



Public Inquiry Into Foreign Interference in Federal
Electoral Processes and Democratic Institutions

Enquête publique sur l'ingérence étrangère dans les
processus électoraux et les institutions démocratiques
fédéraux

Public Hearing

Audience publique

**Commissioner / Commissaire
The Honourable / L'honorable
Marie-Josée Hogue**

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Ottawa, Ontario

--- The hearing begins Wednesday, October 9, 2024 at 9:31
a.m.

THE REGISTRAR: Order, please.

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

The time is 9:33 a.m.

COMMISSIONER HOGUE: Good morning, all.

So you can go ahead. We have a long day
today, so I suggest that we start right away.

MS. SHANTONA CHAUDHURY: Perfect. Thank you,
Commissioner.

Our witnesses this morning are senior
officials, current and former, from the Privy Council Office.
May I ask that the witnesses be sworn or affirmed.

THE REGISTRAR: All right. So I'll start
with Mr. Rogers.

So Mr. Rogers, could you please state your
full name and spell your last name for the record?

MR. DANIEL ROGERS: Daniel Rogers. R-O-G-E-
R-S.

THE REGISTRAR: Thank you. And now for the
affirmation.

--- MR. DANIEL ROGERS, Affirmed:

THE REGISTRAR: Thank you.

[No interpretation]

MS. NATHALIE G. DROUIN: [No interpretation]

1 --- MS. NATHALIE G. DROUIN, Affirmed:

2 THE REGISTRAR: And to you, Mr. Hannaford.
3 Mr. Hannaford, could you please state your full name and then
4 spell your last name for the record?

5 MR. JOHN HANNAFORD: John Hannaford, H-A-N-N-
6 A-F-O-R-D.

7 THE REGISTRAR: Perfect, thank you.

8 --- MR. JOHN HANNAFORD, Sworn:

9 THE REGISTRAR: Thank you. And now to Ms.
10 Thomas. Ms. Thomas, could you please state your full name
11 and then spell your last name for the record?

12 MS. JODY THOMAS: Jody Hazel Thomas, T-H-O-M-
13 A-S.

14 THE REGISTRAR: Thank you.

15 --- MS. JODY HAZEL THOMAS, Sworn:

16 THE REGISTRAR: Thank you. And finally, Ms.
17 Charette. Ms. Charette, could you state your full name and
18 then spell your last name for the record?

19 MS. JANICE CHARETTE: My name is Janice
20 Charette, C-H-A-R-E-T-T-E.

21 THE REGISTRAR: Thank you.

22 --- MS. JANICE CHARETTE, Sworn:

23 THE REGISTRAR: Thank you.

24 Counsel you may proceed.

25 --- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY:

26 MS. SHANTONA CHAUDHURY: Thank you.

27 Witnesses, we'll begin with the routine
28 housekeeping. I understand this one correction to be made to

1 an examination summary. Other than that, I'll ask that we
2 just go through them very quickly and I ask you each to
3 confirm that you've reviewed the summaries that you were
4 involved in, that you confirm the accuracy, and that you're
5 content that they form part of your evidence before the
6 Commission.

7 So we'll begin with the interview summary
8 which is WIT116, WIT116.FR in French. Then there is the
9 examination summaries, the first one is PCO Senior Former
10 WIT151, PCO Senior Current Supplemental WIT150, PCO Senior
11 NSICOP Report WIT149. So I'll ask you each to confirm that,
12 again, that you've reviewed them and that you're content that
13 they will form part of your evidence.

14 Mr. Rogers?

15 **MR. DANIEL ROGERS:** Yes.

16 **MS. SHANTONA CHAUDHURY:** Madam Drouin?

17 **MS. NATHALIE G. DROUIN:** [No interpretation]

18 **MS. SHANTONA CHAUDHURY:** Mr. Hannaford?

19 **MR. JOHN HANNAFORD:** Yeah.

20 **MS. SHANTONA CHAUDHURY:** Ms. Thomas?

21 **MS. JODY THOMAS:** Yes.

22 **MS. SHANTONA CHAUDHURY:** Ms. Charette?

23 **MS. JANICE CHARETTE:** Yes.

24 **--- EXHIBIT No. WIT0000116 EN:**

25 Interview Summary: Privy Council
26 Office (John Hannaford, Nathalie G.
27 Drouin, Daniel Rogers, Janice
28 Charette, Jody Thomas & Stephen de

1 Boer)

2 **--- EXHIBIT No. WIT0000116 FR:**

3 Résumé d'entrevue : Bureau du Conseil
4 privé (John Hannaford, Nathalie G.
5 Drouin, Daniel Rogers, Janice
6 Charette, Jody Thomas et Stephen de
7 Boer)

8 **--- EXHIBIT No. WIT0000150:**

9 In Camera Examination Summary: John
10 Hannaford and Nathalie G. Drouin

11 **--- EXHIBIT No. WIT0000151:**

12 In Camera Examination Summary: Privy
13 Council Office Former Senior
14 Officials

15 **MS. SHANTONA CHAUDHURY:** Perfect. And then
16 the one I think that needs a correction is WIT152. So if we
17 can have that pulled up, please? So this is the in camera
18 Examination Summary PCO Senior, which involved Madam Drouin
19 and Mr. Rogers. So can we explain what the correction to be
20 made is please, Madam Drouin?

21 **MS. NATHALIE G. DROUIN:** Yes, it is paragraph
22 1 where it indicates in the last sentence, "She's also the
23 Associate Secretary to the Cabinet". I no longer have that
24 position since I was named NSIA.

25 **MS. SHANTONA CHAUDHURY:** So we'll note that
26 for the record and move on.

27 **--- EXHIBIT No. WIT0000152:**

28 In camera Examination Summary: Deputy

1 *Clerk National Security and*
2 *Intelligence Advisor and Deputy*
3 *National Security and Intelligence*
4 *Advisor*

5 **MS. SHANTONA CHAUDHURY:** So we'll note that
6 for the record and move on. So witnesses, I'll ask you each
7 to introduce yourselves now, and do so in relation to your
8 current roles if any, your roles during the Commission's
9 period of review, which is essentially 2018 to the present,
10 and any other roles or position you may have held in the past
11 that would be relevant to the Commission's mandate and the
12 discussions were going to have today.

13 So starting at my left, Madame Charette?

14 **MS. JANICE CHARETTE:** Thank you very much.
15 So going back in time, I have served as the Clerk of the
16 Privy Council on two occasions, I was named by Prime Minister
17 Harper in October of -- I started in October of 2014 as the
18 Clerk, and I served in that role to January 2016. I would
19 add that I was the Deputy Clerk of the Privy Council for
20 approximately four years in advance of that.

21 And then I served as Canada's High
22 Commissioner to the United Kingdom of Great Britain and
23 Northern Ireland from September of 2016 until March of 2021.
24 High Commissioner is the title we give for an Ambassador in a
25 Commonwealth country, so it's an ambassadorial role. I
26 returned as the Interim Clerk of the Privy Council at the
27 request of Prime Minister Trudeau in March of 2021, and I
28 served in that role until May of 2022, at which point I was

1 named as Clerk, no longer interim, and I served in that until
2 my retirement in June of 2023.

3 And the only relevant point I would add is
4 that when I was the Interim Clerk in that period of March '21
5 to May '22, I also served as a chair of the Panel of Five
6 under the critical election incident protocol.

7 **MS. SHANTONA CHAUDHURY:** Thank you.

8 Ms. Thomas?

9 **MS. JODY THOMAS:** I was appointed as the
10 Deputy Minister of National Defence in 2017, and I served in
11 that role until 2022. And I was the National Security and
12 Intelligence Advisor to the Prime Minister from January 2022
13 until January 2024 when I retired.

14 **MS. SHANTONA CHAUDHURY:** Thank you.

15 Mr. Hannaford?

16 **MR. JOHN HANNAFORD:** So I'm currently Clerk
17 of the Privy Council, I have been since June of last year.
18 Prior to that I was Deputy Minister of National Resources,
19 and prior to that I was the Deputy Minister of Trade. I have
20 largely served in international policy roles, and so I was
21 Canada's ambassador to Norway between 2009 and 2012, and then
22 was in the Privy Council Office in a couple of capacities,
23 ultimately the Foreign Policy Advisor to initially Prime
24 Minister Harper, and then Prime Minister Trudeau.

25 **MS. SHANTONA CHAUDHURY:** Thank you.

26 Madame Drouin?

27 **MS. NATHALIE G. DROUIN:** I am National
28 Security Advisor since January 2004 as well as Deputy Clerk.

1 I was appointed Deputy Clerk at the Privy Council Office in
2 2021.

3 Before that, I was Deputy Minister of Justice
4 from 2017 to 2021. And within that mandate, I worked in
5 close collaboration with CSIS and I was also a member of the
6 Panel of Five.

7 Before I joined the federal public service, I
8 was Deputy Minister for Justice for the Government of Canada.
9 And at the beginning of my career, for 15 years I worked in
10 the fight against economic crimes.

11 **MS. SHANTONA CHAUDHURY:** Mr. Rogers?

12 **MR. DANIEL ROGERS:** Thank you. I spent the
13 majority of my career within the Communications Security
14 Establishment in the Foreign Signals Intelligence Branch. In
15 2018, I became the Assistant Deputy Minister responsible for
16 that program within CSE. And in 2022 I became the Associate
17 Chief of CSE, a position I held for about a year before
18 moving to the Privy Council office as Deputy Secretary for
19 Emergency Preparedness, which I supported the Minister of
20 Emergency Preparedness. Shortly after that, I was appointed
21 additionally to be the Deputy National Security and
22 Intelligence Advisor to the Prime Minister, where I supported
23 Ms. Thomas and then Madam Drouin.

24 **MS. SHANTONA CHAUDHURY:** Thank you.

