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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

Interview Summary: Marco Mendicino, Member of Parliament for Eglinton—Lawrence

Mr. Marco Mendicino was interviewed by Commission Counsel on June 25, 2024. The interview was held in a secure environment and included references to classified information. This is the public version of the classified interview summary that was entered into evidence in the course of hearings held *in camera* in July and August 2024. It discloses the evidence that, in the opinion of the Commissioner, would not be injurious to the critical interests of Canada or its allies, national defence or national security.

Notes to Reader:

- Commission Counsel have provided explanatory notes in square brackets to assist the reader.

1. Mandate as Minister of Public Safety (“PS”)

1.1 Role as Minister of PS

- [1] Mr. Mendicino has been a Member of Parliament (“**MP**”) since 2015. He served as the Minister of Immigration, Refugees and Citizenship from 2019 to 2021, and as the Minister of PS from October 26, 2021 to July 26, 2023.
- [2] Mr. Mendicino explained that, for the most part, his engagement with foreign interference (“**FI**”) issues was during his time as Minister of PS. During his tenure as Minister of Immigration, Refugees and Citizenship, he was aware that immigration programs can be used as a vector for FI.
- [3] As Minister of PS, Mr. Mendicino received briefings on intelligence, exercised his statutory authorities, including the authority to approve the making of warrant

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applications, as well as warrants that relate to threat reduction measures (“**TRMs**”), and helped to advance important legislative reforms related to hostile activity by state actors (“**HASA**”). These reforms culminated in Bill C-70, which recently received Royal Assent on June 20, 2024.

1.2 Intelligence Priorities

- [4] Commission Counsel referred to three documents. These documents set out Canada’s Intelligence Priorities for 2019–2021, 2021–2023, and 2023–2025, respectively. One of these documents sets out strategic guidance related to the 2021–2023 Intelligence Priorities.
- [5] Mr. Mendicino explained that FI was near or at the top of the list of Intelligence Priorities before and throughout his tenure as Minister of PS. He received briefings on FI-related matters from senior officials within PS, including specifically CSIS, and relied on their assessment of the threat landscape. He added that while FI was not a new threat, it was becoming more complex, pervasive, and was increasingly manifesting in nearly every facet of public life, including within democratic institutions. The Intelligence Priorities from 2019 to 2025 reflect this reality.
- [6] Mr. Mendicino noted that one of the documents referred to in paragraph 4 is an internal document from the Privy Council Office (“**PCO**”). He was familiar with the Intelligence Priorities and with PCO’s role more generally, but stated he did not recall seeing this particular document during his tenure as Minister of PS. He observed that the guidance in this document (in particular, on pages 11 and 14) articulates a shift in how intelligence collection is approached. However, he added, the approaches are not mutually exclusive. In his view, this shift embodies the Government of Canada’s evolving approach to combatting FI. He also confirmed that the shift was consistent with briefings he received at the time, and noted that FI is an overarching priority, under which many activities—including espionage, interference in elections and democratic institutions, transnational repression, cyber tactics and other techniques—may fall.
- [7] Mr. Mendicino indicated that the shift in the characterization of FI in the Intelligence Priorities accompanied a corresponding shift in how PS dealt with FI. During his tenure,

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PS created the Counter HASA Coordinator [a role modelled after the Australian National Counter Foreign Interference Coordinator, aimed at addressing FI], as recommended by the National Security and Intelligence Committee of Parliamentarians (“**NSICOP**”). He distinguished between FI and foreign influence, stating that FI is clandestine, covert, and counter to the interests of Canadians. Foreign influence, by contrast, is often overt and forms an ordinary part of lawful diplomacy.

