



## *In Camera* Examination Summary: The Right Honourable Justin Trudeau, Prime Minister of Canada

Commission Counsel examined The Right Honourable Justin Trudeau, Prime Minister of Canada, in an *in camera* hearing. Counsel for the Attorney General of Canada appeared on behalf of the Government of Canada and had the opportunity to examine the witness. The hearing was held in the absence of the public and other participants. This summary discloses the evidence that, in the opinion of the Commissioner, would not be injurious to 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 Examination by Commission Counsel

### 1.1 Receiving Intelligence

- [1] The Prime Minister (“**PM**”) generally receives a weekly package of intelligence documents from a CSE Client Relations Officer (“**CRO**”), on Monday morning when he is in the office. From this reading package he generally points to a couple of issues for follow-up and his questions and areas of interest dictate what may be included in subsequent packages. He noted that these briefings are for him to absorb information, not for him to give direction. He may ask the CRO for more information on a particular issue. That said, the Prime Minister noted that he sometimes asks the CRO to confirm that others are addressing a particular issue and taking it seriously. Invariably, he added, the CRO will confirm that the government is already seized with the issue and they merely wanted the Prime Minister to be aware of the issue.

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- [2] The Prime Minister explained that he spends about 45 minutes to an hour reading the documents. This is a significant devotion of time in his agenda, in the context of everything else he must deal with. Further, the reading packages are in addition to the meetings with the National Security and Intelligence Advisor to the Prime Minister (“**NSIA**”) whereby there will be a discussion on the issues and a tasking if appropriate. The NSIA regularly briefs him on significant issues. They meet about every week and sometimes a few times a week when circumstances require, such to prepare for an upcoming G7 or NATO meeting. The weekly reading packages form his background understanding of many of the issues discussed during these briefings.
- [3] He can see only a small portion of the 70,000 intelligence products generated each year. He explained that he expects to see raw intelligence very infrequently and only for the most sensitive or direct security threats to Canada. For this type of consequential intelligence, he will also expect to see analysis and to discuss the intelligence in person with the NSIA and/or specific experts on the issue. The Prime Minister explained that his expectations as to the reliability of information he receives in terms of a two-axis graph: if information has low reliability but is extremely urgent or potentially devastating he would want to see it, whereas if information is extremely reliable, but not particularly consequential, new, or insightful, he would likely not need to see it.
- [4] His job is not to direct specific intelligence operations. It is to understand, strategically, what various actors are doing, their intentions, how to position Canada in its foreign and trade policies, and how to ensure Canada protects its citizens and democracy. He noted that often a particular detail contained in raw intelligence won’t contribute to his overall understanding of an issue, though if something is particularly poignant or egregious it should be brought to his attention. For example, in deciding to list a terrorist entity, it is useful to know all the ways in which the entity is trying to cause disruption in Canada and around the world. It would not have been particularly useful for him to know specific details of a more operational nature.
- [5] Generally, the Prime Minister explained that the NSIA and the Clerk of the Privy Council (“**Clerk**”) understand which intelligence he needs to see, partially because they discuss intelligence with him on a regular basis. The National Security Council (“**NSC**”) is

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another vehicle for highlighting relevant issues. He added that timing also matters. Officials will present information to him in the lead-up to an event that they view as particularly relevant to that event. There is a wide range of factors that determine what he needs to be briefed on, when, and in what level of detail.

## 1.2 Formalizing the Role of the NSIA

- [6] The Prime Minister explained that when he first came into the role, the way briefing notes and briefings were delivered to him were not yet adjusted to his way of working. Whereas his sense is that his predecessor may have emphasized reading materials alone, he also values engaged conversations where he can challenge and go deeper with the experts immediately. This was something the system had to adjust to.
- [7] The role of the NSIA has also evolved due to the rapid increase in security threats in Canada and abroad during his tenure. Until recently, no NSIA had to deal with the National Security and Intelligence Committee of Parliamentarians (“**NSICOP**”), for example, or the National Security and Intelligence Review Agency (“**NSIRA**”), the Security and Intelligence Threats to Elections Task Force (“**SITE TF**”), the Panel of Five or, most recently, the NSC.
- [8] The Prime Minister is not opposed to further formalizing the role of the NSIA. However, being overly prescriptive may be counterproductive given the nature of the NSIA’s constantly evolving work and the fact that the NSIA’s main role is to exercise judgement. Mandate letters have proven an extraordinarily effective and useful tool for giving direction while maintaining a certain flexibility. The Prime Minister noted that the most important thing is to empower and trust the NSIA.
- [9] While the current NSIA is also the Deputy Clerk, the Prime Minister noted that this was something he wouldn’t want to commit to for future NSIAs; it is driven more by the individual qualities of the current NSIA. However, a future Prime Minister may want more creative tensions between the NSIA and the Clerk which may be better achieved if the two are not attached to the same office.

