

SUBMISSIONS BY THE SIKH COALITION

BEFORE THE PUBLIC INQUIRY INTO FOREIGN INTERFERENCE IN FEDERAL ELECTORAL PROCESSES AND DEMOCRATIC INSTITUTIONS

INTRODUCTION

Canada’s diaspora communities are simultaneously some of the most targeted—and vulnerable—for foreign interference, intimidation and harassment by foreign actors. This is especially the case for the Sikh diaspora in Canada which has been aggressively targeted by India for a number of years. The Sikh Coalition has been granted Party Status before this Commission “as a broad representative of the Sikh diaspora and because it has a substantial and direct interest in the subject matter of the Inquiry.”¹

Indian foreign interference takes a number of forms in Canada with an objective to disenfranchise and suppress members of the Sikh community from public life. In addition to multiple forms of electoral interference, India engages in a number of other interference and transnational repression activities to secure this objective. While there has been particular attention paid to China and Russia in the context of foreign interference, it is imperative that Canada pay even closer attention to prospective partners, like India, who actively seek to manipulate public discourse, policy, and democratic institutions in Canada to secure their own policy objectives.

The record before the Commission demonstrates that India interfered in the 43rd and 44th elections, and that senior decision-makers in Canada failed to take this threat seriously or take effective steps to stop Indian foreign interference.

The lack of decisive action to combat Indian foreign interference in Canada appears to be largely related to the fact that foreign policy considerations are often given greater weight than long-term domestic harms, particularly when the harm remains localized to a minority community. In the case of Indian interference, this lack of a meaningful response from Canada has further led to the continued marginalization of a minority community whose interests and democratic rights are being compromised and ignored in exchange for foreign policy objectives

¹ [*Fifth Decision on Standing*](#) (February 12, 2024) at para 20.

deemed to be of greater importance. The *de facto* impunity granted to Indian diplomats and intelligence operatives as a result, has emboldened Indian perpetrators of foreign interference and transnational repression, ultimately paving the ground for the assassination of Shaheed Bhai Hardeep Singh Nijjar in June 2023.²

History and Objective of Indian Foreign Interference in Canada

The record demonstrates that Indian diplomats and intelligence operatives are actively engaging in clandestine conduct to ultimately influence Canadian policy makers to adopt pro-India positions, as well as criminalize and prosecute any form of Sikh political advocacy in Canada under the guise of “countering extremism”. By conflating any expression of Sikh identity and any form of political advocacy critical of India with “extremism” writ large, Indian officials continue to misuse their diplomatic resources to overtly and covertly persuade Canadian decision-makers and institutions to criminalize and marginalize Sikhs in this country.

The Government of India (“GoI”) views a broad range of political opinion as “fostering ‘anti-India’ sentiment, and thus as a threat to stability and national security in India.”³ The GoI does not differentiate between these actors engaging in lawful political advocacy and those suspected of using force in the pursuit of an independent state.⁴ Upon a closer assessment of allegations that Canada does not take action against so-called “Sikh extremists”, it is clear these complaints boil down to a demand for Canada to clamp down on the fundamental rights and freedoms enjoyed by Sikhs in Canada—whether they are exercised in the form of pursuing or advocating for an independent state, Khalistan; criticizing India’s human rights record; advocating for the civil liberties of Sikhs in Canada; or simply celebrating the Sikh identity.⁵ While India has brutally cracked down on the Khalistan movement in Punjab using extrajudicial killings, enforced disappearances, torture, and arbitrary detention,⁶ vocal support for Khalistan remains widespread in Canada. India is known to regularly employ harsh counter-terrorism measures against political dissidents, human rights activists, and opposition parties domestically, and seeks a similar response from Canadian policymakers as well.

² COM0000205, Chuck Chiang, CBC News, “Sikh protesters in Vancouver decry gurdwara president shooting death as foreign interference” (24 June 2023).

³ CAN.SUM. 000007, CSIS Intelligence Summary, *Country Summary: India* at page 2.

⁴ *Ibid.*

⁵ Transcript, Public Hearings, Volume 10, 4 April 2024, 208-220 (David Vigneault) at page 226, lines 10-20.

⁶ Ensaaf. (2009). Violent Deaths and Enforced Disappearances During the Counterinsurgency in Punjab, India. [ENSAAF Organization]. Retrieved from <https://ensaaf.org/publications/reports/descriptiveanalysis/>

Despite diplomatic, trade, and interpersonal ties with the country, Canadian agencies have reportedly observed an increase in Indian threat related activity and believe Indian diplomats have been covertly active in Canada since the 1980s, maintaining “black lists” of dissidents, controlling visas processes to manipulate the diaspora, and recruiting local assets to target policymakers and advance Indian objectives.⁷ Numerous books have been personally written by Indian intelligence officers about their activities in targeting Sikhs in Canada throughout the 1980s and 1990s.⁸ These admissions outline details of foreign interference activity including:⁹

- Infiltration of Sikh organizations and institutions;
- Influencing and controlling ethnic media;
- Cultivating assets and agent provocateurs within Sikh communities;
- Disseminating and amplifying pro-India disinformation campaigns in mainstream media; and
- Targeting Canadian policy makers and officials to influence them towards pro-India positions.