1.3 Intelligence Briefings and Approvals

- [8] Mr. Mendicino explained that early in his tenure, he communicated that he wanted to receive intelligence briefings routinely and frequently. These briefings took different formats (oral or written), and included assessed and raw intelligence.
- [9] Mr. Mendicino then described the rigorous process for ministerial approvals of CSIS warrant applications, Bill C-59 threat reduction measures and *Investment Canada Act* national security reviews.
- [10] The process for approving applications for warrants under the *CSIS Act* involved the review of briefing notes authored by his department, as well as the review of affidavits for the warrant under application prepared by CSIS. Mr. Mendicino said that he reviewed all documents thoroughly and there was a back and forth with CSIS and PS throughout the warrant process.
- [11] Mr. Mendicino developed the beginnings of a rigorous process for TRMs under Bill C-59, supported by written recommendations. He was the first Minister to approve Bill C-59 TRMs.
- [12] Likewise, national security reviews conducted under the *Investment Canada Act* were supported by written materials prepared by CSIS and other agencies within PS.
- [13] Mr. Mendicino said these processes all involved written records, recommendations and decision points, which enhanced accountability.

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1.4 Geopolitical Environment

- [14] Commission Counsel referred to CAN022697, which is an email containing a transcript of an interview Mr. Mendicino gave to the Centre for International Governance Innovation (“**CIGI**”). In the interview, Mr. Mendicino speaks about the intersection of geopolitics and the PS role.
- [15] Mr. Mendicino affirmed that geopolitics informed much of his work as Minister of PS. For example, he chaired the Five Eyes (“**FVEY**”) Five Country Ministerial Meeting in June of 2023. As a part of that work, Mr. Mendicino led discussions on behalf of Canada relating to the baseline threat environment with which Canada was grappling at the time. This involved sharing Canadian intelligence with FVEY partners, particularly as it related to known threat actors.
- [16] Mr. Mendicino added that Canada also demonstrated leadership via the G7 Rapid Response Mechanism (“**RRM**”) in relation to combatting mis- and dis-information. He said that Canada must leverage international partnerships to assist in combatting this issue.
- [17] Mr. Mendicino often worked closely with his counterparts at Global Affairs Canada (“**GAC**”), both because it was helpful from an operations perspective and because it was mandated by law. For example, if Minister Joly [the Minister of Foreign Affairs] required the assistance of the Canadian Security Intelligence Service (“**CSIS**”) to collect foreign intelligence, she was legally mandated to request this assistance in writing through the Minister of PS.

2. Intelligence Flow Related to FI

2.1 General Visibility of FI Issues

- [18] Mr. Mendicino had good visibility into FI issues during his tenure and a “very broad and robust access to intelligence.” This visibility came through his receipt of raw intelligence, the warrant review process, when approving multi-national transactions under the

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Investment Canada Act, and in making TRM decisions. He also engaged with FI-related issues in his work on Cabinet committees.

2.2 Measures Taken to Address FI Threats to MPs

- [19] Mr. Mendicino recalled being briefed in late 2022 or early 2023 on the threat landscape as it related to FI threats against MPs, hostile state actors, and transnational repression. He was also been briefed on cyber incidents and mis- and dis-information campaigns potentially linked to the PRC.
- [20] In the spring of 2023, media reported an alleged PRC threat to MP Michael Chong. In response to concerns about the flow of information related to FI within the government, Mr. Mendicino issued a new ministerial directive requiring, among other things, that the PS Minister would be directly briefed on any FI threat to parliamentarians. This was, in part, to address the concerns that Mr. Mendicino's predecessor, Minister Bill Blair, may not have received intelligence related to the targeting of MP Chong at the time.
- [21] While Mr. Mendicino was concerned about the leaks, he was far more concerned about the safety of his colleagues. Mr. Mendicino took action when the media leaks indicated there might have been a threat to Mr. Chong's physical safety. However in the briefings and information he obtained, he was never given a reason to think there had been a threat to Mr. Chong or his family's physical safety.
- [22] Mr. Mendicino also directed that PS prepare a letter to MPs on the FI threat, following up on a letter sent in 2020 by Minister Blair. In the letter, Mr. Mendicino outlined that CSIS would conduct defensive briefings to MPs. Although the letter exists in draft form, it was never sent out. Mr. Mendicino noted that he was eager to publish the letter to parliamentarians, but that further consultations within government were required. He noted that as many as 49 MPs nevertheless obtained defensive briefings.
- [23] Finally, Mr. Mendicino approved TRMs that should be undertaken for the following current or former MPs: Kenny Chiu, Erin O'Toole, Jenny Kwan, and Michael Chong.