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### 1.3 Foreign Interference during Elections and By-elections

- [10] The Prime Minister said the Panel of Five and CEIPP were created as a mechanism that could make the public aware of foreign interference (“FI”) during election periods. During the Caretaker period, Ministers would not be able to intervene in the event that there was a concern around FI or other matters of election security. Thus, through the Panel of Five, a group of senior public servants who otherwise would not be making public pronouncements on electoral issues was empowered to do so. The Panel of Five can make the public aware about important FI issues affecting elections.
- [11] More recently, it was decided that the SITE TF should also operate during by-elections. However, during by-elections the Caretaker Convention is not activated. Thus, the responsible ministers can speak to the public about FI matters. That said, there are important considerations around ministerial involvement in elections. The interplay between ministerial accountability and the role of the Panel of Five during by-elections is the subject of ongoing discussion. The Prime Minister noted that, even if the Caretaker Convention is not active, it may not be credible for a Minister from a particular political party to make pronouncements about FI occurring in another party. In his view, this is not ministerial accountability but rather the kind of action that might undermine support or belief in the integrity of our information and institutions.

### 1.4 National Security Council and Incident Response Groups

- [12] The Prime Minister stated that over the past several years, Incident Response Groups (“IRGs”) have increasingly been established to respond to crises. At the same time, there was a desire to create a permanent forum for strategic conversations, as opposed to the IRGs, which are more responsive in orientation. This led to the creation of the National Security Council. The NSC is much less reactive, and more strategic and proactive. The NSC brings together the whole of government both to lay out responses to challenges and to establish a general strategic direction. NSC meetings might therefore involve multiple Ministers and their officials who are brought together to explore issues raised by a given situation within their areas of responsibility. Rather than just initiating a meeting in response to an action by a foreign state, the NSC would

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meet proactively to discuss those kinds of activities, and develop a longer-term strategy. The NSC meetings that have so far been convened have proved very effective and useful.

- [13] The Prime Minister noted that the NSC is more about determining strategic direction. Policy decisions are made by Cabinet and developed by the Global Affairs and Public Security Committee, and the respective ministers involved.

### 1.5 Canada-India Relations

- [14] The Prime Minister spoke of the recent challenges in Canada-India relations. Canada has deep connections to India through a significant Indian diaspora population in Canada and a meaningful trading relationship. As a result of the deep connections between the two countries, Canada must manage the relationship carefully. Recent events have given rise to serious concerns about India's respect for Canadian sovereignty and the rules-based international order. Canada has to figure out how to simultaneously defend its sovereignty, keep Canadians safe, and grow Canadian prosperity.

### 1.6 The HASA MC, Foreign Agent Registries and Bill C-70

- [15] The Prime Minister was asked to comment on parts of the May 2022 Hostile Activities by State Actors ("HASA") Memorandum to Cabinet ("MC"). He pointed out that he could not speak to what had been done in this regard before he came into office. He said that Canada's context is very different from that of many other countries. Canada's approach to diaspora communities and multiculturalism has encouraged people to maintain cultural, linguistic and personal ties with their home countries. Canada does not ask people to erase their previous identities. This is a strength of the Canadian approach. Understanding the approach Canada's intelligence agencies have taken with respect to foreign interference and the vulnerability of diaspora populations over the past many decades requires an understanding of the work of the MacDonal Commission. While this work is somewhat outdated, it is helpful insofar as it demonstrates how the

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intelligence community has historically balanced security actions and Canadian democratic and openness principles and values, including multi-culturalism.

