end of the

1 investigation into that incident?

2 **HON. MICHAEL CHONG:** That's correct.

3 **MS. NATALIA RODRIGUEZ:** And then it says:

4 "INSET-GTA investigators have
5 determined that the information
6 provided, although compelling, is not
7 actionable. This is to notify you of
8 the conclusion of this file."

9 So this was the response to the reported
10 incidences that you -- the complaints that you made with
11 respect to those incidences?

12 **HON. MICHAEL CHONG:** Well, to be clear, I did
13 not initiate this RCMP investigation.

14 **MS. NATALIA RODRIGUEZ:** Right.

15 **HON. MICHAEL CHONG:** This was initiated by
16 the RCMP as a result of reporting by the Globe and Mail and
17 other publications earlier last year. As a result of that
18 public reporting, the INSET-GTA group of the RCMP contacted
19 my office, asked to sit down with me, and to talk to me about
20 any potential foreign interference threat activities that I
21 may have experienced. And I provided them with the emails
22 that I had received several years ago, I provided them with
23 the details of the Puslinch all-candidates debate that took
24 place in the last election. And they took some time to
25 investigate, and they concluded their investigation with me
26 in this email.

27 **MS. NATALIA RODRIGUEZ:** Right. So when I
28 said that they -- that you reported to them, meaning they

1 asked you ---

2 **HON. MICHAEL CHONG:** That's right.

3 **MS. NATALIA RODRIGUEZ:** --- to report ---

4 **HON. MICHAEL CHONG:** Yeah, I did not initiate

5 ---

6 **MS. NATALIA RODRIGUEZ:** --- to report to

7 them?

8 **HON. MICHAEL CHONG:** Yeah, I did not initiate

9 ---

10 **MS. NATALIA RODRIGUEZ:** Right.

11 **HON. MICHAEL CHONG:** --- the contact with the

12 RCMP.

13 **MS. NATALIA RODRIGUEZ:** Right.

14 **HON. MICHAEL CHONG:** They contacted ---

15 **MS. NATALIA RODRIGUEZ:** But these are the
16 incidences that you felt were responsive to their request for
17 any incidences that you deemed suspicious?

18 **HON. MICHAEL CHONG:** That's correct. And
19 what I took of note there was that the two emails that I had
20 received from outside of Canada were likely authored by the
21 same person. So I thought that was new information to me
22 that I had not previously realized.

23 **MS. NATALIA RODRIGUEZ:** Thank you. We can
24 take that document down.

25 Are you aware of any irregularities in the
26 2021 election as it pertains to foreign interference? Or any
27 possible irregularities?

28 **HON. MICHAEL CHONG:** I am.

1 **MS. NATALIA RODRIGUEZ:** Okay. And can you
2 tell us about that?

3 **HON. MICHAEL CHONG:** Well I'm aware of what
4 happened to former MP Kenny Chiu during that election.

5 He indicated to me in conversation that he
6 had been subject to large volumes of misinformation on online
7 platforms, particularly Chinese language online platforms.
8 Initially, he was uncertain as to the origin of that
9 misinformation. And so that is one incident that I was aware
10 of. The second -- so that's one incident that I was aware
11 of.

12 **MS. NATALIA RODRIGUEZ:** And so was he
13 reporting this to you during the election campaign, the writ
14 period, or was this sometime afterwards that he told you
15 about this?

16 **HON. MICHAEL CHONG:** My recollection is that
17 it was -- if not during the writ period, it was immediately
18 thereafter, in the day or two after the election.

19 **MS. NATALIA RODRIGUEZ:** And did you see any
20 examples of this misinformation that he was bringing up with
21 you, or was he just telling you about it, or did you see
22 examples of this yourself?

23 **HON. MICHAEL CHONG:** He was telling me about
24 it. He was telling me about it. I did not -- I don't -- I'm
25 not on Chinese language social media platforms, so I did not
26 see that, but he was telling me about it. He was telling me
27 that the misinformation was telling voters that all Chinese
28 Canadians would have to register under a bill that he had

1 proposed in the previous parliament. He told me that, you
2 know, many people were afraid to talk to him during the
3 campaign. And after the election was finished, in the days
4 after the election, it was clear in reviewing some of the
5 preliminary data that had come in that there had been a drop
6 in votes, significant drop in votes from the previous 2
7 elections in the 2021 election in certain ridings with
8 significant Chinese communities.