25 Okay. I'll ask the Court Registrar now to
26 pull up CAN.DOC.36, which is the PCO IR.

27 **--- EXHIBIT No. CAN.DOC.000036:**

28 Part C Institutional Report For The

1 Privy Council Office

2 **MS. SHANTONA CHAUDHURY:** So witnesses,
3 you're not the first to testify from the Privy Council, so we
4 don't have to start with the Magna Carta, but I'd still like
5 to start with some fairly general questions about how PCO
6 functions.

7 So maybe I'll start with you, Mr. Rogers. If
8 we just scroll down to page 2 of this document, please, what
9 I'd like you to explain around here, Mr. Rogers, is the dual
10 ---

11 **MS. NATHALIE G. DROUIN:** Just a moment.

12 [No interpretation]

13 **COMMISSIONER HOGUE:** No, I think we will make
14 sure that it works.

15 **MS. SHANTONA CHAUDHURY:** Okay.

16 **COMMISSIONER HOGUE:** So ---

17 **MS. SHANTONA CHAUDHURY:** [No interpretation]

18 **COMMISSIONER HOGUE:** No, no, it's okay. It's
19 important to make sure that you can follow. We'll take two
20 minutes for -- we'll take two minutes. We'll suspend the
21 time for them to look at these, what is not working.

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

23 This sitting of the Commission is now in
24 recess until 9:45 a.m.

25 --- Upon recessing at 9:43 a.m.

26 --- Upon resuming at 9:45 a.m.

27 **THE REGISTRAR:** Order please.

28 This sitting of the Foreign Interference

1 Commission is now back in session.

2 The time is 9:45 a.m.

3 --- MR. DANIEL ROGERS, Resumed:

4 --- MS. NATHALIE DROUIN, Resumed:

5 --- MR. JOHN HANNAFORD, Resumed:

6 --- MS. JODY THOMAS, Resumed:

7 --- MS. JANICE CHARETTE, Resumed:

8 --- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY (cont'd):

9 MS. SHANTONA CHAUDHURY: Okay. We now have a
10 functioning screen?

11 MS. JANICE CHARETTE: Yes, thank you.

12 MS. SHANTONA CHAUDHURY: Perfect. So, Mr.
13 Rogers, I was just about to ask you, two terms that we hear
14 sort of thrown around with respect to PCO's role are its
15 challenge function and its convening role, both in terms of
16 policy making and operational coordination. Can you explain
17 what those terms mean?

18 MR. DANIEL ROGERS: Yes, of course. So the
19 first you mentioned as a challenge function is what is often
20 described as PCO's role to make sure that policy items and
21 other operational plans, in our case, are suitable. So, you
22 know, PCO will set the Cabinet agenda. And as part of that,
23 we will work with departments and agencies to make sure that
24 documents being presented there to Ministers have all of the
25 appropriate considerations for Cabinet and lay out all of the
26 relevant details. So we'll challenge departments and guide
27 them through that process. It is a sometimes more guidance
28 process than a challenge function in spite of the name.

1 In terms of our convening function,
2 obviously, national security and intelligence matters are
3 very complex and often involve many more than just one or two
4 departments. And so as a central agency, PCO, especially
5 under the NSIA branch, will convene the relevant departments
6 and agencies to talk through operational plans or complex
7 policy issues and make sure that the -- you know, the variety
8 of opinions across government are synthesized to produce the
9 best advice and outcomes.

10 **MS. SHANTONA CHAUDHURY:** Thank you. And,
11 indeed, we are going to focus on PCO's role in the NSI
12 community. So if we can just scroll down now to page 3,
13 please. There. We can stop there where it says "Deputy
14 Clerk and National Security and Intelligence Advisor." So
15 this describes in this paragraph, essentially, the role of
16 the NSIA.

17 [No interpretation] explain what the role of
18 the NSIA is?

19 **MS. NATHALIE G. DROUIN:** Yes. The NSIA is
20 responsible for giving opinions to the Prime Minister and
21 advice. For this, it is supported by a different
22 secretariat, including the one that analyzes intelligence,
23 the secretariat in charge of national security and
24 intelligence, the one that's in charge of foreign policy and
25 defence policy and, more recently, we have a secretariat in
26 charge of supporting the work of this Commission.

27 So as my colleague explained earlier, one of
28 the main roles here when it comes to this question of

1 elaborating public policy, to give advice once we have
2 received the information from the different departments and
3 we have asked the questions as to the appropriateness of the
4 different measures suggested, the question of the reception
5 and the circulation of intelligence that comes up within the
6 Privy Council Office as well as all the way up to the Prime
7 Minister and, lastly, there's a question of all the advice on
8 foreign and defence policy.

9 **MS. SHANTONA CHAUDHURY:** And, Mr. Rogers, as
10 you mentioned you were the Deputy NSIA, and, Madam Charette,
11 I believe this was a role created under your tenure, so
12 perhaps you can explain what the genesis of that role was.

13 **MS. JANICE CHARETTE:** Thank you. The role --
14 the idea of having a Deputy National Security Intelligence
15 Advisor is -- this is not the first time that that position
16 has actually been established and been occupied. And when it
17 was created and Mr. Rogers was appointed in this instance, it
18 was really a reflection of kind of the workload facing the
19 National Security and Intelligence Advisor. I think we --
20 you've heard the context within which events that you're
21 looking at were taking place, very complex geopolitical
22 environment, a complex national security environment. And a
23 lot of requirements for the National Security Intelligence
24 Advisor are not just to be operating within Canada, but also,
25 importantly, to be part of international meetings, meetings
26 with some of our closest allies and partners, accompanying
27 the Prime Minister on some of his international obligations.
28 And so given the kind of the volume of work, the importance

1 of the issues, I thought it was appropriate that there be a
2 Deputy appointed, so that the work of the challenge function
3 and the coordination didn't all have to kind of go into
4 hiatus when the National Security Intelligence Advisor was
5 away that work could continue, and then two of them would
6 work very closely together with the Deputy Clerk and NSIA
7 supporting the NSIA.

8 **MS. SHANTONA CHAUDHURY:** Great. And so, Mr.
9 Rogers, as you explained, your role is essentially to support
10 the NSIA in whatever capacity is necessary?

11 **MR. DANIEL ROGERS:** That's correct.

12 **MS. SHANTONA CHAUDHURY:** Perfect. Okay. Ms.
13 Charette, you mentioned flow of information, so we're going
14 to go straight to that.

15 May I ask that the Court Registrar pull up
16 WIT 151, please. This is the in camera examination summary
17 of PCO former senior officials. And starting now with just
18 mechanics of how information is provided to the NSIA. Ms.
19 Thomas, I'll ask you to explain how that happened during your
20 tenure, and then I'll ask Mme. Drouin to explain any changes
21 that have occurred since. So, Ms. Thomas, can you explain --
22 and this discussion, I believe, starts around paragraph 20 of
23 the witness summary, so that might be a helpful aid.

24 **MS. JODY THOMAS:** Thank you. When I became
25 NSIA, my -- I received information every day in an
26 intelligence package from IAS. It included assessed pieces
27 of intelligence, the daily foreign intelligence bulletin that
28 IAS created, intelligence from around the world by our Five

1 Eyes colleagues and NATO allies, as well as intelligence
2 collected and produced by our own agencies. Range of
3 subjects, Ukraine, Haiti, wherever we had troops. China,
4 Russia, North Korea were of significant interest to me, and I
5 also had an interest in the Arctic. So the package is
6 tailored to both world events and the interests of the NSIA.
7 So I had flagged, for example, the Arctic. Domestic issues
8 such as ideologically motivated extremism, those were the
9 kinds of things that were in my package.

10 **MS. SHANTONA CHAUDHURY:** Okay. And can you
11 give us a sense of the volume of that package, sort a daily -
12 - your daily ---

13 **MS. JODY THOMAS:** It ---

14 **MS. SHANTONA CHAUDHURY:** --- reading?

15 **MS. JODY THOMAS:** --- it varied, and it grew.
16 A hundred pieces of paper a day, various sizes. It was a
17 lot. We did tailor it over time to things that were very
18 specific, but it could be a voluminous package.

19 **MS. SHANTONA CHAUDHURY:** Okay. So how did
20 you cope with a hundred pieces of paper per day?

21 **MS. JODY THOMAS:** My IAS team had it ready
22 for me. I tended to be in at 7:30, and I would have an hour
23 to an hour-and-a-half of reading each day before we got very
24 busy. And if I didn't get it finished, I'd mark where I had
25 left off. My team would read it for me and flag anything
26 that was really urgent that I needed to see.

27 **MS. SHANTONA CHAUDHURY:** Okay. Was there any
28 changes between the time of Madam Thomas was there and your

1 period?

2 **MS. NATHALIE G. DROUIN:** We've come from CSE,
3 CSIS, also from National Defence, thus the source of the
4 intelligence that we would be -- that the liaison officer
5 would bring us the information. And so it would vary
6 depending on what was going on in the world at the time. But
7 under the leadership of my colleague, we set up a system for
8 processing information to know what information was received
9 in the PCO and at what time and by whom. And so that system
10 allowed us to be sure that all actors had access to the
11 relevant information.

12 **MS. SHANTONA CHAUDHURY:** Okay. Now moving to
13 how information flowed from the NSIA to the PMO and the PM,
14 because we understand that one of the major roles of the NSIA
15 is to ensure that the Prime Minister is informed of what he
16 needs to be informed of in the intelligence front. So the --
17 if we scroll down a little bit to paragraph 24 in this
18 summary. Ms. Thomas, again, I'll ask you to explain how this
19 worked during your tenure as NSIA.

20 **MS. JODY THOMAS:** IAS also provided a package
21 of intelligence every day to PMO and to the Prime Minister.
22 And they had crow readings of highly compartmentalized
23 intelligence, as Nathalie Drouin has just explained. And
24 they also had weekly briefings with IAS where they'd have an
25 intelligence brief, PMO did, and we would brief the Prime
26 Minister verbally on very specific issues and if he had
27 questions about the intelligence that he had been sent.