- [16] Various governments have thought about foreign agent registries. Significant consultations with diaspora communities preceded the HASA MC discussion of this. The goal of these consultations was to ensure that a registry would support democracy and Canadian institutions and not put at risk the very thing it is trying to protect: a free, open, liberal, multicultural democracy. The Prime Minister explained that past government attempts to strengthen security mechanisms, for example Bill C-51, were extremely controversial and not well received by racialized Canadians and civil rights groups because they were perceived as overreaching. It was therefore understood that moving forward with legislation that would flow from the HASA MC would require a level of sensitivity, focus, precision, and care. He added that any time you are looking at legislation that empowers security services, you have to delicately balance those powers against measures to strength democratic freedoms.
- [17] Bill C-70 was enacted with broad support from both parliamentarians and communities. Changes to national security laws did not mean existing legislation was flawed. It meant that laws needed to continue to evolve and improve. As good as Bill C-70 is right now, in a world that is constantly changing it may need to be amended in the future. What is important, according to the Prime Minister, is that these issues continued to be handled in a delicate and responsible way.

### 1.7 Briefing Parliamentarians about Foreign Interference

- [18] The Prime Minister believes in giving parliamentarians as much information and knowledge as possible about FI. If security agencies assess there is a concern with an MP who is being considered for a certain role, he wants to know what he can tell the individual about why they are not getting the role and whether there are any measures available to remedy the situation. He may also ask officials to speak with the MP though a threat reduction measure or otherwise. The PM felt reassured by his conversations with CSIS and the NSIA that they were keeping parliamentarians apprised of FI threats and dangers.

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- [19] The Prime Minister noted that NSICOP has been an important tool to bring in transparent oversight by parliamentarians. He expressed concern over the way the issue of briefings to parliamentarians is narrated in the NSICOP report. While he and his office have always been committed to enhancing parliamentary knowledge in this area, he noted that if CSIS wanted to brief parliamentarians, they did not need his approval. CSIS has direct access to its own Minister [the Minister of Public Safety]. Further, in relation to the two PCO notes mentioned in the NSICOP report, he was never approached to authorize the briefings. If something needs his immediate attention, the Clerk usually brings it to his attention during their regular meetings, putting pressure on issues that require his approval. Given the thousands of notes that regularly make their way into his office, this follow-up function is a valuable way of ensuring that a time-sensitive initiative is prioritized appropriately. In the case of briefings to parliamentarians, his approval was never required; the legislative branch is separate from the executive and CSIS can work directly with the Sergeant-at-Arms. Indeed, MPs already received initial security briefings from the staff at the House of Commons. There was certainly never any resistance from him or his office to the concept of briefing parliamentarians on foreign interference.
- [20] The Prime Minister is aware that the briefings of parliamentarians took place in June 2024 but was not involved in the process of implementing them.

### 1.8 Potential Threats to Parliamentarians and Declaring Diplomats PNG

- [21] The Prime Minister said that if Canada is contemplating declaring a foreign diplomat persona non grata (“**PNG**”), he will most likely become involved, not because his authority is required (this falls to the Minister of Foreign Affairs) but because it happens so rarely and is significant. He spoke specifically about a People’s Republic of China (“**PRC**”) diplomat, Zhao Wei, who was declared PNG in 2023, in part because of his involvement in a case involving MP Michael Chong. The Prime Minister first learned of the information about potential threats from the PRC to Mr. Chong through media reports. The Prime Minister understood, through conversations with senior officials, that there were no suggestions or threats of violence in Mr. Chong’s case. However, it was

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unacceptable that someone, particularly an elected MP, was even considered as a legitimate target.

- [22] During a meeting between the Prime Minister, David Vigneault, Jody Thomas, and Mr. Chong on May 2, 2023 the Prime Minister said he impressed on Mr. Chong how seriously the Government was taking this issue and how he wanted officials to directly inform Mr. Chong as much as possible. The Prime Minister said he understood that CSIS had engaged Mr. Chong in the following weeks or months. The Minister of Public Safety also issued a ministerial directive setting out required actions when intelligence is received suggesting a threat against a parliamentarian.
- [23] The Prime Minister was asked how the PNG of Zhao Wei occurred. He explained that PNG is a serious measure that is rarely used. He now understands that there were earlier concerns regarding the legitimacy of Mr. Zhao's behaviour in Canada. Once Mr. Zhao's behaviour became known, Canada had to respond. If Canada did not, it would appear to be a tacit approval or tolerance of the diplomat's actions. After Canada declared Mr. Zhao PNG, China retaliated by declaring a Canadian diplomat in China PNG.
- [24] The Prime Minister explained that the ministerial directive about threats to parliamentarians was a direct response to what Mr. Chong raised during his meeting with the Prime Minister and officials. The Prime Minister explained that this may not have been the right policy, because it forces an elevation of what might be fairly unreliable or low-level information to a higher level in the system than it would otherwise merit. He would prefer to be confident that the system will elevate matters as appropriate and respond to threats in a more thoughtful way. In the case of Mr. Chong, CSIS had met with him prior to the media reporting to discuss the PRC's interest in him. The ministerial directive was important to demonstrate that the government was taking this issue seriously and that threats to parliamentarians will not be tolerated. The concern about the ministerial directive is not so much that it is necessarily bad policy, but that it was implemented in response to media stories and political events rather than after a more considered and deliberate policy process.