9 **MS. NATALIA RODRIGUEZ:** Thank you. And did
10 anybody else speak to you about concerns during the 2021
11 election, or about the 2021 election, any other candidates
12 other than Mr. Chiu?

13 **HON. MICHAEL CHONG:** Just Mr. Chiu, during
14 and just after the election. Many other people spoke to me
15 in the weeks and months after that.

16 **MS. NATALIA RODRIGUEZ:** Okay. Like, who?

17 **HON. MICHAEL CHONG:** I held a number of round
18 tables with the Chinese community in the Greater Toronto Area
19 and in the Greater Vancouver -- in the lower mainland of
20 Vancouver to talk about policy generally, but also, to do a
21 review of what had happened in the previous election. So it
22 was a broad based set of round tables, with the Chinese
23 community in particular, to talk about what had happened.

24 **MS. NATALIA RODRIGUEZ:** And so before we get
25 to that, which I have some questions on that, I just wanted
26 to confirm if any other candidates were raising concerns
27 about issues within their riding other than Mr. Chiu.

28 **HON. MICHAEL CHONG:** Yes, there were other

1 candidates who raised concerns.

2 **MS. NATALIA RODRIGUEZ:** Okay. Like, who?

3 **HON. MICHAEL CHONG:** I heard from -- I heard
4 from -- I'm drawing a blank now. I heard from a former
5 colleague from Markham.

6 **MS. NATALIA RODRIGUEZ:** Mr.?

7 **HON. MICHAEL CHONG:** I am drawing a blank now
8 on the name. It's ---

9 **MS. NATALIA RODRIGUEZ:** Could it be ---

10 **HON. MICHAEL CHONG:** --- it's ---

11 **MS. NATALIA RODRIGUEZ:** --- Mr. Saroya?

12 **HON. MICHAEL CHONG:** Yes, Mr. Bob Saroya,
13 yes, sorry. Bob Saroya contacted me during that campaign and
14 before, during the campaign and afterwards as well to talk
15 about what happened to him and suggested that there was some
16 funny business going on in his riding. So that's another
17 person that I did talk to.

18 **MS. NATALIA RODRIGUEZ:** Okay. Anybody else?

19 **HON. MICHAEL CHONG:** I can't recall, but I
20 believe I spoke -- I can't recall exactly, but I believe I
21 also spoke with a number of other people, former colleagues
22 about this as well, but I just ---

23 **MS. NATALIA RODRIGUEZ:** Okay.

24 **MR MICHAEL CHONG:** --- I can't recall.

25 **MS. NATALIA RODRIGUEZ:** Okay. No problem.

26 **HON. MICHAEL CHONG:** But I did definitely
27 speak to Bob Saroya.

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

1 **HON. MICHAEL CHONG:** Sorry, I forgot the
2 name.

3 **MS. NATALIA RODRIGUEZ:** No, that's fine.

4 So you were telling us about a postmortem
5 that happened after the election in which you solicited the
6 views of Chinese Canadians about the Conservative Party and
7 its policies; is that right?

8 **HON. MICHAEL CHONG:** That's correct.

9 **MS. NATALIA RODRIGUEZ:** And who organized
10 these round tables?

11 **HON. MICHAEL CHONG:** I did, and my office.

12 **MS. NATALIA RODRIGUEZ:** Were there other MPs
13 involved?

14 **HON. MICHAEL CHONG:** Yes. I cohosted the
15 round tables with I believe it was former MP Bob Saroya, with
16 former MP Kenny Chiu, former MP Alice Wong. I believe those
17 were the three people that I cohosted the round tables with.

18 **MS. NATALIA RODRIGUEZ:** And these took place
19 in the Greater Toronto Area and the Greater Vancouver Area;
20 is that right?

21 **HON. MICHAEL CHONG:** That's correct.

22 **MS. NATALIA RODRIGUEZ:** Okay. And what kind
23 of feedback did you hear from Chinese Canadians?