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2.3 Legislative Gaps in CSIS's Ability to Conduct Briefings

- [24] Commission Counsel referred Mr. Mendicino to CAN021481. This is a memorandum to the Minister of PS on a proposed Ministerial Direction to CSIS on Threats to Parliamentarians. On page 2, it outlines a number of limitations on CSIS's ability to disclose information in defensive briefings to MPs.
- [25] Mr. Mendicino explained that Bill C-70 seeks to address many of the identified limitations. In his view, Bill C-70 contains amendments that will allow CSIS to declassify as much information as possible to allow for more fulsome briefings, to share intelligence outside of government, and to allow for a more outward-facing approach to threat reduction. He also pressed his officials to set up secure environments to facilitate briefings with MPs.
- [26] Bill C-70 aside, TRMs are another path by which CSIS is able to disclose potentially sensitive or classified information to MPs within the constraints of the law. As Minister, he always tried to work with officials to maximize the disclosure of key information without compromising ongoing investigations, human sources, and international partnerships.
- [27] Mr. Mendicino expressed that some MPs were quite vocal in their dissatisfaction with the defensive briefings offered. He explained that due to classification restraints, the primary complaint was that the briefings contained insufficient detail.

2.4 TRMs

- [28] Mr. Mendicino explained that when assessing TRMs, he had to balance the severity of the threat at stake against the risk to national security, to human sources, and to Canada's diplomatic position. In all cases, the priority he accorded the TRM was proportional to the seriousness of the threat.
- [29] The balance struck between these competing concerns was case-specific, and Mr. Mendicino always tried to tailor his response to the circumstances, by seeking to understand CSIS' plan for dealing with the threat. For example, if a threat involved intimidation or harassment of an MP or an MP's family, Mr. Mendicino sought to

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understand the options presented by CSIS, which could include defensive briefings or TRMs. Further, if the threat was severe enough, Mr. Mendicino also would inquire whether the matter would be referred to the Royal Canadian Mounted Police (“**RCMP**”) for investigation. In addition, MPs were told that the RCMP was available to address threats.

2.5 The Intelligence to Evidence Problem

- [30] Mr. Mendicino noted there are challenges in using intelligence to secure a conviction or other criminal consequences, because intelligence is not evidence. However, it is possible to turn intelligence into evidence in the right circumstances. Mr. Mendicino was involved in doing so in one case when he was working as a federal prosecutor [The case was called the “Toronto 18 Terrorism Case”. It involved the arrest of 14 adults and 4 youths accused of plotting a series of attacks in Southern Ontario in 2006. Eleven of the 18 suspects were ultimately convicted]. In that case, CSIS sent an advisory letter to the RCMP about intelligence that would assist the RCMP’s ongoing investigation (now referred to as a “use letter”). That letter was subject to legal disclosure requirements (*R v Stinchcombe*, [1991] 2 SCR 326). He ensured the letter was properly disclosed.
- [31] As part of the “use letter” process to introduce evidence that may have originated as intelligence, CSIS and the RCMP engage in a One Vision de-confliction exercise [One Vision is a protocol established between CSIS and the RCMP to govern information sharing between the two agencies]. The prosecution then works with law enforcement and intelligence agencies so that the information contained in the letter can be disclosed. He explained that the process is difficult, and requires all parties to facilitate as much disclosure as possible, without compromising human sources, investigative techniques or other sensitive aspects of the intelligence. Mr. Mendicino stated that Bill C-70 enhances this process by providing access to special counsel in administrative proceedings.