28 I started to highlight in my package things

1 that I felt absolutely the Prime Minister and PMO, the Clerk,
2 needed to see, and often the package that would be sent, for
3 example, to the Clerk, she would see things that, knowing the
4 Prime Minister's schedule, she thought should be moved
5 forward to him. So it was really -- there was a standard
6 package, but also "If you're going to read anything today, it
7 needs to be this", kind of approach.

8 **MS. SHANTONA CHAUDHURY:** Okay. So just to
9 make sure we understand, that package was provided directly
10 by IAS to PMO, okay. So not through you, necessarily.

11 **MS. JODY THOMAS:** No.

12 **MS. SHANTONA CHAUDHURY:** Okay. And I think
13 there was some discussion when we spoke in camera about how
14 that package may have been over-inclusive.

15 **MS. JODY THOMAS:** There was more in it than
16 they needed to see, and so we tried to tailor it. I saw
17 intelligence that he would not need to, and example I gave
18 was I would see lots of intelligence that showed
19 longitudinal, latitudinal evidence of what the next Russian
20 move was going to be in Ukraine. The Prime Minister doesn't
21 need to see that, nor does PMO.

22 Really important for our discussions as a
23 deputy community in terms of what the Canadian NATO allied
24 understanding of what was going on in the war was, but not
25 necessary for the Prime Minister.

26 Madam Drouin, Mr. Rogers, can you speak to
27 any changes that have been made in the mechanics of how
28 intelligence goes to PMO under -- in more recent years?

1 **MS. NATHALIE G. DROUIN:** I'd like to start by
2 saying Madam Commissioner (sic) talked about the volume of
3 intelligence. We're talking of more than 70,000 documents a
4 year, and so what's the most important for the Prime Minister
5 and his office is his time. So you have to be able to send
6 what is most relevant, and this is evaluated based on
7 different criteria.

8 First of all, the events that are going on in
9 the world, events that the Prime Minister will be attending,
10 for example, if he'd be going to an international summit or
11 to a conference, if he were about to have a conversation with
12 another world leader from another, and if there's information
13 that he would need to know because actions need to be taken
14 immediately, and if the information -- if there's an aspect
15 of something that he had not yet ever heard of with respect
16 to that intelligence.

17 As I said earlier, to be able to better trace
18 what the Prime Minister and his office had read and had not
19 read, we -- Dan and myself, we have set up a system where
20 there is only our office who would determine what would be
21 going in the daily -- sorry, the weekly package that the
22 Prime Minister. There would also be recommendations from our
23 partners, from CSIS and CSE if something should be flagged to
24 the Prime Minister, but what would be sent would be based on
25 the criteria that I just mentioned, and also to be able to
26 ensure better traceability.

27 So the IAS documents are included or can be
28 included in the binder, the weekly binder that the Prime

1 Minister would receive.

2 **MS. SHANTONA CHAUDHURY:** Okay. So just to go
3 back on a couple of points there -- and I realize I fall into
4 the habit of using acronyms, too, so IAS, we mean the
5 Intelligence Assessment Secretariat.

6 **MS. NATHALIE G. DROUIN:** Absolutely.

7 **MS. SHANTONA CHAUDHURY:** Okay. And it's no
8 longer IAS providing it directly. It goes through,
9 essentially, your office.

10 **MS. NATHALIE G. DROUIN:** Exact.

11 **MS. SHANTONA CHAUDHURY:** Okay. And just to
12 go back for a moment on this idea of the volume of
13 intelligence as well. I think you said "plus de 70 000", so
14 more than 70,000 intelligence products.

15 And can you tell us, broadly speaking, that's
16 intelligence produced by the Canadian national security
17 community or does it include Five Eyes intelligence? What is
18 that 70,000?

19 **MS. NATHALIE G. DROUIN:** As I said, we are
20 receiving this information at PCO through the CRO, and it's
21 coming from CSIS, CSE and, of course, CSIS and CSE do have
22 relationship with our partners, as we usually say, the Five
23 Eyes.

24 We are also receiving information from DND
25 and CAF, as they do have intelligence capacity. At CSIS we
26 have also ITAC responsible to do some assessment when it
27 comes to terrorism and extreme violence, so all that is being
28 received at PCO.

1 **MS. SHANTONA CHAUDHURY:** Okay. I'm not going
2 to try and do the mental math, but that works out to more
3 than 1,000 per week, 1,000 products.

4 **MS. NATHALIE G. DROUIN:** Yeah.

5 **MS. SHANTONA CHAUDHURY:** Mr. Rogers?

6 **MR. DANIEL ROGERS:** Yeah. I mean, rough
7 order of magnitude. That will fluctuate year over year, but
8 yes, it's a very high volume, in the many tens of thousands.

9 **MS. SHANTONA CHAUDHURY:** Okay.

10 **MS. NATHALIE G. DROUIN:** And maybe just in
11 terms of the variety of subject that is covered through that
12 package, here we are focusing on foreign interference. This
13 is an important topic. But we can receive information on
14 geopolitical, on the situation in the Middle East, the
15 situation in Ukraine, on transnational repression, on
16 sabotage, on economic security, so the variety of the main is
17 very broad.

18 **MS. SHANTONA CHAUDHURY:** Okay. And we
19 understand, as I've mentioned already, and you have as well,
20 part of the role of the NSIA is to filter through that and
21 provide the Prime Minister with what he needs.

22 So speaking of the role of the NSIA, there
23 have been some suggestions made in various reports or
24 discussions that have happened in and around the Commission's
25 proceedings that I believe NSIRA suggested that perhaps the
26 role of the NSIA should be formalized in a legal instrument.

27 There has been suggestions that it should be
28 legislated, and I believe one other suggestion that's come up

1 is that a mandate letter be given.

2 Ms. Thomas, maybe starting with you, what are
3 your views, if any, on the formalization of that role?

4 **MS. JODY THOMAS:** Difficult to speak about a
5 job you did in that manner, but I don't see the value in
6 legislating the role. I'm not sure you can legislate
7 judgment.

8 The role of the NSIA changes depending on the
9 government and the Prime Minister's expectations of you. It
10 also changes depending on what's going on in the world. And
11 some NSIAs have had very, very busy tenures and others have
12 had less, just depending on where we are as a country, where
13 we have troops, and the geopolitical situation. So I'm not
14 sure that I think or agree that legislation of the position
15 is useful or necessary.

16 I do think that the decision to make Madam
17 Drouin Deputy Clerk was helpful. It elevates the position
18 and it gives it a bit more force, for lack of a better word.
19 And I do think a mandate letter is helpful.

20 **MS. SHANTONA CHAUDHURY:** Okay. Picking up on
21 those two -- those items, Mr. Hannaford, I believe the
22 decision to make it a Deputy Clerk position was under your
23 tenure.

24 **MR. JOHN HANNAFORD:** Prime Minister's
25 decision, but yes, it was under my tenure.

26 And the idea was in part, as Ms. Thomas just
27 suggested, to signify that the role takes on particular
28 importance right now. We are in a time where there's real

1 geopolitical challenges, there are real pressures on Canada
2 from a number of different directions, and so recognizing
3 that the role of the NSIA is of critical importance and
4 elevating that role to the rank of Deputy Clerk was seen as a
5 signal of that and came with a couple of then important
6 points of leverage.

7 One of them is that by virtue of being the
8 Deputy Clerk, Ms. Drouin, I and the other Deputy Clerk, Ms.
9 Fox, work together to consider who should be in what job over
10 the course of, you know, our tenure. That is actually a
11 fairly important role, then, in terms of kind of managing the
12 overall community of Deputy Ministers.

13 And Madam Drouin is also on what we call the
14 Committee of Senior Officials, which is responsible for the
15 assessment of other Deputy Ministers as well, and therefore,
16 their performance pay.

17 And those are, again, points just to
18 designate this role as being of central importance.

19 To pick up on the point that Ms. Thomas was
20 just exploring, the challenge with legislation, I think, is
21 twofold. It either could be of sufficient -- such generality
22 as to not add very much. You could just describe -- give the
23 title and get very broad kind of perspectives as to what the
24 role could do. That's not likely to actually be massively
25 significant, then, in the way the role actually is executed.
26 And the challenge with that, and similarly the challenge if
27 the role is described too tightly, is that it can't then
28 adjust to circumstances as they change.

1 And having observed the job being done by a
2 number of different people, the times matter a lot as to how
3 the job is manifest, and so I think it's important that we
4 recognize that that change is actually a feature of the role
5 and that we don't lock ourselves into something that may be
6 relevant at a given moment in time but not relevant as time
7 passes.

8 I do think the issue around a mandate letter
9 is something that we very actively have discussed. There's
10 merit to it. I don't think it's necessary in the sense that
11 the job is being done now without a mandate letter. It's
12 being done well. But there is value in having some degree of
13 specificity as to what the Prime Minister's expectations are.
14 Those are communicated in various ways now without a mandate
15 letter, but that's the kind of nature of the debate with
16 respect to that instrument as a way of defining the role.

17 **MS. SHANTONA CHAUDHURY:** Thank you. That's
18 helpful. On the general topic of flow of information now,
19 we're going to speak about two particular products that have
20 come up again in the Commission's proceedings and various
21 reviews. Sticking with 151, and Ms. Thomas, these questions
22 will be for you.

23 If we can scroll down to paragraph 35,
24 please?

25 So we'll start with a document that's become
26 known as the PCO Special Report. And essentially this was an
27 IAS product, an assessment of PRC foreign interference. So -
28 - and it was a document that we understand was prepared

1 before you became NSIA, Ms. Thomas, but can you give us your
2 recollection of the genesis of this document, how it came to
3 your attention, and what happened from there?