24 **HON. MICHAEL CHONG:** I heard a wide range of
25 feedback from these Chinese Canadians. First, I heard that
26 many of them were subject to vast volumes of disinformation.
27 They highlighted how Conservative policies had been
28 misrepresented in Chinese language media, on Chinese language

1 media social platforms. They also talked about how regulated
2 broadcasters in Canada, regulated under the CRTC, in
3 particular, radio broadcasters were getting editorial
4 direction from owners not to speak to or even utter Kenny
5 Chiu's name on air. I heard that one radio station in
6 particular, I believe it was AM 1320 I believe is the call
7 sign, in Vancouver, instructed 2 of their on-air broadcasters
8 not to either interview or say Kenny Chiu's name on air. One
9 of them interviewed Kenny Chiu and was terminated, I was
10 told, from his show, and the other person mentioned Kenny
11 Chiu's name on air and had his hours significantly reduced.
12 We also heard during the round tables about how the PRC often
13 has a stronger presence in many Chinese communities in Canada
14 than does the Government of Canada, and that this is in part
15 why the community is often -- parts of the community are so
16 fearful because they don't see a presence from the Government
17 of Canada, but they do see a large presence from PRC
18 officials, including diplomatic and consular officials from
19 the missions of the PRC here in Canada.

20 We also heard -- that's what I can recall
21 right now.

22 **MS. NATALIA RODRIGUEZ:** Sure, and I'll take
23 you to ---

24 **HON. MICHAEL CHONG:** I don't have the letter
25 in front of me, but it's somewhere ---

26 **MS. NATALIA RODRIGUEZ:** Well, I'll take you
27 to the letter.

28 **HON. MICHAEL CHONG:** Okay.

1 **MS. NATALIA RODRIGUEZ:** I probably should
2 have done that first. It's MMC 9.

3 **--- EXHIBIT No./PIÈCE No. MMC 9:**

4 Letter from Michael Chong to Erin
5 O'Toole - December 21, 2021

6 **MS. NATALIA RODRIGUEZ:** And this is a letter
7 that you wrote addressed to Mr. O'Toole, who was the party
8 leader at that time, and it's dated December 21st, 2021.

9 **HON. MICHAEL CHONG:** M'hm.

10 **MS. NATALIA RODRIGUEZ:** And my understanding
11 is that this letter summarizes some of the feedback you heard
12 from these round tables, and laid out some of the -- what you
13 were hearing from Chinese Canadians in these round tables; is
14 that right?

15 **HON. MICHAEL CHONG:** That's correct.

16 **MS. NATALIA RODRIGUEZ:** Okay. And if we go
17 down a little bit, I would just note that there are some
18 redactions there. Can you explain the basis for those
19 redactions?

20 **HON. MICHAEL CHONG:** Yeah, some of that is
21 information related to staffing in the office of the leader
22 of the opposition, which for those reasons I asked that my
23 staff redact that portion of the document.

24 **MS. NATALIA RODRIGUEZ:** So fair to say it's
25 not relevant to the terms of reference of this Commission; is
26 that correct?

27 **HON. MICHAEL CHONG:** That's correct.

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

1 And does it fairly reflect some of the issues or feedback
2 that you were hearing from Chinese Canadians in these round
3 tables?

4 **HON. MICHAEL CHONG:** Yes, it does.

5 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. We
6 can take that down.

7 Is it your understanding that the
8 Conservative Party lost seats in the 2021 election due to
9 foreign interference?

10 **HON. MICHAEL CHONG:** I would say that the
11 Conservative Party was affected in about half a dozen ridings
12 by the foreign interference threat activities directed by the
13 Government of the People's Republic of China.

14 **MS. NATALIA RODRIGUEZ:** And what do you base
15 that understanding on?

16 **HON. MICHAEL CHONG:** I base that on a number
17 of analyses that have been done subsequent to the 2021
18 election, 3 analyses in particular. An -- the analysis done
19 by the Rapid Response Mechanism of Global Affairs Canada
20 during the writ period that indicated that the Chinese
21 Communist Party was likely behind the disinformation
22 operations conducted against MP Kenny Chiu during that
23 campaign. I based it on the digital lab forensic analysis
24 done by the Atlantic Council in November of 2021 that went
25 through the various social media posts that had been posted
26 during the election, and came to a similar conclusion. And
27 thirdly, I based it on the analysis of the research done by
28 Canada Research Chair at McGill University, Dr. Benjamin

1 Fung, and his associate.

2 I also based it on my own analysis of the
3 drop in turnout for Conservative candidates in these half a
4 dozen ridings during the 2021 period, which was a marked
5 change from previous elections.

6 I based it on the firsthand accounts of
7 former colleagues, like MP Kenny Chiu, MP Bob Saroya,
8 MP Alice Wong, and others, and I based it on some of the
9 accounts of what happened in the roundtables that I hosted
10 subsequent to the 2021 election. So that's what I based it
11 on.