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3. Specific FI Incidents

3.1 Overseas Police Stations

- [32] Commission Counsel referred Mr. Mendicino to a classified document. This is a memorandum for the Minister of PS providing updates on the presence of PRC Overseas Police Stations (“**OPSs**”) in Canada. The memorandum details a 2022 report authored by an international non-government organization which speculates that OPSs have been operating around the world since 2018.
- [33] Mr. Mendicino was briefed on the presence of OPSs in Canada in late 2022 or early 2023. He was informed that OPSs are one means by which the PRC could identify and intimidate or harass dissidents. He recalled that CSIS had issued a public alert on the issue, and that the RCMP had conducted an investigation to halt the activities of the OPSs by putting marked cars out front of certain locations. He was briefed to the effect that the OPSs were shut down in terms of this type of FI activity.
- [34] Mr. Mendicino reflected that, in the public eye, this was another instance of FI directed against diaspora groups becoming more extreme. He met with members of the communities affected to learn more about the issue and to assure them that PS took the issue seriously and was taking active steps to address it. Mr. Mendicino underlined that their concerns were not unanimous or uniform. For example, some diaspora groups said that this was not an example of FI and he recalled that there were even lawsuits surrounding this issue.
- [35] Mr. Mendicino indicated that, at the time, his main concern was understanding the nature of the threat posed by the OPSs. He questioned whether there were gaps or deficiencies in the intelligence on the OPSs, and whether there were any challenges in assessing what the OPSs were doing. He stated that it was hard to develop a consensus as to the meaning of intelligence on the OPSs.
- [36] Commission Counsel then referred to CAN018005, which contains a series of messages between Mr. Mendicino and Mr. Brian Clow, Deputy Chief of Staff in the

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Prime Minister's Office, in which Mr. Clow indicates the need for a coherent government response relating to the OPSs.

[37] In response, Mr. Mendicino agreed that the government needed a strong statement regarding the OPSs, and further asked for Mr. Clow's help to push ahead with legislative reform and investments. Mr. Mendicino agreed there was a need for a robust and coherent government response and he was eager to table foreign-interference-related legislation in Parliament. He opined that Bill C-70 would respond to many of the concerns raised by the OPSs and FI. From his perspective, he thought it could bring the temperature down and ensure Canadians saw visibly that the government was acting with alacrity.

3.2 Community Outreach Following the Murder of Hardeep Singh Nijjar

[38] Following Mr. Nijjar's murder, Mr. Mendicino met with members of the Sikh community in British Columbia. The murder was deeply alarming to the community, and he wanted to address their concerns about safety, as well as their stated concern that the Indian government was involved. Mr. Mendicino was mostly in listening mode, and wanted to assure the community that the RCMP was taking action.

[39] The Prime Minister did not publicly state that Canadian security agencies were actively pursuing credible allegations of potential links between the murder and agents of the Indian government until after Mr. Mendicino had left his post as Minister of PS. Mr. Mendicino expressed that this incident further underlined his urgency to move forward with tabling foreign-interference-related legislation. He was aware the Prime Minister later took the extraordinary step of disclosing the existence of intelligence, and made note of the subsequent US indictment relating to efforts by Government of India agents to commit extrajudicial assassinations.

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4. HASA Strategy

4.1 Delays in Moving the HASA Strategy Forward

[40] Mr. Mendicino assumed office with a forward-looking perspective on the HASA strategy, which was already in development under his predecessor, Minister Bill Blair. As former Minister of Immigration, Mr. Mendicino was alive to the fact that immigration corridors were a vector for FI, and he had previously worked with Minister Blair in that capacity. After assuming the role of Minister of PS, he made every effort to take the strategic concept developed under Minister Blair's office, and turn it into "something tangible".

[41] He noted that during public consultations surrounding the foreign influence transparency registry, the Government of Canada heard concerns on various topics, including compliance with the *Charter* and privacy rights, and the stigmatization of diaspora communities. Ultimately, Mr. Mendicino indicated that PS determined they had what was necessary to proceed with the legislation.