4 **MS. JODY THOMAS:** Yes. Happy to do that. I
5 was made aware of the document quite early in my tenure, one
6 of my first bilats with the Assistant Secretary for the
7 Intelligence Assessment Secretariat, Mr. Green, whom you
8 heard from earlier this week, and he gave it to me to read.
9 It was requested, it was commissioned by my predecessor, who
10 just wanted to see all of the intelligence that we had on
11 foreign interference from the PRC or by the PRC in one
12 location.

13 Mr. Morrison, I think has testified that he
14 read it and had some questions about it.

15 I was given it, as I said, earlier in my
16 tenure. I read it. I had some questions that I sent back to
17 the IAS Secretariat. When I was questioned about it again by
18 Mr. Green, about what to do with it, I suggested that it
19 should go through its normal governance.

20 And when we talk about governance, it's a
21 really essential element of the process within PCO and within
22 the intelligence world to ensure that the products that are
23 produced have been peer reviewed. So there are committees at
24 the Director General Level and at the Assistant Deputy
25 Minister level to peer review these documents before they
26 move on.

27 And many documents don't leave that process.
28 They stay at the ADM level. They're disseminated and

1 distributed through the normal channels. And the peer review
2 process, the governance, is really critical to ensuring that
3 everybody agrees with the assessment and with the
4 intelligence that is being used to support the assessment.

5 **MS. SHANTONA CHAUDHURY:** Okay. So was it
6 your understanding that Mr. Green was waiting for your
7 approval before doing anything further with the report?

8 **MS. JODY THOMAS:** No, it was not.

9 **MS. SHANTONA CHAUDHURY:** Okay. And would
10 IAS, on its own, have the authority to disseminate that
11 report if it wanted to?

12 **MS. JODY THOMAS:** Yes, they would.

13 **MS. SHANTONA CHAUDHURY:** Okay. I believe Mr.
14 Green indicated that he wouldn't be comfortable doing
15 anything further with that report because of the sensitivity
16 of the intelligence in it and that CSIS would have to
17 probably be involved in that process. Is that your
18 understanding as well? And if so, did it mean that it had to
19 go through you as well?

20 **MS. JODY THOMAS:** So it did not mean that it
21 needed to go through me, and that is exactly why we have a
22 governance process, that CSIS agrees with the product and how
23 it has been produced, and how it will be released. But it is
24 done under the authority of IAS.

25 **MS. SHANTONA CHAUDHURY:** Okay. And why is
26 that?

27 **MS. JODY THOMAS:** They're an independent
28 shop. They're an independent organization. Well, they

1 report within the NSIA, that -- it is under the Assistant
2 Secretary -- everything is released under the Assistant
3 Secretary's signature, is to ensure that there's not
4 political influence or influence, I guess, in terms of the
5 assessments made.

6 **MS. SHANTONA CHAUDHURY:** Okay. So
7 essentially IAS has the authority to publish ---

8 **MS. JODY THOMAS:** Yes, right.

9 **MS. SHANTONA CHAUDHURY:** --- on its own, and
10 that's a feature of the system?

11 **MS. JODY THOMAS:** It is absolutely.

12 **MS. SHANTONA CHAUDHURY:** Okay. Speaking of
13 what made the Special Report special, one thing we heard from
14 Mr. Green, I believe, was that it was an innovative product
15 and something we've discussed too, because this combined
16 foreign intelligence and domestic intelligence. Can you help
17 us understand what's innovative about that? It doesn't sound
18 all that innovative to the laymen's ear, let's say.

19 **MS. JODY THOMAS:** I think for the
20 intelligence professionals, they tend to work in silos. And
21 so they work on foreign intelligence or they work on domestic
22 collection, and it was the first time that those were brought
23 together. It could have been called a joint report.

24 **MS. SHANTONA CHAUDHURY:** Okay. And we
25 understand that that now has become part of the Intelligence
26 Assessment Secretariat's *modus operandi*. They now do that
27 more often.

28 Mr. Rogers, Madam Drouin, would that accord

1 with your recollection?

2 MS. NATHALIE G. DROUIN: Yes.

3 MR. DANIEL ROGERS: Yes.

4 MS. SHANTONA CHAUDHURY: Okay.

5 MS. JANICE CHARETTE: Maybe before --- are
6 you going to finish on this topic?

7 MS. SHANTONA CHAUDHURY: If you have
8 something to add, please do.

9 MS. JANICE CHARETTE: If I could, thank you,
10 because I was in the role of the interim clerk through Mr.
11 Morrison's commissioning of this product and then Ms. Thomas
12 receiving the product.

13 And I think, you know, we had come out of the
14 2021 Election, Mr. Morrison had been the Acting National
15 Security Advisor through that, and a member of the Panel of
16 Five, and we'd had many conversations about, and received a
17 number of, you know, individual products related to the
18 activities of the People's Republic of China with respect to
19 foreign interference, or attempts at foreign interference,
20 and conversations with Mr. Morrison were really like, "Can we
21 try and get a handle on not just what their capabilities are,
22 what evidence we might see of what they're doing, but is it
23 having an impact? Are their efforts being effective? How
24 much resources are being deployed in this?"

25 And so that, you know, intelligence -- the
26 Intelligence Assessment Secretariat at the Privy Council
27 Office, you know, I think has done really good work for us.

28 And I think Mr. Green, and I think all of us,

1 are quite proud of the work that that team has done, and this
2 is an example, I think, of them trying to respond to a set of
3 questions from their boss, the National Security Intelligence
4 Advisor, around help us to better understand.

5 That is kind of the work that an Assessment
6 Secretariat does. It picks -- it looks across a variety of
7 products and tries to assess it to try and actually provide
8 additional understanding about what does this all mean.

9 And so that work was underway and the
10 governance or the peer review process is really to try and
11 make sure that we're tapping on the expertise across the
12 public service in terms of making sure that that product
13 really is robust and rigorous in terms of doing that
14 assessment.

15 At the same time as the, kind of that
16 governance tasking was done, or the please put it out into
17 the community for further review, the Intelligence Assessment
18 Secretariat was also being tasked, as I recall, with some
19 pretty significant other responsibilities because, at the
20 same time as this was going on, this was January/February
21 2022, we were dealing with the arrival of the convoy here in
22 the Nation's Capital and events related to borders across the
23 country. We've talked at length about that. But as well, we
24 were starting to see and hear a lot through our work with our
25 trusted allies around Russia's plans for invading Ukraine.
26 And so the Intelligence Assessment Secretariat was being
27 called on to provide a lot of products to the National
28 Security Intelligence Advisor to assist her in doing her job

1 and providing advice to the Prime Minister.

2 **MS. SHANTONA CHAUDHURY:** Thank you. That's a
3 helpful reminder that although I direct these questions
4 generally to one person, if others have things to add
5 relevant, you should feel free to do so.

6 Unless anyone has anything else to say, I'll
7 move on to the next paper. Okay. Thank you.

8 This one is the targeting paper.

9 And if we can scroll down to paragraph 42 of
10 the same document.

11 So the targeting paper was essentially, we
12 understand, to be a paper produced by CSIS originally in 2021
13 that essentially explained PRC foreign interference
14 activities targeting Canadian political actors for influence
15 or for interference, depending on how you look at it.

16 And this, again, was a paper originally
17 prepared in 2021, for various reasons not published until
18 2023.

19 And again, Ms. Thomas, starting with you, can
20 you give us your recollection of how this paper came to your
21 attention and what was done with it subsequently?

22 **MS. JODY THOMAS:** Yes, thank you. So the
23 paper was in my reading package, and as I read it, I had a
24 couple of concerns. The first one was I thought the
25 distribution list was very broad. And I think I'll situate
26 that by saying we were experiencing significant leaks of
27 intelligence, and partial leaks of intelligence at that time,
28 and we still did not know who the leakers were. And so I

1 thought it was a very broad distribution list and I noticed
2 some people on the list who were no longer in jobs where they
3 had a need to know this information.

4 So we all know that intelligence, the ability
5 to access intelligence is based on clearance and the need to
6 know. And I thought that I had been quite aggressive about
7 the need to know and how broadly intelligence was being
8 distributed within our system in general. And so I had
9 questions about this particular report and its distribution
10 list.

11 Secondly, normally when there is a name of a
12 individual; a politician, a private citizen, in a CSIS
13 report, it's masked, we don't see the name. And the names in
14 this report were unmasked, and I wanted to know why. Why
15 were they doing this? Because, again, in the environment of
16 leaks, that was going to look very salacious if it was leaked
17 partially or those names released.

18 And, thirdly as I read it, I had some
19 questions about whether this was interference or influence.
20 And understanding that that's not a black and white line and
21 things evolve; it's a very grey environment. Things that
22 start off as influence can move into the interference space
23 if they become covert or clandestine. I wanted to have a
24 discussion about that, and so I brought Deputy Ministers
25 together to have that discussion.

26 **MS. SHANTONA CHAUDHURY:** And what happened
27 when that discussion occurred?

28 **MS. JODY THOMAS:** The Deputy Ministers had

1 the same concerns as I did, and so CSIS agreed that they
2 would edit, mask the names, tighten up the language; again,
3 sort of a peer-review discussion, and redistribute it.

4 **MS. SHANTONA CHAUDHURY:** So create,
5 essentially, a more -- a shorter, more sanitized version of
6 the paper. Okay. And what was your understanding of what
7 was to be done with that paper? More specifically, was that
8 destined for the Prime Minister?

9 **MS. JODY THOMAS:** I did not leave that
10 meeting with the expectation that this was destined for the
11 Prime Minister.

12 And I think it's important as we talk about
13 what goes to the Prime Minister to understand sort of the
14 ecosystem. As Madame Drouin has said, 70 to 71,000 pieces of
15 intelligence every year. There is no one person in the
16 Government of Canada who sees all 71,000 pieces. People at
17 the analyst level see a lot on one or two subjects because
18 they're experts in it, but as you move up the system, the
19 access and the reading of the intelligence is broader but
20 more narrow. I will see less than the assistant secretaries
21 who work for me. The Clerk probably will see less than I do,
22 and the Prime Minister a subset of that.