This interference has gone largely unacknowledged by Canadian policy makers and agencies despite it being well-known in the Sikh community and in security and intelligence (“S&I”) circles. Very little, if any, public action has been taken to stop these activities and reassure diaspora communities that they will not be subject to interference or transnational repression.

In addition to clear intimidation and coercive tactics used directly against activists within the Sikh diaspora, the impact of Indian foreign interference has had a broader chilling impact on the community over the past several decades as the Indian government has consistently dictated the terms on which Sikhs in Canada have been portrayed in mainstream Canadian media and political discourse due to the prevalent framing of “Sikh extremism”.¹⁰ Members of the community—holding a wide range of political opinions—have been targeted in a number of ways and put in the position to *disprove* false allegations of “extremism” in order to successfully engage in public life in Canada. This includes a number of Sikh elected officials across party lines, as well as sitting Cabinet Ministers during the PM’s 2018 trip to India.¹¹

⁷ **COM0000214**, Sam Cooper, *The Bureau*, “Trudeau Government repeatedly warned on interference from Chinese and Indian diplomats: June 2019 report” (15 June 2023).

⁸ Transcript, Public Hearings, Volume 6, 27 March 2024, (Jaskaran Sandhu) at page 144.

⁹ Maloy Krishna Dhar, *Open Secrets – India’s Intelligence Unveiled*, Manas Publications, New Delhi, 2005 at page 293.

¹⁰ *Supra* note 8 at page 150.

¹¹ **COM0000149**, House of Commons, National Security and Intelligence Committee of Parliamentarians, *Special report into the allegations associated with Prime Minister Trudeau’s official visit to India in February 2018* (December 2018) at para 18.

The impact is not limited to the day-to-day lives of the community alone, but has resulted in Sikhs in Canada being weary or apprehensive of engaging in the Canadian electoral process and democratic institutions because of the risks of being targeted by India in any number of ways. Former Director of the NDP, Anne McGrath, confirmed in her testimony that she has observed that members of the Sikh community feel a sense of fear or unease in supporting the NDP because of a fear of reprisals by India.¹² She further confirmed that Sikh NDP staff members “feel an elevated risk” emanating from India and have been warned by the party of the possibility of being denied a visa to India or other repercussions because of their work with the Canadian political party.¹³

A. Indian state and non-state actors engaged in foreign interference in order to impact the 43rd and 44th elections

The evidence is clear that the GoI did indeed interfere in the past two elections. Witnesses from CSIS have indicated that India is “a clear second” to the People’s Republic of China (“PRC”) in terms of the level of foreign interference threat and that India’s activities have been “corrosive to Canadian democratic processes and to regional community cohesion.”¹⁴

Based on the evidence available to the Parties, it is clear that relevant S&I bodies were well aware of India’s foreign interference activities targeting Canadian elections. This is reflected in a number of documents, including SITE TF briefing notes to political parties, CSIS briefings to the Office of the Commissioner of Canada Elections (“OCCE”), as well as a number of ministerial briefing notes. Although specific information about the proxies and targeted diaspora groups, candidates or electoral districts are not publicly available, it is clear that India interfered in both electoral processes. References to specific threats and incidents have been recorded in the SITE TF update on the 2021 election, the Government of Canada topical summaries, and notes from intelligence briefings to the PMO.

This interference included the direct targeting of individual election campaigns and candidates through a variety of means, as well as broader disinformation campaigns between 2018-2021 which would undeniably impact political opinions and behaviors, leading to impacts

¹² Transcript, Public Hearings, Volume 8, 2 April 2024, (Anne McGrath) at page 85.

¹³ *Ibid* at page 86.

¹⁴ Transcript, Public Hearings, Volume 10, 4 April 2024, (Bo Basler) at page 270.

on the 43rd and 44th elections. The disinformation directly targeted the Government of Canada and the Prime Minister, members of the Liberal and NDP caucuses, as well as amplifying generalized narratives about the Sikh community in Canada.

Targeting Individual Elections Through Proxies, Diaspora Groups, and Illicit Funds

Indian consulates often act as hubs for espionage, foreign interference and transnational repression targeting the Sikh community.¹⁵ It is from these centres that organizations and groups close to the GoI or the political party in power are coordinated to serve as tools of foreign interference, including supporting and fundraising for preferred electoral campaigns.¹⁶ According to the SITE Task Force briefing of political parties in July 2021, “India is actively conducting FI” by targeting Canadian political figures and a range of activities, including “engaging its diaspora in Canada to shape political outcomes in its favour.”¹⁷ In a subsequent briefing to Elections Canada, the task force reiterated that India was a significant threat actor after China in terms of foreign interference activity. The briefing notes specifically mention that.¹⁸

Indian officials continue to conduct FI activities in Canada, both directly and through their Canadian proxies, primarily against Canadian politicians, Canadian democratic processes, and against the Indo-Canadian diaspora community. India’s intent in conducting this FI is two-fold. First, it seeks to promote a positive image of India... thereby furthering India’s interests in Canada. Second, Indian officials seek to counter any perceived threats to India from within Canada...