[42] Mr. Mendicino stated that pushing forward was not without challenges. For example, there were competing priorities at play, there were separate review processes (National Security and Intelligence Review Agency, National Security and Intelligence Committee of Parliamentarians, Independent Special Rapporteur, Public Inquiry into Foreign Interference) on-going, and he was working against a complex backdrop animated by the 2022–2023 media leaks. As always, when tabling legislation, Public Safety was competing for resources, support and bandwidth. Canada was also grappling with the COVID-19 pandemic, the Russian invasion of Ukraine, and the invocation of the *Emergencies Act* in response to the illegal Ottawa Freedom Convoy protests. This was a particularly complex environment in which to "land" legislation.

[43] Mr. Mendicino noted that a public-facing version of the HASA strategy also exists, but was never made public due to the same competing priorities. There was also a real desire from his department to communicate effectively to the public. However, PS could not act unilaterally. An effective communication strategy would involve a whole-of-government approach, which was largely shepherded by the Prime Minister's office ("PMO") and PCO.

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4.2 Nomination Contests

- [44] Mr. Mendicino noted that the creation of the Critical Election Incident Public Protocol and the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”) are responsive to enhanced concerns around foreign interference in elections. He agreed with all the recommendations in the Judd and Rosenberg Reports. He opined that SITE TF should be able to work outside of the writ periods, and if it is not SITE TF, then there should be another dedicated body for election oversight to protect against FI.
- [45] Mr. Mendicino expressed concern that the federal government should not be seen as adjudicating a political party process like nomination contests. He offered two solutions: (1) political parties could voluntarily seek out SITE TF’s advice, if the proper avenues were established, and (2) SITE TF could provide defensive briefings to political parties. He added that whether and how the Bill C-70 amendments to *SOIA* and/or *Criminal Code* apply to party processes is a question to be determined. If they do not apply, possible legislative amendments could be considered to deter interference in party nomination contests.

5. Ministerial Task Force

- [46] Commission Counsel referred Mr. Mendicino to a classified document. This is an agenda from June 1, 2023, that references a Ministerial Task Force made up of Ministers Mendicino, Joly, Leblanc, and Blair to lead on FI issues, including the media leaks relating to MP Han Dong.
- [47] Mr. Mendicino referred to the Terms of Reference contained at the bottom of p. 1, and noted that the Task Force was directed at FI matters as they were materializing at the time. Mr. Mendicino stated that Minister Leblanc was tasked with a specific issue. He believes that this group evolved into the National Security Council (“**NSC**”) whose creation Mr. Mendicino supported as a means of improving the coordination and prioritization of this work. The threat of FI is everywhere, not only in the democratic institutions space, and manifests in every aspect of Canadian life.

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6. Public Transparency

- [48] Commission Counsel referred Mr. Mendicino to CAN022697, which is an email containing a transcript of an interview Mr. Mendicino gave to the Centre for International Governance Innovation (“**CIGI**”).
- [49] Mr. Mendicino gave this interview in the context of the broader national security landscape. He emphasized that in all aspects of his role as Minister of PS, he sought to balance security with transparency. This interview was an effort to open up and have a conversation to engage with Canadians.
- [50] Mr. Mendicino also echoed his sentiment, expressed in the CIGI interview, that it is essential for government to partner with industry, civil society, and other non-governmental organizations to create a safer Canada. During his time in office, as a way to connect with non-governmental actors, he created a guideline for approving foreign funding for research partnerships and engaged in consultations with industry and the public when crafting the foreign influence transparency registry. He added that Bill C-70 will allow the national security community, and the security and intelligence community in particular, to be more forthright to talk about potential threats. He also led Bill C-26, which involved consultation with the industry on cyber threats.

7. Bill C-70

- [51] Mr. Mendicino stated that Bill C-70, and the foreign influence transparency registry in particular, was meant to put responsibility on individuals who engage with foreign entities to disclose these legitimate engagements so that Canadians can make informed choices. Bill C-70 was also meant to serve as a deterrent for illegitimate foreign influence and FI activity through the offence regime set out in the Bill.