23 And so the Prime Minister doesn't see all
24 pieces of intelligence that we see. Nor does he need to.

25 It's important as well that Ministers see
26 this because they have accountabilities. So in this
27 particular piece, because it was 2023, not 2021; if it had
28 been released in 2021 maybe there would have been a different

1 decision made or a different thought process, but in 2023, I
2 thought this was an important piece, well done. All the
3 pieces are well done, but an important piece for Ministers
4 and their Deputy Ministers to be able to start to form policy
5 advice about this means, this particular document, what it
6 means, what its contents actually -- how they actually affect
7 Canada and decisions in our Parliament.

8 And so I did not leave that meeting with any
9 expectation that it was going to go to the Prime Minister
10 necessarily, not by default, and that it -- we were waiting
11 for the second version.

12 **MS. SHANTONA CHAUDHURY:** Okay. Did you
13 receive the second version?

14 **MS. JODY THOMAS:** I did not while I was still
15 the NSIA.

16 **MS. SHANTONA CHAUDHURY:** Okay. So there's a
17 conclusion in the NSIRA Report that you decided not to
18 provide that sanitized version to the Prime Minister in the
19 end. Is that correct?

20 **MS. JODY THOMAS:** Well, I'd like to note that
21 neither NSIRA or NSICOPS spoke to me but, no, that's not
22 correct. And I think there was an exchange with my then
23 office after I retired, and that conclusion is incorrect.

24 **MS. SHANTONA CHAUDHURY:** Okay.

25 **MS. JANICE CHARETTE:** Can I add a few things
26 to this one as well?

27 I was at the meeting that Ms. Thomas convened
28 of Deputy Ministers. We were having a number of meetings at

1 this point in time around coordination on matters related to
2 foreign interference. And so the term "Targeting paper" is
3 one thing I just want to focus on. It does leave kind of an
4 impression in the mind. And I would here go about draw on my
5 experience as High Commissioner, and I've also seen this done
6 in the context of, you know, Canadian priorities when we're
7 working with parliamentarians in other countries. And here
8 -- target here implies, you know, a list of individuals who
9 you may be trying to influence. We -- you know, when we were
10 negotiating the Canada-UK Continuity Agreement, that trade
11 agreement with the United Kingdom after the United Kingdom
12 left the European Union, that piece of legislation went
13 through the UK Parliament, and as a High Commissioner I had
14 lists of parliamentarians who I was trying to make sure were
15 aware of Canada's position. I knew that there were some who
16 were opposed and had concerns, and so they would be -- there
17 was different lists; people who are onside, people who are
18 opposed, people who may be, with the right information and
19 more -- and some conversations, could be moved to a different
20 position of support.

21 So I think the targeting paper is the list of
22 parliamentarians who, you know, another country with whom we
23 have diplomatic relations was going to be trying to
24 influence.

25 You know, we have to be careful about, you
26 know, just the terms and what really lies behind that. So
27 this -- you know, is this interference or is this influence?
28 The fact that there are lists of names that foreign diplomats

1 may be trying to approach, you know, overtly, you know, in
2 public, that's one thing. I think it's the question of, you
3 know, what's done with that list. Is it being used covertly?
4 Are there, you know, parliamentarians who are being
5 threatened or something? That would be on the interference
6 side of the scale. And so that's really, you know, why
7 Deputies were coming together. That's why we draw on the
8 breadth of experience across the community, and the knowledge
9 of the community to really try and understand what's
10 happening here.

11 And the other thing I guess I would add, and
12 it goes to Ms. Thomas's comments about kind of the masking of
13 identities. Our focus when we're looking at foreign
14 interference is to try to understand what the hostile acts
15 are by the state actors. What are people who are trying to
16 work against Canada's interests trying to do? Who they are
17 actually focusing their efforts on is not necessarily --
18 unless there is a threat to kind of physical threat or a
19 threat to individual or their family, our focus has to be on
20 the analysis of what the threat actor is up to and what, if
21 anything, Canada needs to do to be able to counter that, to
22 be able to deter that.

23 And so we have to put the emphasis, I think,
24 on the right side of the equation here; what -- are we
25 surveilling and picking up this information; are we detecting
26 it adequately; and what do we need to do to deter it? That's
27 the focus of the conversation oftentimes.

28 The last thing I'll say is, as Ms. Thomas,

1 again, pointed out, May of 2023, we were in an environment
2 where there was an awful lot of information in the media, and
3 we were having -- I personally as well as, I think, Ms.
4 Thomas, were having a lot of conversation with the Prime
5 Minister and the Prime Minister's Office about what was being
6 in the media, what was actually in the volume of holdings,
7 what did we know, what was truth, what was perhaps not being
8 accurately reported. And in almost every case, and when we
9 dealt with a matter, we would have a conversation, "Okay,
10 does the Prime Minister need to know this or not?"

11 So almost every conversation at the time,
12 because of the amount of public material that was out there,
13 we would have this conversation, but I don't think -- I also,
14 as Ms. Thomas said, did not leave that meeting with the
15 impression that this product, once it had been cleaned up and
16 the questions addressed, was destined for the Prime Minister.

17 **MS. SHANTONA CHAUDHURY:** Okay.

18 **MS. JODY THOMAS:** And if I could just add one
19 more point? In terms of how information flows, the NSIA is
20 -- does provide information, intelligence products and
21 briefings and advice to the Prime Minister, absolutely.

22 The concept of ministerial accountability is
23 really important here. And so one of the benefits of our
24 community, the national security community, is we do meet
25 frequently -- and we'll talk about that a bit -- maybe
26 sometimes too frequently, but we meet frequently, and we
27 discuss products. We analyze them; we debate their merits,
28 what we think of them.

1 Any member of that community, an agency head,
2 a Deputy Minister, who doesn't agree with sort of the
3 collective thought has the ability, and should, has the
4 accountability to go directly to their Minister if they
5 disagree. And those Ministers have accountabilities to the
6 Prime Minister and to their departments to direct work.

7 If there was a question here, the Minister
8 should have been involved. And with this particular piece,
9 as I think I've already said, in 2023 two lead Ministers,
10 Minister Joly and Minister LeBlanc would be interested in how
11 they use this in their policy work with countering foreign
12 interference, and to work with embassies and ambassadors and
13 diplomatic teams in Canada.

14 **MR. JOHN HANNAFORD:** Can I -- sorry, could I
15 just underline two points? You invited us to.

16 **MS. SHANTONA CHAUDHURY:** I did. I may regret
17 that decision, but I did.

18 **MR. JOHN HANNAFORD:** Just the two points.
19 The first is just to build off of Janice's observations about
20 the line between foreign interference and foreign influence.
21 Because I think what all of this -- all of our comments kind
22 of go to is the very fact-specific nature of that sort of
23 inquiry. That it is not -- it's very rare, in my experience,
24 that you have bright lines in this sort of enterprise. It's
25 more that you have to really immerse yourself in the facts.
26 And one of the things that that means then is in order to
27 assess a set of facts, the kind of governance we have is kind
28 of critical, because it requires a bunch of different

1 perspectives to be brought to bear on the information that we
2 have, to try and assess then what the significance of that
3 information is. And that is a very context laden piece. And
4 maybe as a corollary to that, it gets the mandate of the
5 NSIA.

6 The NSIA, one of their roles is to bring
7 together that kind of governance in order to have that degree
8 of rigour. There are many, many ways for information though
9 to be communicated, and it does not all pass through the
10 NSIA. Jody mentioned the possibility of involving ministers,
11 and, of course, that's all good. Deputies have direct
12 accountability to their ministers. There's also me, and
13 there is always -- like, we are a community within the deputy
14 minister world, and so that is also an opportunity for
15 information to be shared. Thank you.

16 **MS. SHANTONA CHAUDHURY:** Thank you. So if we
17 just close the loop on this particular story, scroll down,
18 please, to paragraph 50 of the witness summary. Paragraph 50
19 and 51, actually. So, essentially, what appears to have
20 happened with this one is essentially mechanical. There was
21 a revised distribution list that was supposed to be created,
22 and the analyst involved with the paper never got that
23 distribution list. In your view, you've already mentioned
24 the distribution list, Ms. Thomas, whose responsibility would
25 it have been to recreate that, to update it?

26 **MS. JODY THOMAS:** CSIS. They own the
27 intelligence.

28 **MS. SHANTONA CHAUDHURY:** Okay. Okay. Moving

1 on to a topic that, actually, Ms. Thomas, I think you
2 introduced a little bit in terms of -- you all have --
3 speaking to each other, committees, and perhaps the
4 restructuring of the committees. We've talked about this at
5 some length with your colleagues at S&I, so we won't go
6 through this in any great depth, but, Mr. Rogers, can you
7 give us a brief overview of that process and where it's at?

8 **MR. DANIEL ROGERS:** Yes, certainly. Thank
9 you. You've heard a little bit about governance examples
10 already. I think it's important to note that, you know,
11 governance is the primary way that the community comes
12 together to discuss important, complex issues. So as I
13 mentioned earlier on in the convening role of PCO, it's very
14 normal for a complex issue to involve many departments and
15 engage many ministerial accountabilities. And so we have a
16 system of normally committees at the deputy minister level,
17 supported by committees at other levels of government to
18 discuss a variety of issues, and we have to make
19 determinations as public service and what the scope of those
20 committees are and how to make them the most effective and
21 efficient as possible given the breadth of topics that we
22 have to cover.