In the Government of Canada’s topical summary on India, the intelligence holdings indicate that.¹⁹

A body of intelligence indicated that GoI proxy agents may have attempted to interfere in democratic processes, reportedly including through the clandestine provision of illicit financial support to various Canadian politicians as a means of attempting to secure the election of pro-GoI candidates or gaining influence over candidates who take office... Indian FI in Canada is aimed primarily at Canadian politicians and Canadian democratic processes at all levels of government...

¹⁵ *Supra* note 8 at page 138.

¹⁶ *Ibid* at page 145.

¹⁷ **CAN018041**, Security and Intelligence Threats to Elections Task Force (SITE TF), *Briefing to Secret Cleared Federal Political Leaders: Canada’s Foreign Interference Threat Landscape*, July 2021 at page 4.

¹⁸ **CAN019456**, SITE TF, *Speaking Points for EC Brief* at page 3.

¹⁹ *Supra* note 3 at page 3.

Indian officials in Canada have increasingly relied on Canadian and Canada-based proxies and the contacts in their networks to conduct FI-related activities. This tactic obfuscates any explicit link between the GoI and its FI activities. Proxies liaise and work with Indian intelligence officials in India and Canada, taking both explicit and implicit direction from them.

A CSIS Ministerial Briefing given in December 2021, similarly confirms that “Indian officials use Canadian citizens as proxies to conduct FI activities, including against our democratic institutions.”²⁰ This *modus operandi* was reiterated again in briefing notes to the Prime Minister on October 26, 2022, noting that Indian officials “use Canada-based proxies, both witting and unwitting to covertly influence Canadian elected officials, members of the Indian diaspora and local cultural media outlets.”²¹ The notes also mention that Indian proxies “may also be specifically targeting non-Indo-Canadian politicians to advance pro-India positions.”²²

Post-Election Reports and Incidents of Indian FI

- 1) In a 2021 meeting between CSIS and the OCCE, the Service noted that India was one of two of the main state actors involved in the last election alongside China, specifically noting that India put effort into individual campaigns.”²³
- 2) The Government of Canada’s topical summary of Indian FI activities in the 2021 General Election notes that India’s foreign interference activities during the 44th general election were centred on a small number of electoral districts. More specifically, the summary notes that:²⁴

A body of intelligence indicates that GoI proxy agent [*sic*] may have attempted to interfere in democratic processes, reportedly including through the clandestine provision of illicit financial support to various Canadian politicians as a means of attempting to secure the election of pro-GoI candidates or gaining influence over candidates who take office.

²⁰ CAN003771, *Ministerial Briefing: Foreign Interference*, 13 December 2021 at page 2.

²¹ CAN015842, *Briefing to the Prime Minister on Foreign Interference Threats to Canada’s Democratic Institutions*, 26 October 2022 at page 2

²² *Ibid.*

²³ CAN019304, CSIS, *Meeting Between Canadian Security Intelligence Service and Office of the Commissioner of Canada Elections*, March 2022.

²⁴ CAN.SUM.000012, Canadian Security Intelligence Service Intelligence Summary, *Government of India Foreign Interference Activities in the 2021 General Election* at page 2.

- 3) This is further confirmed in the SITE Task Force’s November 2021 update to ADMs, titled *Key Observations from GE44: Review of Principal Threat Actors and Elections Security*, which states:²⁵

Indian officials [REDACTED] continue to conduct FI activities in Canada, both directly and through their Canadian proxies, primarily against Canadian politicians and Canadian democratic processes, and against the Indo-Canadian diaspora community.

A subsequent note states that Indian interference is “generally aimed at furthering a pro-India agenda and countering perceived pro-Khalistani elected officials.”²⁶ This suggests that Indian foreign interference sought to elect pro-India candidates in select ridings while specifically targeting incumbent elected officials perceived to be inimical to Indian interests and labeled as being pro-Khalistan.

- 4) Testifying with regards to an intelligence briefing the Prime Minister received in October 2022, Deputy Chief of Staff, Brian Clow, confirmed that at least one or two specific India-related incidents of foreign interference were discussed.²⁷ In a subsequent intelligence briefing with the PMO on May 18, 2023, the Prime Minister and PMO staff were briefed on specific instances of Indian foreign interference in 2019 and 2021 elections, noting that there was “some” Indian interference that was described as “opportunistic”.²⁸

Indian Disinformation Networks Targeting Canada

India has been described as a ‘hub for global disinformation’ and Indian disinformation has specifically targeted Sikhs in Canada to create a generalized suspicion around the community and ultimately, marginalize the community from public life.²⁹ In recent years, the Government of India has used vast social media and pro-BJP news media networks to promote Indian disinformation targeting Canadian politicians and others. Over a period of time in the leadup to the 2021 election, the Rapid Response Mechanism Canada (“RRM”) observed a

²⁵ **CAN003707**, *SITE Task Force: Key Observations from GE44: Review of Principal Threat Actors and Elections Security*, 1 November 2021 at page 4.