7.1 Consultations with Diaspora Communities

- [52] Commission Counsel referred Mr. Mendicino to a memorandum detailing a roundtable consultation he undertook with members of the South Asian and Chinese communities in Canada.

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- [53] Mr. Mendicino ensured that the Foreign Influence Transparency Registry proposal he put forward carefully considered feedback and views of Canadians and, in particular, diaspora communities in Canada. Notably, diaspora communities feared the registry might further stigmatize their members. He believed that one way to address the diaspora's concerns was to adopt a country-agnostic foreign influence transparency scheme.
- [54] Mr. Mendicino referred to the Bill's built-in review mechanism and the need to review the *CSIS Act* every five years to ensure it remains current and responds to operational challenges and changes in technology. Further, he said, exemptions to the registry still need to be thought out and drafted (for example, legal representation of foreign nationals).

7.2 Consultations with Provinces

- [55] Commission Counsel referred Mr. Mendicino to CAN021749. This is a memorandum on the consultation paper released as a part of the consultations on the foreign influence transparency registry. The memorandum notes that sub-national governments are increasingly targeted by malign foreign influence campaigns undertaken by hostile state actors. CSIS made efforts to brief provincial premiers during his time as Minister of PS.
- [56] Mr. Mendicino opined that the Foreign Influence Transparency Registry captures most of the concerns heard in consultations with provinces. He has made his officials available to provinces as a resource on FI, cyber, and ransomware. He also undertook consultations to gather their feedback. The fact that the legislation is intended to apply to activities undertaken in relation to political or government processes at all levels of government in Canada, including municipal, provincial, and territorial governments, is consistent with the intelligence which Mr. Mendicino received.
- [57] Commission Counsel then referred Mr. Mendicino to CAN033297. This is a memorandum for the Prime Minister regarding concerns expressed by the Premier of Yukon over a lack of consultation with premiers regarding national security incidents and the inability of security agencies to share classified information with provincial and

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territorial officials. This memorandum followed Mr. Mendicino's tenure as Minister of Public Safety and was therefore not shared with him.

- [58] Mr. Mendicino opined that Yukon's Premier was fairly expressing the concern that provincial and territorial officials should get timely briefings and increase their awareness of foreign interference threats. He added that there is probably a need to do more in this regard, and suggested the creation of a multi-jurisdictional table "FPTs" [federal provincial territorial groups], led by PS and the Department of Justice, to address this issue. FPT meetings are a good place to foster and strengthen communication with provincial and territorial officials. These groups can offer recommendations, or create memorandums of understanding to facilitate the regular sharing of intelligence.

8. FI and technology

- [59] During his tenure as Minister of PS, Mr. Mendicino was concerned by the rise of generative artificial intelligence ("AI") and the proliferation of deepfakes [AI-generated synthetic video, audio and text]. He had numerous discussions with international and private sector partners on ways to creatively address the challenges posed by this technological advance, such as: (1) the increasing use of generative AI by foreign threat actors to influence elections and democratic processes and (2) the increasing use of generative AI by the Government of Canada and political parties to connect with Canadians. On that last note, he added that the Government of Canada and political parties should be required to disclose when they use generative AI to create content.
- [60] Mr. Mendicino opined that Canada can mitigate the risks of generative AI, but added that the work to keep Canada safe and secure also demands collaboration with international partners and engagement with the private sector, including technology companies like Microsoft and Google.

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9. Concluding remarks

- [61] Mr. Mendicino opined that Canada is seen as a leader in the international arena with respect to foreign election interference because of its robust and sophisticated approach. There has been a lot of thought put in to tackling these issues. However, he said, there is always room for growth and more work can always be done to strengthen the national security culture.
- [62] Finally, Mr. Mendicino emphasized the value of enhancing transparency into the government's work to bolster the Canadian public's trust in its public institutions and, as a result, bolster democracy's resilience. For example, the NSC could reflect on creative ways to publish aspects of its work.