23 Right now, we have a number of committees
24 that have come up during some of these proceedings, including
25 the Deputy Minister Committee on Intelligence Response where
26 we talk about when we receive intelligence what we should do
27 with it as a community. We have things like the Deputy
28 Minister Operational Coordination Committee where deputies

1 will once a week speak about operational issues that are
2 prominent or need deputy-level attention. We have the Deputy
3 Minister Committee on National Security where we might
4 discuss policy options with a broader group of deputy
5 ministers and departments. And many more.

6 What we discovered and started to become
7 cognizant of as the world evolved, and more and more issues
8 were coming to our attention that were more and more complex,
9 is that we were, as Ms. Thomas alluded to earlier, meeting
10 more frequently with the same number of deputies. And
11 although this was effective in our ability to deal with
12 issues because we were, you know, discussing them very
13 regularly, it also led to the realization that we could find
14 some efficiencies if we started to structure that a little
15 bit differently, or at least that was the theory. For
16 instance, you might end up with a situation where deputies
17 would be meeting and discussing the same issue at multiple
18 committees because of the various different attendances or
19 terms of reference for those committees. And if we could
20 find a way to do that in just one committee effectively, that
21 could reduce the workload while still addressing the issue.

22 I asked the S&I Secretariate within PCO to
23 consider that and to come up with options. They came up with
24 a rather provocative set of options and the intent was to
25 consult that across the various national security
26 departments, and then work through a process to come up with
27 some new recommendations. We thought of things like having
28 more centralized secretariate support, the idea that we would

1 have better and more predictable forward agendas where
2 possible, so that we can engage other levels of committees to
3 support deputy ministers better and to have a more systemic
4 response to certain issues and a variety of other things.
5 That process progressed, and there have been a number of
6 deputy minister meetings to talk about those new terms of
7 reference.

8 We're in a space now where we're nearly
9 finalized, the team are drafting terms of reference. Those
10 will very soon, I think, go back to the community for final
11 approval. And we're looking at, you know, reducing the
12 number of committees to a smaller number, including one to
13 manage operations, one to manage policy. We still have a
14 security committee, and we're considering, you know, whether
15 there are one or two others based on the volume of issues
16 like informed policy or economic security that we're still
17 finalizing.

18 **MS. SHANTONA CHAUDHURY:** Okay. So it was
19 essentially a streamlining process?

20 **MR. DANIEL ROGERS:** Yes.

21 **MS. SHANTONA CHAUDHURY:** Okay.

22 **COMMISSIONER HOGUE:** And when do you think
23 this new structure will be in place?

24 **MR. DANIEL ROGERS:** It is a good question,
25 and I should prefix my answer with this is an exercise that I
26 think we all undertook in the spirit of continuous
27 improvement. When there were operational reasons to adjust
28 quickly, we did so, and that's why things like the Deputy

1 Minister Committee on Intelligence Response was stood up in
2 advance of this exercise being finished and why we have *ad*
3 *hoc* meetings on certain topics. So we've never undertaken
4 this governance review processes as a matter of urgency. We
5 took it on as a matter of continuous improvement, which may
6 explain why it has taken some time. That's a deliberate
7 choice. I would expect, although it will be for Mme. Drouin
8 and others to finalize that within, you know, a number of
9 weeks or a small number of months this would be finalized.

10 **MS. NATHALIE G. DROUIN:** Since we met in
11 August, DMs have land on the set of DMs committee they would
12 like to have. S&I is developing some terms of reference. We
13 have accepted to have a centralized secretariate located in
14 PCO, so we are advancing to that.

15 One thing that I think is important to say is
16 that our internal governance has to be agile and flexible.
17 You know, four years ago, and even two years ago, we were not
18 talking about at -- to that extent about protection of our
19 elected officials. Now we have a DM committee dedicated to
20 that effect because the level of threat is different. So we
21 need to be able to adjust and make sure that we can create
22 those committee to look at the threat and develop the
23 appropriate measures.

24 **MS. SHANTONA CHAUDHURY:** The next topic I
25 want to talk about under the rubric of restructuring national
26 security governance, I'll ask the Court Reporter to pull up
27 the IR again, which is CAN.DOC 36, and scroll down to page 6.

28 So this innovation is the National Security

1 Council. So we'll just wait for the document to be pulled up
2 and I'll take you to the paragraph that describes it. There
3 we go. Just scroll down -- no, scroll up a little bit.
4 There we go.

5 So we understand that this is a new Cabinet
6 committee dedicated specifically to the issue of national
7 security. So, Mr. Hannaford, Mme. Drouin, I don't know which
8 of you is best placed or would like to take this question,
9 but to explain what the national security is, why it was
10 created, what it adds to the system and how it functions.

11 **MS. NATHALIE G. DROUIN:** If you allow me, I
12 would like the Clerk and the former Clerk to talk about the
13 genesis of the NSE and then I can talk about how we operate
14 it.

15 **MS. SHANTONA CHAUDHURY:** Sure.

16 **MR. JOHN HANNAFORD:** Okay. So I'll start.
17 So National Security Council I think is extraordinarily
18 important for a number of reasons. One of them is it
19 provides us with another layer of governance to address the
20 geopolitical challenges that we've been mentioning over the
21 course of this morning. And I -- the critical aspect of this
22 is that it brings together the intelligence and the policy
23 worlds, so that there is a coherent kind of strategic sense
24 as to what it is that we should be focusing our energies on,
25 and the kinds of results that we're trying to achieve.

26 So it is conversation that can happen under
27 the chairmanship of the Prime Minister with all of the key
28 Ministers and all of the key officials around the table with

1 that sort of strategic frame in mind, and again, drawing off
2 of all of the aspects of the national security community so
3 as to have that coherence.

4 It's inspired by a few experiences. The
5 government had used and continues to use incident response
6 groups as a way of dealing with immediate crises, and those
7 are meetings of senior ministers, including the Prime
8 Minister, to address, you know, an event that requires that
9 degree of, kind of, attention.

10 The IRG, one of the working methods of the
11 IRG was to include in those conversations not only the
12 Ministers, but also senior officials at the table. So again,
13 to have kind of coherent response to the crisis that's being
14 addressed. That is then systematized in the National
15 Security Council context. So the same kind of working
16 method, but again, with an agenda that is predetermined as an
17 intended -- as a kind of ongoing strategic case and also
18 allows for kind of an iterative approach to the work that
19 we're doing so that matters can come back to the National
20 Security Council so as to see the kind of progress on the
21 work that has been initiated.

22 The other piece of this, and it gets back to
23 the role of the NSIA, is Madam Drouin is also the Secretary
24 to that committee, and in addition to the points of leverage
25 that I mentioned earlier, that Secretariat role is of real
26 importance, again, as an integration point within the Privy
27 Council Office for the entire system across the government.

28 **MS. SHANTONA CHAUDHURY:** Madam Charette, were

1 you going to speak on this as well?

2 **MS. JANICE CHARETTE:** Well the National
3 Security Council was stood up when Mr. Hannaford was in the
4 role of the Clerk.

5 I'll just say kind of a couple of experiences
6 where we were using the Incident Response Group to what were
7 kind of evolving geopolitical situations, you can think of
8 the situation of, you know, Canada's support for Ukraine
9 against the unlawful invasion by Russia, or the very
10 difficult situation in Haiti and what, if anything, Canada
11 would be doing to contribute to stabilization efforts there.

12 The IRG tends to be, I think, better suited,
13 with our experience, for floods, and fires, and very tactical
14 kinds of emergencies, where as it is less well-suited for
15 kind of a more strategic conversation. You know, what can we
16 see coming? What are some of the considerations? What are
17 some of the options? Who are the other players, and
18 particularly outside of Canadian borders?

19 So I think the National Security Council
20 allows that kind of more strategic approach on understanding
21 Canadian interests and Canadian opportunities to be involved
22 in a much more coherent fashion. And it allows kind of, I
23 would say, two-way setting of priorities. Information can be
24 fed up to the Prime Minister and his group of Ministers and
25 senior officials so that they are paying attention to an
26 issue, but equally, the Prime Minister and Ministers can send
27 messages down to the community about what's important to them
28 and where they want to put effort.

1 In a world of, you know, scarce resources and
2 competing priorities, I think the National Security Council
3 is a really important innovation and I'm glad to see it's
4 taking place.

5 **MS. SHANTONA CHAUDHURY:** Madam Drouin?

6 **MS. NATHALIE G. DROUIN:** [No interpretation]
7 the National Security Council, both are chaired by the Prime
8 Minister.

9 But the Cabinet, on a day-to-day basis, will
10 be informed of a memorandum to Cabinet where they are given
11 options and a specific decision will be taken, do we
12 introduce such a Bill or not, and if we do, what would be the
13 different proposals.

14 The National Security Council will examine
15 questions at a different level and the decisions will be
16 decisions to steer. What can we do to improve our relations
17 with a given country? What can we do to solidify our
18 economic stability? What should we do to look at supply
19 chain issues?

20 So there are different measures that will be
21 taken, but those are not specific decisions. And then at the
22 end of a meeting, for example, at the National Security
23 Council, each of the Ministers will leave with some homework
24 and develop the measure in question to eventually get it
25 approved by Cabinet. So it's really a body that works
26 strategically and gives steering decisions, policy decisions
27 rather than a given transaction.

28 The other difference, as the Clerk was

1 saying, the Ministers are equipped with a briefing on
2 intelligence, and that is part of the different steps of a
3 meeting. We will determine the topics, the topics are
4 determined ahead of time. We will elaborate a policy
5 document, not a memorandum to Cabinet. We will gather all
6 the relevant intelligence for that given file. We will
7 provide briefing to the Ministers and then we will have the
8 discussion with, as the Clerk was saying, the senior
9 officials around the table and there will be the opportunity
10 to share their expertise and their opinion.

11 **MS. SHANTONA CHAUDHURY:** Who are the members
12 of the Council?