12 **MS. NATALIA RODRIGUEZ:** And would you have
13 done anything different as a candidate, either in 2019 or in
14 2021, had the information that is now come out, or that you
15 now know, had you known that then?

16 **HON. MICHAEL CHONG:** Absolutely.

17 **MS. NATALIA RODRIGUEZ:** What would you have
18 done different?

19 **HON. MICHAEL CHONG:** Well, when I became
20 known -- when I became aware last May that the PRC was
21 directly targeting me, the first thing that crossed my mind
22 is had I known that in the previous election I would have hit
23 record on the Zoom all candidates debate and press lunch.
24 You know, I had been aware of foreign interference threat
25 activities for years now. CSIS provided me with a briefing
26 on foreign interference threat activities in the summer of
27 2021, but it was a briefing of general application. And a
28 lot of what I had been briefed on was -- I had already known

1 and was widely known in the public realm.

2 I never knew at that juncture, nor did I
3 during the last election, that I was actually being
4 clandestinely, coercively, and corruptly targeted by the
5 Government of the PRC here on Canadian soil. And had I known
6 that, I would have gone on high alert during that election,
7 and when that -- you know, things like that loaded question
8 was asked of me during the press lunch all candidates debate
9 I most certainly would have pressed record on that all
10 candidates debate.

11 I slowly came to the realisation many months
12 afterwards that it may have -- that that event may have been
13 a foreign interference threat activity, but you know, it
14 wasn't really until I became aware last year that I was
15 directly being targeted that, you know, I realised that, you
16 know, I should have hit record.

17 And so yes, I would have done things
18 differently had I known that.

19 **MS. NATALIA RODRIGUEZ:** And so I understand
20 that there is probably other things you would like to tell us
21 that relate to Stage 2 of our mandate, but my question is, is
22 there anything else that we haven't covered related to
23 Stage 1, which specifically involves the 2019 and the 2021
24 federal elections, that you have not had a chance to tell us?

25 **HON. MICHAEL CHONG:** Yeah, I think -- I'll
26 finish by saying this. I think the government's -- the
27 Government of Canada's lack of transmission of information to
28 individuals who are being directly targeted by foreign

1 interference threat activities is actually leading to an
2 increase in racial profiling in Canada.

3 You know, when I became aware of the
4 allegations just over a year ago, in the fall of 2022, that
5 the PRC had been -- reports that the PRC had been assisting
6 candidates and -- candidates for nomination and candidates
7 for election with funds for their -- and with other
8 assistance for their election, I asked my campaign manager to
9 pull the lists of all the people with Chinese last names who
10 had donated to my 2021 campaign and my 2019 campaign, to
11 ensure that -- just to check whether or not, you know, they
12 may be people under suspicion. We concluded that they
13 weren't because we knew each and every one of them, but the
14 fact that I did that is an example of racial profiling or
15 ethnic profiling that is a result of the Government of
16 Canada's lack of transparency about the intelligence they
17 have concerning agents and proxy agents here in Canada that
18 may be targeting our democratic institutions.

19 And this is what elected officials, like
20 myself, and candidates in an election have had to resort to
21 because we are not given the sort of intelligence.

22 And so you know, the infuriating thing about
23 what has happened over the last couple of years is the
24 intimation that people raising legitimate concerns about
25 threats to the security of Canada, threats to the security of
26 Canadian citizens, threats to the rules based international
27 order are responsible for fomenting anti Asian racism and
28 discrimination, when in fact, you know, it's the Government

1 of Canada and its lack of transparency that is actually
2 creating a lot of distrust and a lot of innuendo in the
3 Chinese community because they haven't been forthright about
4 the intelligence that they have.

5 **MS. NATALIA RODRIGUEZ:** Thank you, Mr. Chong.
6 Those are my questions.

7 Thank you, Commissioner.

8 **COMMISSIONER HOGUE:** Thank you.

9 So there is going to be some cross-
10 examination. The first one on the list was the Conservative
11 Party.

12 **MS. ERIN DANN:** Commissioner? Sorry, I --
13 Mr. De Luca unfortunately had to leave, but he let me know
14 that the Conservative Party does not have any questions.

15 **COMMISSIONER HOGUE:** Perfect. Thank you.