²⁶ *Ibid.*

²⁷ Transcript, Public Hearings, Volume 13, 9 April 2024, pp. 182-191 (Katherine Telford and Brian Clow and Jeremy Broadhurst) at page 184.

²⁸ **CAN017676**, Brian Clow, Handwritten Meeting Notes, 18 May 2023 at page 2.

²⁹ *Supra* note 8 at page 140.

significant flurry of activity originating from Indian media networks targeting Canadian politicians, including the Prime Minister, as well as members of the Sikh diaspora in Canada. While the RRM did not explicitly label this as foreign interference, these networks clearly amplified misleading narratives which would logically impact the formulation of voters' political opinions, their party preferences, and their decisions at the ballot box if they consumed and believed the information. False narratives have the potential to influence the way people see and understand things.³⁰

In December 2020, RRM observed an increase in the level of activity emerging from the Indian news ecosystem which proliferated a number of false and misleading narratives about a number of subjects, including: the PM's 2018 visit to India; allegations about Canadian "vote bank" politics attempting to appeal to the Sikh and Punjabi diaspora; depicting the PM as a sympathizer of the Khalistan movement and Canada as a "hub for terrorists" among other narratives.³¹ The RRM expressly noted that these topics may be vulnerabilities that can be exploited by foreign actors to target diaspora communities in Canada.

Two months later, the RRM observed disinformation about NDP leader, Jagmeet Singh, and a number of Sikh activists and advocacy organizations including the World Sikh Organization. The RRM observed that a number of pro-BJP (India's ruling party) influencers, media outlets and journalists worked in concert, likely employing covert or automated accounts to target Sikh activists in Canada on at least the following social media platforms: Facebook, Twitter, and YouTube in February 2021.³² The disinformation was disseminated by prominent Indian news networks, and then amplified by prominent pro-BJP influencers leading to a barrage of violent threats against the targets.³³

The RRM subsequently noted that "[b]y late February, and into March 2021, pro-BJP media outlets began to coalesce on a narrative that Indo-Canadians of the Hindu faith are increasingly threatened by Sikh extremists throughout Canada."³⁴ The effect of this polarizing disinformation originating in India was indeed 'corrosive' to community relations in Canada as

³⁰ Transcript, Public Hearings, Volume 11, 5 April 2024, pp. 251-262 (Gallit Dobner) at page 258.

³¹ **CAN016857**, *Rapid Response Mechanism Open Data Analysis: Digital Information Ecosystem Report-December 2020*, 3 February 2021 at pages 2-3.

³² *Ibid* at page 5

³³ *Ibid*.

³⁴ *Ibid*.

noted by a number of witnesses before the Commission.³⁵ This tension was almost certainly caused, at least in part, by directed disinformation campaigns originating from India which sought to align the Prime Minister and leader of the federal NDP with the Sikh community and alleged sympathies with so-called “extremism” while simultaneously introducing a narrative of tension and insecurity between Sikhs and Hindus in Canada—a popular polarization tactic used in election campaigns by India’s ruling BJP.

NDP National Director, Anne McGrath, confirmed that federal NDP leader, Jagmeet Singh, had been targeted by disinformation from India since being elected leader of the party in 2017 and also during the 2019 and 2021 elections. Indian media networks have regularly alleged that Mr. Singh is an “extremist”.³⁶ Chief of Staff to Prime Minister Trudeau, Katie Telford, also acknowledged in her testimony before the Commission that members of the Liberal caucus had also been targeted by Indian disinformation that they are “so-called extremists or supposedly sympathetic to extremism.”³⁷

False and misleading narratives of this nature—manufactured and amplified by foreign actors—would have clear impacts on political opinions and behaviours in Canada, especially amongst those consuming BJP-aligned media in Canada continuously prior to and throughout the formal writ period.

B) Relevant information did not always flow to senior decision-makers and appropriate actions were not taken in response when it did

As demonstrated by the documents and testimony publicly presented before the Commission, there is considerable evidence that India made efforts to interfere in the 2019 and 2021 general elections in a number of ways. Surveying the flow of information to senior decision-makers in response to this threat however, there are a number of vulnerabilities that demonstrate that effective decisions were not taken in response. Although these vulnerabilities are interlinked and closely related, there are three identifiable issues with regards to the flow of information and decision-making during the relevant periods.

³⁵ *Supra* note 8 at page 141; *Supra* note 14 at page 270; See testimony of Erin O’Toole, Public Hearing Transcript, April 3, 2024 at page 49.

³⁶ *Supra* note 12 at page 83.

³⁷ *Supra* note 27 at page 186.