13 **MS. NATHALIE G. DROUIN:** Well, the official
14 members other than the Prime Minister, who is chairing the
15 meeting, you will have Public Safety Minister, Defence
16 Minister, Finance Minister, Innovation and Science Minister,
17 Foreign Affairs Minister, Justice Minister and the Minister
18 in charge of Civil Safety and Emergency Preparedness. But
19 depending on the topics, there can be *ad hoc* invitations sent
20 out to certain Ministers.

21 **MS. SHANTONA CHAUDHURY:** What is the
22 frequency of these meetings?

23 **MS. NATHALIE G. DROUIN:** We try to do it
24 every five to six weeks.

25 **MS. SHANTONA CHAUDHURY:** Would it be fair to
26 say that this is -- the National Security Council has sort of
27 either encouraged or developed these ministerial
28 accountabilities that Ms. Thomas was referring to before?

1 **MR. JOHN HANNAFORD:** Yes. I think that
2 certainly it reinforces the roles of individual Ministers,
3 but it also recognizes that there are transcending issues
4 that require coordination, as between areas of
5 accountability. So it is -- at the very highest level of the
6 government, it is, you know, an opportunity to make sure that
7 there's coherence in the way that mandates are being
8 exercised.

9 **MS. SHANTONA CHAUDHURY:** Okay. That actually
10 leads into the next topic we're going to explore, which is
11 this idea of coordination specifically around foreign
12 interference.

13 And I'll ask the Registrar to pull up now
14 CAN44228.

15 **--- EXHIBIT No. CAN044228 R01 0001:**

16 Deputy Minister Committee for
17 Intelligence Response (DMCIR) Meeting
18 Minutes

19 **MS. SHANTONA CHAUDHURY:** So Ms. Thomas, these
20 questions are going to be for you. These are notes, draft
21 minutes, I believe, from a DM CIR meeting that took place on
22 October 12th, 2023. They've come up a few times already in
23 the Commission's proceedings, but there's some questions I'd
24 like you to speak to specifically.

25 So you chaired this meeting, Ms. Thomas?

26 **MS. JODY THOMAS:** I did.

27 **MS. SHANTONA CHAUDHURY:** Okay. And you have
28 a recollection of it?

1 MS. JODY THOMAS: I do.

2 MS. SHANTONA CHAUDHURY: Okay. So if we just
3 scroll down to page 2, please?

4 I'll just go through a little bit of what's
5 in this document and ask you to explain the discussion from
6 your recollection.

7 So the Chair asked who leads strategic
8 coordination on foreign interference if not the coordinator.
9 There's some discussion we've heard about from the RCMP about
10 coordination versus deconfliction.

11 If we scroll down a little bit again on this
12 page, we see that some of the discussion here was around the
13 spy balloons, high-altitude balloons.

14 Scroll down to where it says, "The Chair
15 agreed..."? There we go.

16 "The Chair agreed when CSIS noted
17 that as the public inquiry work
18 advances and more becomes public, it
19 will reveal that the Canadian
20 intelligence community has struggled
21 to address [foreign interference].
22 CSIS [...] called for clear
23 expectations on who [does] what.
24 [Then there was some --] The Chair
25 noted Canada [doesn't] have an FI
26 Strategy."

27 Scroll down again to page 3, please.

28 Here we have the DNSIA. Mr. Rogers, this was

1 you?

2 **MR. DANIEL ROGERS:** Yes.

3 **MS. SHANTONA CHAUDHURY:** Okay.

4 "...agreed on the need for a strategy
5 to break down the broad category of
6 FI into manageable chunks."

7 And:

8 "The Chair [suggests] that the FI
9 Coordinator [...] would be better
10 placed at PCO..."

11 Rather than at Public Safety. And we've
12 heard Public Safety's view on that.

13 In the end we get to:

14 "...the Chair motioned a conversation
15 with the Clerk to seek direction on
16 the way forward."

17 So recognizing that this was in October 2023,
18 Ms. Thomas, can you tell us your recollection of what was
19 going on here, Mr. Rogers, you were there as well, so you can
20 feel free to contribute, and where this ended up going, this
21 discussion?

22 **MS. JODY THOMAS:** So thank you. It was a
23 really useful conversation. We were trying to fit the FI
24 Coordinator into existing governance, and when the position
25 was created, there had been quite a discussion about whether
26 it should be at Public Safety or at PCO, and we landed on
27 Public Safety, but there were still remaining questions about
28 a coordination function. Is it better placed at PCO?

1 I think the conclusion that it belongs at
2 Public Safety is the right conclusion, but it was a useful
3 discussion to have.

4 Policy is already -- policy coordination is
5 largely with Public Safety for foreign interference, and that
6 policy then is disseminated across government and adopted
7 into various Ministers' and Deputy Ministers'
8 accountabilities.

9 We were six months in and what became very
10 evident was that the leaders around that table all had
11 different expectations about what the FI Coordinator was
12 going to do, and that was going to make it very difficult for
13 the individual to succeed. And so that's not fair for
14 anybody to try and achieve the expectations of every Deputy
15 Minister an agency head around the city if we all had
16 different expectations. Mr. Rogers and I thought there was
17 going to be production of an FI strategy, Public Safety
18 believed that we had that already extant in the various
19 actions that were being taken.

20 So those were the kind our conversations we
21 had, and it sort of took us back to a very base level of
22 where we are, what needed to be done, and we need to talk
23 about establishing and really understanding the mandate and
24 the framework for this new coordinator position, because it
25 was really critical to what we were trying to achieve. And
26 so, we decided we would have a conversation with the Clerk
27 about it and we did, and then the C-70 work started in
28 earnest and the FI Coordinator really filled that space.

1 **MS. SHANTONA CHAUDHURY:** Okay.

2 **MR. DANIEL ROGERS:** Can I add to that
3 slightly?

4 **MS. SHANTONA CHAUDHURY:** Yes, please.

5 **MR. DANIEL ROGERS:** And I don't want to
6 duplicate anything said by Ms. Thomas, but I think this links
7 back to the conversation we discussed around governance,
8 where what we had in this time was a Foreign Interference
9 Coordinator that stepped into a role that was already
10 occupied in some way by the community. We already had tables
11 for operational coordination, we already had policy
12 secretariats, and groups doing policy with respect to foreign
13 interference.

14 So you know, occupying -- stepping into an
15 occupied space raises a lot of questions around what is the
16 specific mandate and responsibility, as Ms. Thomas said,
17 around a particular individual, and how does that relate to
18 the other structures within the community? Do we need a
19 strategy, or do we already have a strategy? Well, it depends
20 a little bit what you mean by strategy.

21 And this meeting was a very useful
22 conversation to try and get Deputy Ministers aligned in how
23 we are using these terms, how we're using certain roles and
24 constructs, and to try to better understand what we expect
25 from each other as we continue to address the problem.

26 **MS. SHANTONA CHAUDHURY:** Okay. So where
27 would you say that the discussion's landed now in terms of
28 what the FI Coordinator's role is and should be?

1 **MR. DANIEL ROGERS:** Others may speak to this
2 too, but I agree Ms. Thomas, that the Foreign Interference
3 Coordinator has found a role within the Department of Public
4 Safety that is appropriate, and is following up on a lot of
5 the policy work and the coordination and convening work that
6 they need to do with stakeholders and others. I think
7 colleagues from Public Safety spoke to that yesterday, and I
8 would agree with what they've said.

9 **MS. SHANTONA CHAUDHURY:** Okay.

10 **MR. JOHN HANNAFORD:** Maybe if I could just
11 add two quick points. I think there's often a discussion as
12 to whether something should be a PCO or whether it should be
13 an aligned department. And I think, you know, in the
14 context here, one of the considerations is that PCO for the
15 most part will not drive policy. PCO is there, as was
16 described earlier, we have a coordination role, and we have a
17 convening role, and we have a challenge function.

18 It makes sense in the context that we have
19 discussed here for this coordinator to have that policy
20 function within the policy lead department, being Public
21 Safety. So that would be the rationale for why this is
22 placed as it is, and there's a logic to that.

23 And you know, I think the term coordinator
24 can actually lead us into a slightly confusing space in the
25 sense that we do recognize that PCO plays a coordination
26 role, but actually so does Public Safety. Public Safety has
27 that kind of function with respect to its broad portfolio, to
28 play a kind of oversight role with respect to the agencies

1 that are a part of its remit. So I think there's a natural
2 fit here for the coordinator where they are now situated.

3 **MS. SHANTONA CHAUDHURY:** Just before we leave
4 the topic of national security governance, there's one more
5 document I want to bring up, and it's probably just for
6 context at this point in some of the discussions we already
7 have. But CAN30999, please.

8 **--- EXHIBIT No. CAN0030999 0001:**

9 DM FI (Justice, RCMP, GAC, PS, CSIS,
10 PCO NSIA)

11 **MS. SHANTONA CHAUDHURY:** It's returning to
12 this idea of ministerial accountability. Once it's up on the
13 screen, these are notes from a meeting of the DMFI, which I
14 understand to be Deputy Ministers' Committee on Foreign
15 Interference, from April 2023. So I believe that was during
16 the tenure of Ms. Charette and Ms. Thomas; correct?

17 **MS. JODY THOMAS:** Yes.

18 **MS. SHANTONA CHAUDHURY:** Okay. If we scroll
19 down a little bit so we can see, NSIA mentioned the day
20 before. There we go. So the first paragraph here, NSIA
21 mentioned the day before that she, Public Safety, the Clerk,
22 Deputy Clerk had a discussion about foreign interference.
23 This was during the ISR process, and what's mentioned is:

24 "...what is becoming more obvious is
25 the gaps on how FI is
26 handled...between elections...where
27 is the ministerial accountability on
28 FI more broadly?"

1 Moving down:

2 "As a result, NSIA has asked PCO to
3 begin work on mapping this process."

4 How FI is circulated, how are Ministers
5 informed? And again, there's a comment that it works well at
6 the officials' level, maybe even between PM and PMO, but
7 where do ministers fit into this?