16 Then, counsel for the Human Rights Coalition.

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

18 **MS. HANNAH TAYLOR:**

19 **MS. HANNAH TAYLOR:** Hello, Mr. Chong. Based
20 on your understanding of how the Chinese Government engages
21 in foreign interference and transnational oppression against
22 those who oppose their policies abroad, do you think you were
23 targeted because of your public advocacy regarding the
24 Chinese Government and its policies, including as they relate
25 to Hong Kong and targeted groups, like Uyghurs and Tibetans,
26 for example?

27 **HON. MICHAEL CHONG:** Absolutely. You know,
28 the bizarre situation that I found myself in was that I had

1 introduced two motions in the House of Commons, one in the
2 fall of 2020, and the second in early 2021. The first
3 related to the threat that Huawei presented to Canada's
4 national telecommunications network, and called on the
5 government to ban Huawei from our national telecommunications
6 network and to bring forward a plan to combat foreign
7 interference threat activities here on Canadian soil. That
8 first motion was adopted by Parliament in late 2020.

9 The second motion concerned the evidence that
10 had accumulated by that point in early 2021, that the
11 Government of the PRC was committing a genocide against the
12 Uyghur Muslim minority population in Xinjiang Province. That
13 motion too was adopted by Parliament.

14 What was so -- you know, what resulted from
15 that second motion being adopted was the Government of
16 Canada, even though it had abstained from voting on the
17 motion, took action based on the motion in concert with
18 western democratic governments, in countries like the United
19 Kingdom, to impose sanctions on officials and entities in
20 Xinjiang for their gross human rights abuses against the
21 Uyghur Muslim minority.

22 I subsequently was sanctioned for the
23 Government of Canada's sanctions on individuals and an entity
24 in Xinjiang. I'm not the Government of Canada. I am part of
25 the official opposition, and so that's how I ended up being
26 sanctioned by the PRC for the government's actions in respect
27 of human rights abuses in Xinjiang.

28 **MS. HANNAH TAYLOR:** And based on your

1 experience as a target, what information do you think targets
2 or potential targets of foreign interference or transnational
3 oppression, as it relates to elections, need from
4 intelligence agencies in order to take appropriate
5 precautions?

6 **HON. MICHAEL CHONG:** They need information.
7 And this is advice that CSIS has provided to the ministry.
8 In what little information we have received from heavily
9 redacted documents presented to the Procedure and House
10 Affairs Committee of the House of Commons, it is clear that
11 the Director of CSIS has advised the government that sunlight
12 and transparency is one tool in a suite of tools that are
13 necessary to combat foreign interference threat activities
14 here on Canadian soil.

15 CSIS has advised the government that by going
16 public about details concerning foreign interference threat
17 activities on part of authoritarian states that they are able
18 to inform the public, build resilience in the public, so the
19 public is armed with this information and protect themselves
20 from these foreign interference threat activities, because
21 CSIS has advised many foreign interference threat activities
22 do not rise to the level of a criminal prosecution. And it
23 is often difficult to translate intelligence into evidence.
24 And so using the Criminal Code, using criminal law to
25 prosecute these threat activities isn't always the most
26 effective way to combat them. So one way to combat them that
27 -- in the advice that has been given by experts to the
28 government is to use sunlight and transparency to arm the

1 public with information so that they can protect themselves.
2 And we're seeing that increasingly in the Five Eyes Alliance,
3 but we're -- we've not seen it as much here in Canada.

4 **MS. HANNAH TAYLOR:** It's my understanding
5 that you would have taken preventative actions if you had
6 been warned that you faced specific threats. In addition to
7 recording the all-candidates meeting on Zoom, what other
8 precautions would you have taken?

9 **HON. MICHAEL CHONG:** Well, I'm -- I am an MP
10 who represents a riding that is partly in the Greater Toronto
11 Area. As a result, you know, I'm often in downtown Toronto.
12 You know, I'm often at the University of Toronto, talking to
13 experts in a range of policy areas at the Munk International
14 -- the Munk School of International Affairs, which happens to
15 be located at St. George and Bloor Street. And just up the
16 street, a mere matter of blocks, is the PRC Consulate, where
17 this particular diplomat, Mr. Wade Joe worked. So it would
18 have been nice to know that this individual was targeting me,
19 so that I could have at least been aware of my surroundings
20 and to ensure that nothing nefarious was going on. So those
21 are the kinds of things that I think elected officials and
22 Canadians more broadly need to be made aware of. If we don't
23 -- if we're not aware of these things, we go about our
24 business, you know, not thinking about these things.

25 **MS. HANNAH TAYLOR:** And considering your
26 experience ---

27 **COMMISSIONER HOGUE:** It's going to be your
28 last question because your time is already exhausted.