- 1) Despite considerable intelligence holdings demonstrating that India has been the second most egregious perpetrator of foreign interference in Canada—second only to China, this threat was not effectively conveyed to decision-makers or key political actors for them to fully understand the threat landscape and make decisions accordingly.
- 2) Responses to foreign interference remain compartmentalized and subject to various competing interests between the policy objectives and mandates of different entities (ie. partisan interests, government priorities, foreign policy interests, or S&I concerns). This creates a policy and decision-making environment in which partisan interests and foreign policy, in particular, intersect with responses to foreign interference with the consequence of curtailing effective measures to counter various forms and sources of threat activity.
- 3) Decision-makers failed to inform the public about the severity of the threat of Indian foreign interference despite the obvious need for a whole-of-society response. Instead, deliberate steps were taken to hide the threat from Canadians and cover up governmental failures in effectively combating Indian foreign interference. This eliminated any possibility of Parliamentary or democratic oversight of the government’s actions, and likely emboldened Indian interference and transnational repression in Canada as a result.

1) The threat of Indian foreign interference was not effectively conveyed to decision-makers or key political actors

The testimony of several witnesses across partisan lines confirmed that despite the granular detail available to various agencies about the foreign interference threat emanating from India, information about the nature and severity of the threat was not actually communicated to a number of relevant stakeholders and key decision-makers:

- Walied Soliman stated that he did not receive information about India at the level of specificity available to the SITE Task Force during their meetings. He also confirmed that having this information would have enabled him to better understand the threat landscape and make better decisions as a result.³⁸
- Erin O’Toole’s testimony demonstrated that the lack of timely briefings or information likely impaired his understanding of various incidents and his decision-making as a result:

³⁸ Transcript, Public Hearings, Volume 8, 2 April 2024, pp. 79-83 (Walied Soliman) at page 83.

- A lack of transparency and clarity regarding NSIA Daniel Jean’s media intervention to counter Indian foreign interference in February 2018 led to partisan allegations against the government in the absence of comprehensive and transparent information about the nature and mechanics of Indian foreign interference.
- Despite observations made by the Rapid Response Mechanism about Indian disinformation and the amplification of polarizing narratives about community tensions in Canada, Mr. O’Toole was not apprised of these developments at any time. As a result, his conduct and perception of events unfolding in Canada during the historic “Farmers’ Protest” in Delhi between 2020-2021 was incomplete and potentially influenced by polarizing narratives emanating from Indian media sources.³⁹
- Even as leader of the Conservative Party of Canada during the 2021 election, Mr. O’Toole testified that he was not briefed regarding the threat of Indian foreign interference despite this being a known threat observed by S&I agencies.
- Mr. O’Toole testified that having this kind of information available through timely and non-partisan briefings to MPs before or during an incident would have been helpful rather than a *post facto* update about a previous event.
- Brian Clow, Deputy Chief of Staff to the Prime Minister, noted that the Prime Minister was not briefed on the specific details contained in the notes for an October 2022 meeting although India was discussed.⁴⁰
- The “Panel of 5” testified that there was no specific information or reporting to the Panel despite CSIS reports about active Indian foreign interference in several electoral districts and a subsequent briefing to the Prime Minister about several incidents.⁴¹

In her testimony to the Commission, Gallit Dobner, acknowledged the clear inability of GAC’s RRM to fully understand Indian information ecosystems and their impacts on diaspora communities in Canada. One report specifically stated that:⁴²

³⁹ See testimony of Erin O’Toole, Public Hearing Transcript, April 3, 2024 at page 49.

⁴⁰ *Supra* note 27 at page 183.

⁴¹ Transcript, Public Hearings, Volume 12, 8 April 2024, pp. 201-208 (Marta Morgan and Nathalie Drouin and Janice Charette and David Morrison).

⁴² *Supra* note 31 at page 2 (footnote 9).

RRM Canada notes that our analysts are less familiar with non-Western digital information ecosystems including India's—this is a potential vulnerability that could be exploited by foreign threat actors to shape opinions among diaspora audiences within Canada [emphasis added].

It is also important to note that the data and media accessed by the RRM was largely focussed on macro-narratives in the mainstream Canadian landscape where search terms focussed on national parties, party leaders and Canadian politics in general. This methodology did not correspond to the specific threat of Indian foreign interference targeting a number of individual ridings with high diaspora presence rather than the election as a whole.

Further, despite observing clear patterns of Indian disinformation and repressive digital activity, the RRM lacked the tools to adequately understand the source, dissemination or impacts of this information in relation to Indian threat activity. Ms. Dobner acknowledged that the RRM did not have the tools to effectively understand the information ecosystem, or the distribution and consumption of this media in Canada (ie. cable subscriptions, amplification on instant messaging software etc) let alone the concrete impacts on Canadian communities and elections.

This disinformation activity directly targeted the Prime Minister and the Government of Canada, the leader of the federal NDP, Sikh advocacy organizations like the World Sikh Organization, as well as individual members of the Sikh community in Canada while also introducing and promoting polarizing narratives between different ethnic and religious communities in Canada. Despite the clear targeting of government, politicians, and diaspora communities, decision-makers took no known steps to investigate the extent of the impacts of this disinformation. Instead, decision-makers operated on the presumption that there was no impact or activity during the election because their monitoring tools were not capable of picking up any activity characteristic of the unique patterns of Indian disinformation in Canada.