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## 1.9 Intelligence about FI involving Opposition Parties

- [25] The Prime Minister was brought to CAN047007 [a memorandum on “Ad Hoc Classified Briefings” which detailed FI activities directed at opposition parties]. The Prime Minister described the challenges of dealing with intelligence about FI involving opposition parties. He suggested that CSIS might not be comfortable passing such information to a Government minister. There was a need to ensure that a government led by one party protects other parties from FI, without looking like it is doing so out of self-interest.
- [26] In one case, the NSIA gave him information on significant FI involving opposition parties. He told his NSIA, CSIS and others at the time that they needed a plan to respond. He said this new information was explosive. However, it was not good for a democracy that he use his role as Prime Minister, while also leader of the Liberal Party, to avail himself of information he obtained about potential FI involving opposition parties if it could be perceived as being used to embarrass them. The Prime Minister was open to guidance from the Commission on how best to handle such situations.
- [27] The Prime Minister said that FI needs to be handled in a way that doesn’t tarnish all the good MPs and people stepping up for office, including when it involves a party that is not in power. There should be a mechanism for security agencies to be able to inform parties of malevolent behaviour. The Privy Council Office (“PCO”) was working with the Canadian Security Intelligence Service (“CSIS”) to develop Top Secret-level briefings for party leaders. In order to receive such briefings, the party leaders must have the required security clearance. The Prime Minister added that party leaders needed to be held accountable for ensuring their systems are resilient against threat actors.

## 1.10 Nomination Races

### 1.10.1 The Nomination Process

- [28] In response to a question about how party leaders can action classified information that they receive, the Prime Minister stated that they have absolute discretion on who gets to run. They sign off on every candidate and can also appoint them without a nomination contest. The Prime Minister noted that this was consistent with the difference,

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recognized by Canadian courts, between the right to run for a particular party and the right to run for Parliament. Because of this difference, it is easy for a party leader who becomes aware of an issue with a candidate early on in the nomination process to bar them from running without providing public justification. That is why the leader of the party needs to be informed of any FI concerns or suspicions over a candidate as early as possible.

- [29] Commission Counsel referred the Prime Minister to a document that discussed potential vulnerabilities in the nomination process, including the criteria for party membership, and how this could be exploited by foreign threat actors. The Prime Minister stated that each political party has its own set of rules regarding the criteria for party membership and spoke of certain rules for Liberal Party of Canada (“LPC”) membership.
- [30] The Prime Minister also raised certain challenges with respect to election financing, which don’t necessarily have a foreign interference nexus, and that it would be useful to determine whether to strengthen measures to protect against financing tactics such as donations made by a company through its employees, or by a parent through their children.
- [31] The Prime Minister noted that the LPC engages with communities to reach out to potential members. This is part of the political process. It is possible that a foreign state might try to influence that process, but any countermeasures could have an impact on the openness and freedom of Canadian democracy.

#### 1.10.2 Imposing Additional Rules on Nominations

- [32] The Prime Minister said he is open to changes to make elections safer and to allow Canadians to become more involved in political processes. He opined that there is a trade-off to adding rules that apply to democratic processes, because they make it more difficult for some people, especially from marginalized groups, to get involved in politics. The potential benefit of regulating democratic processes needs to be balanced against the impact of disempowering citizens and reducing the representativeness of democracy. He also noted that it was critical that any legislation in this space avoid

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targeting racialized Canadian citizens and that some groups use potential voter fraud as a pretense to advocate for increased regulation in this area.