1 **MS. HANNAH TAYLOR:** Thank you. Considering
2 your experience, you would agree that in addition to
3 parliamentarians and their families it's important that
4 members of targeted diaspora communities in Canada are
5 provided warnings in a timely manner when they face specific
6 threats of foreign interference and transnational oppression?

7 **HON. MICHAEL CHONG:** Absolutely. And that is
8 currently the case in other western democracies. Back when
9 my case -- when the case of Mr. Wei Zhao, the diplomat -- the
10 consular official who was declared persona non grata last
11 year after a Global Mail report was made public, I had many -
12 - I had a number of foreign missions here in Ottawa express
13 surprise to me privately that I had not been previously
14 informed of this individual targeting me, that the protocol
15 in place in these other western democracies is that elected
16 officials, even elected officials in opposition, elected
17 officials who are not in government are regularly informed of
18 threat activities directed toward them and their families by
19 intelligence agencies.

20 **MS. HANNAH TAYLOR:** Thank you, Mr. Chong.

21 **COMMISSIONER HOGUE:** Thank you.

22 The AG?

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

24 **MR. BARNEY BRUCKER:**

25 **MR. BARNEY BRUCKER:** Good afternoon, Mr.
26 Chong. Just a couple of questions. The round tables that
27 you organized, how many of those did you -- approximately how
28 many of those did you hold?

1 **HON. MICHAEL CHONG:** Approximately three.

2 **MR. BARNEY BRUCKER:** And how many people
3 attended?

4 **HON. MICHAEL CHONG:** It was in the dozens.

5 **MR. BARNEY BRUCKER:** And were these all
6 Chinese Canadians or a mix of people?

7 **HON. MICHAEL CHONG:** They were all Chinese
8 Canadians.

9 **MR. BARNEY BRUCKER:** Right. You mentioned
10 that you had been aware of foreign interference for some
11 time, and I think you talked about some meetings with CSIS.
12 Now we apparently are going to hear in the next stage of the
13 inquiry about -- or more about a briefing that you had, a
14 classified briefing in or about June of 2023, May, June of
15 2023.

16 **HON. MICHAEL CHONG:** I did not have a
17 classified briefing.

18 **MR. BARNEY BRUCKER:** You've never had a
19 classified briefing?

20 **HON. MICHAEL CHONG:** No, in May of 2023 ---

21 **MR. BARNEY BRUCKER:** Yeah.

22 **HON. MICHAEL CHONG:** --- Director David
23 Vigneault declassified under threat reduction measures a
24 paragraph of the intelligence assessment of July of 2020 on.

25 **MR. BARNEY BRUCKER:** You had -- let me put it
26 another way. You had a briefing in which you had received
27 some information that was formerly classified information?

28 **HON. MICHAEL CHONG:** That's correct. One

1 paragraph that ---

2 **MR. BARNEY BRUCKER:** Whereas, in the previous
3 briefings, that did not occur?

4 **HON. MICHAEL CHONG:** That's correct.

5 **MR. BARNEY BRUCKER:** Right. And my
6 understanding is you had maybe four or five of those
7 briefings, those other briefings prior to the May or June of
8 2023 briefings; is that fair?

9 **HON. MICHAEL CHONG:** No.

10 **MR. BARNEY BRUCKER:** No ---

11 **HON. MICHAEL CHONG:** I had one briefing from
12 CSIS of general application in the summer of 2021 about
13 foreign interference threat activities here on Canadian soil.
14 That briefing took place in Toronto. That briefing was of
15 general application. My understanding I was the first Member
16 of Parliament to be briefed in this way. And that briefing
17 did not contain any information about any threats directed
18 toward me.

19 **MR. BARNEY BRUCKER:** I just want to be clear

20 ---

21 **HON. MICHAEL CHONG:** Yeah.

22 **MR. BARNEY BRUCKER:** --- because we may hear
23 more about this later, but your evidence is that you had only
24 one briefing prior to the briefing in May or ---

25 **HON. MICHAEL CHONG:** That's correct.

26 **MR. BARNEY BRUCKER:** --- June of 2023?

27 **HON. MICHAEL CHONG:** Yes.

28 **MR. BARNEY BRUCKER:** All right. Thank you.

1 And you used the word "targeted". What do you mean by that?
2 You said you were targeted. You became aware that you were
3 targeted. What do you ---

4 **HON. MICHAEL CHONG:** Yeah.