2) Responses to foreign interference are compartmentalized and can be subject to conflicting policy objectives which impairs decisive and effective action

CSIS Director, David Vigneault, gave evidence that foreign interference in Canada is seen as a low risk high reward endeavor by foreign states, particularly in the absence of meaningful consequences for these activities.⁴³ Presumably, the lack of detection or disruption, and the absence of any meaningful consequences has emboldened perpetrators of foreign

⁴³ Public Hearings, 12 April 2024, (David Vigneault).

interference like India. Counsel for the Sikh Coalition put a number of related questions to the panel of CSIS witnesses which they were not able to answer in a public setting. These questions dealt with the Service's specific observations of Indian foreign interference, as well as the Canadian response to that threat including deliberations regarding the use of Threat Reduction Measures against Indian operatives. This line of inquiry is crucial to the Commission's mandate as it directly addresses the heart of the issues including electoral interference and the government's response to known actors and incidents of interference.⁴⁴

Based on open source information about Canada's national security architecture and the role of different agencies and departments, a number of vulnerabilities exist which appear to have impaired Canada's response to Indian foreign interference. More specifically, effective steps against Indian foreign interference, including Threat Reduction Measures, do not appear to have been used effectively due to foreign policy interests related to pursuing strong relations with India in contrast to Canada's relationship to the PRC or Russia.

The NSICOP in particular, has identified these specific vulnerabilities and constraints in terms of the compartmentalization of Canada's response to foreign interference and the competing mandates and interests of different entities involved in a prospective response. The NSICOP specifically reported that:⁴⁵

Reactions to foreign interference remain ad hoc and case-specific, rarely putting them in their broader context. The response is typically led by single organizations and the tools to counter are most often diplomatic. Understandably, this tends to result in foreign policy considerations being given greater weight than longer-term domestic risks, which are often harder to articulate as concrete harms. No organization represents the longer-term interests of Canadian sovereignty and fundamental values [emphasis added].

The dangerous vulnerability in the current status quo is that the potential (and real) harms of foreign interference to diaspora communities are weighed against significant foreign policy interests which appear to have outweighed the harms done to a small community in the minds of decision-makers. At best, protections against foreign interference and repression become dependent on the individual discretion and resolve of each government or decision-maker to do the right thing and protect the *Charter* rights of diaspora communities. Past experiences have demonstrated that without sufficient institutional guardrails and guidelines however, the rights of

⁴⁴ *Supra* note 5 at pages 212-214.

⁴⁵ **COM0000155**, House of Commons, National Security and Intelligence Committee of Parliamentarians, *Annual Report 2019* (March 2020) at para 294.

diaspora communities can easily be rolled back based on various policy or partisan interests of different entities involved in addressing foreign interference.

The Role of Foreign Policy Interests and Canada's Relationship with India

The Privy Council Office (PCO) supports the development and implementation of the Government of Canada's policy and legislative agendas.⁴⁶ Within the PCO, the National Security and Intelligence Advisor (NSIA) provides policy and operational advice, as well as intelligence, to the Prime Minister and Cabinet on issues related to national security, including foreign interference.⁴⁷ In this sense, the role of the NSIA is to provide the PM a worldview within which to interpret and understand various pieces of intelligence.⁴⁸ In this context, former NSIA, Vincent Rigby, acknowledged that India is not seen by Canada as a hostile state but a potential partner while acknowledging the importance of balancing that partnership with the foreign interference activities that India has been accused of.⁴⁹

The dynamics of this role were demonstrated during a situation of diplomatic tension between India and Canada in 2018 which will be explored further below. In that case, the NSICOP noted that the NSIA had been deeply invested in addressing Indian security concerns about Canada and the Canadian government in order to ensure the success of the PM's trip to India.⁵⁰ To this end, the NSIA organized high level meetings with Indian diplomats and officials, notably on one instance on December 5, 2017, with the express objective of bringing the Canada-India bilateral relationship "back onto a positive footing in advance of the visit to India by Prime Minister Trudeau."⁵¹ This dynamic demonstrates that the role of the PCO and NSIA in confronting foreign interference intersects with and may be informed by the policy objectives of the government or different government entities.

Another relevant government body to the foreign interference response is Global Affairs Canada (GAC). As per the legislation underlying CSIS and CSE, GAC "holds the mandate to ensure that activities conducted fall in line with Canada's broader foreign policy interests and objectives. Additionally, GAC has the authority to request specific activities that support

⁴⁶ CAN.DOC.000011, Institutional Report for PCO at page 1.

⁴⁷ *Ibid.*

⁴⁸ Transcript, Public Hearings, Volume 12, 8 April 2024, pp. 263-268 (Vincent Rigby) at pages 263-264.

⁴⁹ *Ibid.*

⁵⁰ *Supra* note 11 at para 80.

⁵¹ *Ibid* at para 36.

Canada's foreign policy goals."⁵² Among other things, GAC is responsible for managing diplomatic relations but it also possesses and implements the majority of Canada's tools to respond to foreign interference.⁵³ In this context, NSICOP notes a gaping vulnerability:⁵⁴

GAC is on the foreign policy end of a domestic security problem [ie. foreign interference]. Its leadership on determining if and how to respond to foreign interference means that foreign policy considerations, which are often clear and immediate... will take precedence over consideration of domestic harms, which are often vague and long term [emphasis added].