- [33] According to the Prime Minister, further regulation of nomination processes should be examined through a similar lens and with regard to the relevant context. For the LPC, when nominations are contested, they typically involve a few hundred members against a few hundred members. That said, some nominations can involve up to 6,000 or 7,000 members. Members may employ aggressive tactics, which have no foreign interference dimension, to leverage local political support.
- [34] According to the Prime Minister, additional regulation of nomination races would need to weigh both the intended positive impacts on the few nomination races that may be foreign interference targets, against the negative impacts, i.e. added barriers to participation in the nomination races for all parties and ridings. Additional regulation should ensure that there is space for all political views.
- [35] The Prime Minister noted that there was a difference between regulating the financial accountability of parties and their internal processes. The federal government has regulated financial contributions to ensure that political parties, which are a fundamental building block of democracy, function properly, and to guarantee a level of public accountability over the tax deductions for donations to political parties. Regulation in this area is important to promote fairness.
- [36] The Prime Minister stated that he understands the resistance to legislation that would regulate the internal workings of a political party. It would be problematic if a party that formed a majority government adopted rules that reflect its own values, but conflict with those of other parties. Similar issues would arise if the governing party adopted rules regarding, for example, the threshold to dismiss the leader of the party or the threshold to expel an MP from a party. Such a rule would conflict with the LPC's decision to make its convention of members the highest form of authority in the party.
- [37] The Prime Minister opined that, even if the danger is much less severe, increased legislation into the internal processes of all political parties by the party in power at least conceptually resembles tactics used by autocratic regimes that target political opponents.

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- [38] The Prime Minister reiterated that he was not resistant to increasing the protection of democratic institutions against foreign interference. To protect Canadian democratic institutions and minimize any constraints placed on political participation, security agencies should have the capacity to directly inform parties of concerning behaviour or information.
- [39] The Prime Minister stated that broader participation could also be a defence against the threat of foreign interference. It would be much more difficult for a foreign country to interfere with a contested nomination if 50,000 of the 100,000 people in the riding were involved in it. He believed that this was perhaps misunderstood both by security agencies and those who advocate for increased regulation in nomination processes.
- [40] The Prime Minister indicated that ensuring that nominations processes are more open, robust and transparent does not necessarily involve putting limits on participation. He opined that, when considering any measures to counter foreign interference, the worst harm to defend against is the erosion public trust in democratic institutions and the growing belief that political parties are compromised and that elections are decided by foreign states.

### 1.10.3 Sharing Information about MPs

- [41] The Prime Minister explained that, as a party and government leader, it is useful to receive information at the earliest possible stage, because he does not want to have a caucus member that cannot be placed into certain roles because of security concerns. The appropriate security officials should have the ability to raise this type of concern with all party leaders.
- [42] The Prime Minister expressed concern that intelligence agencies may not always have briefed party leaders on concerns within their parties or nominations. He referenced example 2 in the Unclassified Stage 2 CSIS Institutional Report,<sup>1</sup> about which he had

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<sup>1</sup> Example 2 is described as follows in the Unclassified Institutional Report: "Reporting indicates a foreign government undertook several actions, including interference, to reduce the likelihood of a specific Liberal candidate from being elected federally. It is suspected that the foreign government sought to thwart the candidate's bid given their support for issues perceived to be contrary to the foreign government's interests".

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only recently learned, to illustrate this point. Based on this example, the Prime Minister questioned whether CSIS would have always briefed the leaders of political parties about similar issues.

- [43] In response to a question regarding the actions that he, as Prime Minister, can take based on information he receives regarding a sitting MP, the Prime Minister indicated that the classification of the information is an inherent problem. He also noted that a party leader cannot fire an MP when security agencies raise concerns; their most draconian tool is to remove the MP from the caucus. The party may also have insufficient time to remove a candidate from the ballot if it is informed of these concerns shortly before the election.
- [44] The Prime Minister wondered whether, perhaps, security clearances could be made available to political parties, for parties to incorporate them as part of the vetting process of candidates that occurs prior to their nomination. Some parties may not want to pursue this. The Prime Minister's view was that mainstream parties could accept some form of security clearances for their candidates, if the government offered them. However, the countervailing values of openness and participation would also need to be considered. For example, the information upon which a candidate was vetted would need to be sufficiently robust, so that a single uncorroborated source did not destroy the reputation of someone seeking a nomination. Otherwise, such a process might deter qualified people from running for office, which the Prime Minister recognizes is a growing challenge in a time when the political and media environment is increasingly polarized. The Prime Minister is very open to guidance from the Commission on this complex issue.