5 **MR. BARNEY BRUCKER:** --- mean by "targeted"?

6 **HON. MICHAEL CHONG:** So what I mean by that
7 is a consular official by the name of Mr. Wei Zhao, who was
8 accredited by the Government of Canada and accorded rights
9 that ordinary Canadian citizens do not have, diplomatic
10 rights under the Vienna Convention, that it shield them from
11 certain types of prosecutions that Canadians are not afforded
12 to, was gathering information about me and my family to pass
13 along to the Ministry of State Security, which is the
14 Ministry in Beijing responsible for Beijing's secret police,
15 an order to potentially further target me and my extended
16 family. That's what I mean by targeting.

17 **MR. BARNEY BRUCKER:** I'm just wondering if I
18 might -- do you understand that you're coming back for the
19 next phase of this inquiry? Because ---

20 **HON. MICHAEL CHONG:** I do not know I've been
21 called as a witness for the next part of the inquiry, but I
22 understand I'm getting standing for the next part of the
23 inquiry.

24 **MR. BARNEY BRUCKER:** There's some nodding of
25 heads over here, so I think maybe I'll take that as a sign
26 that we may have another opportunity to explore this ---

27 **MS. NATALIA RODRIGUEZ:** Sorry, excuse me,
28 Commissioner. The nodding of heads is to agree with Mr.

1 Chong's assessment that we have not determined witnesses for
2 stage two, but he does indeed have standing for the entire
3 phase one, phase two, stage one, stage two of the Commissions
4 proceedings.

5 **MR. BARNEY BRUCKER:** I'm not sure how helpful
6 that is, but thank you.

7 **MS. NATALIA RODRIGUEZ:** And, sorry, just to
8 clarify, the issues that are being brought up will be dealt
9 with in stage two of the Commission's fact-finding phase.

10 **MR. BARNEY BRUCKER:** Again, not sure how
11 helpful it is, but thank you for the information.

12 Sorry, just let me check my note. The only
13 direct knowledge you have, at least of what you believe is
14 potential foreign interference in your campaign in 2021 was
15 this incident on Zoom in the Puslinch Township meeting; is
16 that fair?

17 **HON. MICHAEL CHONG:** Yeah, I don't know that
18 that was a foreign interference threat activity. I don't
19 have the evidence to make that conclusion. It's not
20 inconsistent with a foreign interference threat activity of
21 the People's Republic of China, but I don't know, or I
22 haven't concluded, I haven't assessed that it is indeed a
23 foreign interference threat activity.

24 **MR. BARNEY BRUCKER:** Okay. But that's the
25 only thing that I heard with respect to your own campaign.
26 You have talked to others, and you told us who. Is that
27 correct?

28 **HON. MICHAEL CHONG:** In the 2021 ---

1 **MR. BARNEY BRUCKER:** Yes.

2 **HON. MICHAEL CHONG:** --- campaign, yes,
3 that's correct.

4 **MR. BARNEY BRUCKER:** Right. Thank you.

5 **COMMISSIONER HOGUE:** Thank you.

6 It's your colleague. So he's counsel to
7 Michael Chan, for those that do not know.

8 **MR. ANDY CHAN:** Thank you, Commissioner.

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

10 **MR. ANDY CHAN:**

11 **MR. ANDY CHAN:** Mr. Chong, just a couple of
12 questions. At paragraph 20 of your interview summary, we
13 don't need to go there, but you recall that you said that
14 nomination rules are vulnerable to foreign interference; is
15 that right?

16 **HON. MICHAEL CHONG:** That's correct.

17 **MR. ANDY CHAN:** And the Commission has heard
18 evidence that rules for nomination contests are similar to
19 those for leadership contests, because if you're a registered
20 member, you can vote in a leadership contest. And I wondered
21 if you -- the concerns that you have about nomination
22 contests would also apply to leadership contests?

23 **HON. MICHAEL CHONG:** Yes. The concerns I
24 have about nomination contests apply to leadership contests.
25 In fact, my concern about leadership contests are even
26 greater than my concern about nomination contests, and here's
27 why. The nomination contest is not the end of the matter.
28 When a person is elected or selected as the candidate for a

1 registered political party, there is then a subsequent very
2 important step, which is the election or byelection to elect
3 that individual to the House of Commons.