This dynamic appears to reinforce the fact that Canadian responses (such as CSIS' consideration of Threat Reduction Measures against India) to foreign interference naturally do intersect with foreign policy concerns and interests which may explain different approaches to acknowledging and confronting foreign interference from different countries. For example, while there is relatively more public acknowledgment of Chinese foreign interference by Canadian decision-makers, references to Indian foreign interference have repeatedly been obscured and minimized by the Canadian government. In the case of India, journalists reviewing classified documents have reported that the Government actually ignored urgent intelligence and even advised CSIS to "scale down 'threat reduction' interventions" focusing on Indian diplomats and Canadian politicians because the government "valued trade and political objectives over security concerns."⁵⁵ This direction appears to have been given by decision-makers from GAC.

3) Senior decision-makers took deliberate steps to minimize and hide the severity of the Indian threat of foreign interference from Canadians as well as reviews of government action taken in response

Between 2018 and 2020, two reports have been produced by the NSICOP that directly addressed foreign interference, and Indian foreign interference more specifically. Unfortunately however, both tabled reports were clear examples of the government's failure to ensure transparency and inform the public about the nature and severity of the threat. By redacting almost any or all information related to the nature of Indian foreign interference and Canadian actions that may have been taken in response, the relevant decision-makers—in this case, the

⁵² CAN.DOC.000007, Institutional Report for GAC at para 7.

⁵³ *Supra* note 45 at para 283.

⁵⁴ *Ibid* at para 284.

⁵⁵ *Supra* note 7.

Prime Minister and his advisors—severely undermined public transparency and widespread awareness of Indian foreign interference thereby eliminating the possibility of democratic oversight of the government’s action (or lack of action) in this regard.

According to section 21(5) of the *National Security and Intelligence Committee of Parliamentarians Act* the Prime Minister has the authority to redact information from a NSICOP report for a number of reasons⁵⁶:

If, after consulting the Chair of the Committee, the Prime Minister is of the opinion that information in an annual or special report is information the disclosure of which would be injurious to national security, national defence or international relations or is information that is protected by litigation privilege or by solicitor-client privilege or the professional secrecy of advocate and notaries, the Prime Minister may direct the Committee to submit to the Prime Minister a revised version of the annual or special report that does not contain that information.

During the Prime Minister’s testimony before the Commission, he confirmed that the Prime Minister relies on public servants to suggest redactions and that he has the ability to ask questions and engage in discussion around the reasons for redactions.⁵⁷ In the Prime Minister’s interview with Commission Counsel, he appears to have acknowledged that while the Prime Minister would not personally suggest redactions, Prime Ministers *do* have the authority to “push back against the public servants if they believe that the redactions are excessive.”⁵⁸

The redactions to both NSICOP reports were made and maintained despite the express intention of establishing NSICOP to enable Parliament to hold the government to account for its decisions and actions taken in the national security and intelligence arenas.⁵⁹

A. *Special report into the allegations associated with Prime Minister Trudeau’s official visit to India in February 2018*

Following public allegations of Indian foreign interference by NSIA Daniel Jean during the Prime Minister’s official visit to India in 2018, the NSICOP published a special report that looked at the circumstances of the events surrounding NSIA Jean’s actions and the allegation of Indian foreign interference. This was an important policy issue that received considerable public attention and was the subject of vigorous political debate as confirmed by members of opposition

⁵⁶ S 21(5), *National Security and Intelligence Committee of Parliamentarians Act*, SC 2017, c 15 [*NSICOP Act*].

⁵⁷ Transcript, Public Hearings, Volume 14, 10 April 2024, pp. 246-250 (Justin Trudeau) at page 249.

⁵⁸ **WIT0000066**, Justin Trudeau, *In Camera Interview Summary* (27 February 2024) at para 30.

⁵⁹ **CAN.DOC.000013**, Institutional Report for PMO at page 3.

parties.⁶⁰ In the absence of transparent communications about the nature of Indian foreign interference, serious public debate about the threat of foreign interference was replaced by partisan allegations between the Government and Opposition parties regarding the role of the NSIA.

Indian foreign interference was at the heart of the issue as the Liberal government and members of the Sikh community in Canada were targeted by Indian disinformation using the consistent refrain of “extremism”. According to NSIA Jean, he took the rare step of directly briefing Canadian journalists in order to confront Indian foreign interference in real time. The NSIA had reviewed the sequence of events as well as intelligence to come to the conclusion that “there was a very high probability of an orchestrated disinformation campaign to tarnish Canada.”⁶¹ He repeatedly stated his briefings were meant to “counter what he believed were orchestrated efforts to fabricate a false narrative.”⁶² The NSICOP noted the NSIA’s observations that.⁶³

The “strategically released” media articles prior to the Prime Minister’s visit and Indian officials’ repeated raising of concerns around Sikh extremism and separatism, even after multiple efforts by Canadian officials, including the NSIA, to refute those claims, fit the pattern that the NSIA now saw emerging: an orchestrated attempt to ‘shine a spotlight’ on Mr. Atwal’s invitation in order to embarrass the Canadian government.