4 No such second step exists for the election
5 of a party leader. And so with the vulnerabilities that have
6 been exposed in testimony today and yesterday are in place
7 for the election of a leader of a party, particularly of a
8 party that has the majority of seats or commands the majority
9 of support in the House of Commons, we are effectively
10 opening up the appointment of heads of government in this
11 country, including prime ministers and premiers, to this
12 foreign interference.

13 I think of my late colleague, the Honourable
14 Jim Prentice. When Jim Prentice was appointed Premier of the
15 Province of Alberta, he was a private citizen. He was no
16 different than anyone walking down Wellington Street today.
17 He was appointed by the Lieutenant Governor of the Province
18 of Alberta to be full premier of that province. He did not
19 have a seat in the Legislative Assembly of the Province of
20 Alberta. He had simply been elected as leader of the Alberta
21 PC Party.

22 And what has happened in recent decades, both
23 at the provincial and the federal level, is that party
24 caucuses have deferred the election, the selection, of party
25 leaders to the registered political parties.

26 And so we could have a situation here in
27 Canada where a Prime Minister resigns from office. The
28 registered political party conducts an election for the

1 leader. That election, if subject to the same kind of rules
2 that some of the parties have outlined here today and
3 yesterday at the Commission, would result in the appointment
4 of a Prime Minister who does not have a seat in the House of
5 Commons and who was elected through a process that was
6 significantly compromised by non-citizens and by foreign
7 state actors.

8 And so that's why I think -- that's why I'm
9 very concerned not just about some of the evidence that we've
10 heard here in front of the Commission with respect to party
11 nominations, but also how it relates to the appointment of
12 heads of government, particularly the appointment of a Prime
13 Minister by the Governor General.

14 **MR. ANDY CHAN:** Thank you, Mr. Chong. In
15 your testimony to Commission counsel, Ms. Rodriguez, you
16 discussed disinformation campaigns in Kenny Chiu's campaign.
17 Do you recall that?

18 **HON. MICHAEL CHONG:** Yes, I do.

19 **MR. ANDY CHAN:** And at times in these
20 hearings today, there have been some suggestions that
21 opinions, views, and articles in these campaigns or in these
22 disinformation campaigns may just form part of legitimate
23 debate in a free election. And I wanted to provide you an
24 opportunity to comment on that.

25 **HON. MICHAEL CHONG:** Yeah, free debates,
26 misinformed debates, even misinformed opinions are the right
27 of any Canadian citizen during an election, and in between
28 elections. People are right to express their points of view,

1 however informed or misinformed they are. So there's nothing
2 wrong about doing that.

3 What is wrong is if a foreign state actor,
4 directly or indirectly, clandestinely, corruptly, or
5 coercively, is spreading disinformation and misinformation
6 during or even before elections in this country. That is not
7 acceptable. That -- you know, using clandestine, coercive,
8 and corrupt methods is foreign interference and any state
9 actor that participates in the dissemination of that kind of
10 information in those -- in that way is committing foreign
11 interference, a violation of foreign interference law in
12 Canada, and needs to be held accountable. And if that
13 violation of our laws here in Canada doesn't rise to the
14 level of criminal prosecution, then the Government of Canada
15 has a range of other tools in the tool kit to go after that
16 foreign interference.

17 **MR. ANDY CHAN:** Thank you, Mr. Chong. That's
18 very helpful.

19 Those are my questions, Commissioner.

20 **COMMISSIONER HOGUE:** Thank you.

21 Thank you very much. You're free to go.

22 **HON. MICHAEL CHONG:** Merci, Madam.

23 **COMMISSIONER HOGUE:** And to come back
24 whenever you want.

25 So thank you all. We'll be in the same room
26 tomorrow morning at 9:30.

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

1 This sitting of the Foreign Interference
2 Commission has adjourned until tomorrow at 9:30. C'est séance
3 de la Commission sur l'ingérence étrangère est levée jusqu'à
4 demain à 9h30.

5 --- Upon adjourning at 6:19 p.m./

6 --- L'audience est suspendue à 17 h 19

7
8 **C E R T I F I C A T I O N**

9
10 I, Sandrine Marineau-Lupien, a certified court reporter,
11 hereby certify the foregoing pages to be an accurate
12 transcription of my notes/records to the best of my skill and
13 ability, and I so swear.

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15 Je, Sandrine Marineau-Lupien, une sténographe officielle,
16 certifie que les pages ci-hautes sont une transcription
17 conforme de mes notes/enregistrements au meilleur de mes
18 capacités, et je le jure.

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