Underlying this controversy was the disinformation campaign suspected to have been manufactured by Indian intelligence that the Canadian government was “soft” on allegations that advocates for Khalistan in Canada were engaging in illegal activities by relying on the frame of “extremism”. The disinformation campaign specifically targeted the Canadian government in an apparent effort to trigger a more aggressive policy approach towards Sikh advocates for Khalistan in Canada.

The NSICOP conducted an independent study to examine: i) foreign interference in Canadian political affairs; ii) risks to the PM’s security; and iii) the use of intelligence in the circumstances. Despite the public importance of this issue that impacted a broad swathe of Canadians and the express intention to assess foreign interference, the public report featured

⁶⁰ *Supra* note 39.

⁶¹ *Supra* note 11 at para 73.

⁶² *Ibid* at para 74.

⁶³ *Ibid* at para 80.

heavy redactions specifically with respect to Indian foreign interference.⁶⁴ Most concerningly, all six findings with respect to the allegations of Indian foreign interference were redacted leaving little to no meaningful or discernible details about the threat posed to Canadians and Canadian institutions.

B. Annual Report 2019

This report was submitted to the Prime Minister on August 30, 2019 and a revised version was subsequently tabled in Parliament in March 2020. This report included three substantive reviews completed by the Committee, including a review of the government response to foreign interference. The report contains substantive details and comments about the nature and threat of foreign interference in Canada, including specific case studies both on the nature and tactics used by different actors, as well as reviews of Canadian government operations in response to these threats. While explicit mention is made of both the People’s Republic of China, and the Russian Federation—alongside unclassified summaries of relevant information demonstrating the seriousness of the threat—significant portions of this report are redacted. According to media reports about the unredacted version, CSIS’s growing concerns about India were “completely redacted” for unknown reasons although China and Russia were explicitly named.⁶⁵

In sections pertaining to the PRC and Russia, summaries describe the nature of the content that has been redacted offering readers *some* context and understanding of foreign interference while protecting the sources and methods of intelligence gathering or other sensitive details. Examples include:

- “The paragraph describes a CSIS assessment.”
- “The paragraph describes the objectives and tools of China’s foreign interference.”
- “The sentences describe tools of Chinese foreign interference.”
- “The paragraph describes a briefing to the Minister of Public Safety and Preparedness.”
- “The paragraph describes the objectives of Russian foreign interference activities.”

⁶⁴ *Ibid* at pages 3, 5-6.

⁶⁵ *Supra* note 7.

The third case study in this section is redacted in its entirety with no meaningful information provided in its place to identify the source of threat activity, the nature of assessments made by Canadian S&I, or summaries of the objectives or tools used by the actor.

The report subsequently reviewed specific case studies of government action taken in response to foreign interference between January 1, 2015 and August 31, 2018. While the report outlines actions taken against Chinese and Russian foreign interference while protecting sources and methods, the third case study is fully redacted and simply replaced by a note that the “paragraphs describe a government response to a specific country which has conducted foreign interference activities in Canada.”⁶⁶ Media reports suggest that the third case study revolved around India and the government’s direction to CSIS to scale down “threat reduction” measures because the government prioritized trade and political objectives over security concerns.⁶⁷

The decision to redact these details in their entirety from both reports is particularly alarming as this decision eliminated any possibility of public transparency or democratic accountability with regards to the government’s action and missed a key opportunity to simply acknowledge the threat of Indian foreign interference publicly at the very least. As a result, the Sikh diaspora has been left completely vulnerable, apparently in the pursuit of securing diplomatic relations and trade deals with a country actively engaging in “hostile state activity”.⁶⁸

CONCLUSION

The impacts of Indian foreign interference in Canada reverberate far beyond the results of an election, and go to the very heart of Canada's democratic institutions and the meaningful exercise of *Charter* rights. As demonstrated by the evidence before the commission, the result of this threat has been that the ability of Sikhs in Canada to fully exercise their democratic rights and engage in electoral processes is tainted and compromised. And in the case of Shaheed Bhai Hardeep Singh Nijjar, the price of exercising the democratic right of freedom of expression—in spite of India’s threats and intimidation—was the brazen daytime assassination of a Sikh leader outside of one of this country’s most prominent Sikh institutions.

Despite clear records of India’s concerted efforts to engage in a variety of foreign interference activities—including electoral interference, senior decision-makers have repeatedly

⁶⁶ *Supra* note 45 at page 95.

⁶⁷ *Supra* note 7.

⁶⁸ *Supra* note 46 at para 216.

failed to take adequate steps to confront this threat and instead opted to hide India's threat-related activities and covered up the government's inability to curtail India's behaviour. As long as foreign interference and government responses remain entirely shrouded in secrecy and subordinate to foreign policy interests, diaspora communities and Canadian democratic institutions will both remain vulnerable targets of hostile foreign actors.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Ottawa, Ontario on April 15, 2024



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