8 Ms. Charette and/or Ms. Thomas, Can you
9 comment on this aspect a little bit and what was being
10 discussed in the spring of 2023?

11 **MS. JODY THOMAS:** Do you want me to start?

12 **MS. JANICE CHARETTE:** You start and then
13 perhaps I will.

14 **MS. JODY THOMAS:** So this is the, as you
15 said, the DMFI meeting, and what we were discussing was the
16 knowledge of the members of the Panel of Five in between
17 elections. Does everybody have the same baseline level of
18 knowledge? What do we do in byelections, and how do we
19 ensure the same continuity of understanding of what the FI
20 activities are? And how are Ministers being informed,
21 particularly the Justice Minister, the Minister of Public
22 Safety, and the Minister of Foreign Affairs, about foreign
23 interference activities for which their departments have an
24 accountability?

25 And so, we wanted to really ensure that we
26 weren't just really intelligent; right? The intelligence has
27 to be -- we have to do something with it. And so, that
28 involves Ministers understanding what's going on and giving

1 direction to their departments. It's not just, tell the PM
2 and the job is done. It's really critical to involve
3 Ministers, Ministers' offices, and give policy direction out.
4 And that period between elections about foreign interference
5 in democratic institutions and democratic events is what this
6 discussion was about.

7 **MS. JANICE CHARETTE:** Perhaps I can just add
8 two points to this. I think the context within which this
9 conversation was taking place is important.

10 We were having conversations at the Deputy
11 Minister level about the support to the independent special
12 rapporteur and the information that was being provided to him
13 and his team to do their work. And I think we had spent a
14 lot of time with the special rapporteur explaining the Panel
15 of Five, and the critical election protocol, and so on.

16 And so, in the context of his work we were
17 coming now to the point where there was a really good
18 understanding about the election period, but we needed to
19 provide more information about how things worked between
20 elections, when we were out of that caretaker period, when we
21 were back in the time when ministerial accountabilities were
22 in force and the government was in place.

23 So I think that helps also a bit to
24 understand all of this. And I think the outcome of this
25 conversation, which is also relevant, is we also, again given
26 the times that were in, there was a lot of information in the
27 media about allegations of foreign interference, questions
28 about whether at that point in time the elections had been

1 free and fair, and there were a number of by elections that
2 were coming.

3 And one of the outcomes of the conversations
4 were proposals that went forward to make sure that the Prime
5 Minister and his Ministers had advice around, what if
6 anything, should be done with respect to byelections.
7 Recognizing that you know, the panel and the critical
8 election protocol were really in place for general elections,
9 but was there anything that needed to be done to make sure
10 that Canadians could have confidence in these byelections
11 given all of the information that was kind of swirling around
12 in the public domain.

13 So how to make sure that -- and you have -- I
14 think we've talked in the interview process about the steps
15 that were taken to support the surveillance and the attention
16 to foreign interference matters with respect to byelections,
17 and that was the outcome of these conversations as well.

18 **MS. SHANTONA CHAUDHURY:** Okay. And you're
19 right, Ms. Charette, we have talked about how SITE was stood
20 up essentially for the byelections, all the byelections that
21 have happened since 2023. And that they reported then to --
22 in the absence of the panel of five -- DM CIR.

23 **MS. JANICE CHARETTE:** Exactly.

24 **MS. SHANTONA CHAUDHURY:** Can you speak a bit
25 to that decision and the distinction there?

26 **MS. JANICE CHARETTE:** So when we're in a
27 general election, the government has exercised that we're in
28 the caretaker period, we've talked about this before. The

1 government is exercising restraint. Would only act if
2 there's kind of exigent circumstances, it doesn't take
3 anything that ties the hand of future government.

4 And so the idea there is that there's no
5 Parliament to hold government to account, and so the idea
6 there was -- and that's when the government put in place the
7 critical election incident protocol, and the Panel of Five,
8 to be responsible to provide senior level attention during
9 the election period to receive reports from the SITE task
10 force as to whether they were identifying any efforts by any
11 of our adversaries, any hostile acts by state actors trying
12 to influence the democratic processes in a way that would
13 threaten the free and fair election on the part of Canadians.
14 That's a very unusual role for the public service to be
15 called on to potentially make a public announcement during an
16 election campaign. We've talked a lot about this in Part A
17 and B of your proceedings, Madam Commissioner, and a very
18 important role for the Public Service, but only in the
19 context of a caretaker provision would the Public Service be
20 called on to do that because you can't have a government
21 making a statement at this point in fact. That was the
22 policy decision taken by government to put this in place.

23 Roll the tape forward, a byelection is not a
24 general election. It would be an election in one or more
25 ridings taking place at a point in time. Ministers are in
26 position. They have their accountabilities. So we -- the
27 first step is to kind of, like, be in a position to surveil
28 and detect anything that would be going out there. The SITE

1 Task Force was tasked to be able to do that. An additional
2 over the kind of surveillance work that otherwise would be
3 done by our agencies, that had to be reported somewhere.
4 Initially, we had thought, well, it would go to the Panel of
5 Five. Well, actually, the function of the Panel of Five is
6 to be in a position to make a public announcement. That
7 wouldn't be the case when we have a -- we have a government
8 in place. We have ministers with their accountabilities.
9 And so, instead, we went to our governance that was already
10 in place, the Deputy Committee on Intelligence Response. It
11 would identify and look at anything that was coming from the
12 SITE Task Force and make recommendations through their
13 deputies and through the clerk to the Prime Minister, if
14 necessary, around what, if anything, should be done if there
15 was going -- if there was something seen in terms of foreign
16 interference.

17 And finally, the last step was after an
18 election, there is an after-action report that's done by the
19 SITE Task Force, which is made public. So if there had been
20 anything, and anything that was done in the context of a
21 byelection, and it was all around making sure that Canadians
22 can have confidence that our elections are free and fair.
23 They can have confidence that the elections that are taking
24 place in this country, which are such important element for
25 our democracy, they can have confidence in these processes.

26 **MS. SHANTONA CHAUDHURY:** Okay.

27 **COMMISSIONER HOGUE:** I think it's a good
28 moment for the break.

1 **MS. SHANTONA CHAUDHURY:** [No interpretation]

2 **COMMISSIONER HOGUE:** So we'll take a 20
3 minutes break. We'll come back at 11:15.

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

5 The sitting of the Commission is now in
6 recess until 11:15 a.m.

7 --- Upon recessing at 10:57 a.m.

8 --- Upon resuming at 11:17 a.m.

9 **THE REGISTRAR:** Order please.

10 This sitting of the Foreign Interference
11 Commission is now back in session.

12 The time is 11:17 a.m.

13 --- MR. DANIEL ROGERS, Resumed:

14 --- MS. NATHALIE DROUIN, Resumed:

15 --- MR. JOHN HANNAFORD, Resumed:

16 --- MS. JODY THOMAS, Resumed:

17 --- MS. JANICE CHARETTE, Resumed:

18 **MS. NATHALIA RODRIGUEZ:** Madam Commissioner,
19 it's Nathalia Rodriguez, Commission counsel. Before we
20 start, we've just had a request from the transcriptionists
21 and the interpreters to just remind the witnesses to please
22 slow down your rate of speech, and, also, to counsel and
23 everybody else in the room as just a good general reminder to
24 speak slowly. Thank you.

25 **MS. SHANTONA CHAUDHURY:** Thank you. I'm
26 probably ---

27 **COMMISSIONER HOGUE:** You have to say it
28 daily.

1 **MS. SHANTONA CHAUDHURY:** I'm just going to
2 say I'm probably more guilty of that than anyone else.

3 **--- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY (cont'd):**

4 **MS. SHANTONA CHAUDHURY:** So we left off
5 talking about the SITE Task Force and that's where I'd like
6 to pick up. We understand that there are updates being
7 considered right now and it's a live and ongoing discussion,
8 updates to the plan to protect Canada's democracy. So, Mr.
9 Hannaford, I'll probably direct these questions to you,
10 starting with the SITE Task Force. So one idea that we've
11 heard about that may be in play is, first of all, making the
12 SITE Task Force permanent and possibly housing its
13 secretariate at PCO. Can you speak of all to those ideas and
14 those discussions?

15 **MR. JOHN HANNAFORD:** Sure. First, with
16 respect to the permanence, you know, I think certainly it has
17 proven to be an extremely useful format for us to have
18 consolidated advice from the various agencies who are
19 implicated in assessing whether there's been any foreign
20 interference in our processes. And so I think having the
21 SITE Task Force has been -- and, I should say, it has been
22 very active over the course of the last period of time in
23 part because of the number of byelections that we have had.
24 So those two things have proven the value of the model.

25 Going forward, I think totally expect that we
26 will continue to have a rhythm of work that will continue to
27 employ the SITE Task Force in a very meaningful way. Whether
28 it needs to be permanent I think will depend a little bit on

1 precisely the demands that are being placed by the kind of
2 the electoral schedule, but I don't have any question that it
3 is an incredibly important part of the overall architecture
4 of what supports the work that we do.

5 I would maybe take the -- oh, and sorry, and
6 then the question around PCO. In some ways, the answer to
7 that one is similar to the answer with respect to the FI
8 Coordinator, in the sense that you can -- you can't imagine
9 housing this kind of function at PCO. We do have other
10 secretariate type functions, obviously, that is one of the
11 central features of the work that we do. The challenge of
12 doing that is a possibility of some inefficiencies as well.
13 You could end up having a structure that exists at PCO and
14 then in the various line agencies that are implicated, kind
15 of a reproduction of some of the same functions that exist
16 right now. So there is a possibility of some inefficiency by
17 doing that, but I think it's a live discussion, and it's --
18 you know, you could imagine either world continuing.

19 I think what's important though from a kind
20 of broader perspective is the SITE Task Force exists in part
21 to serve DM CIR during the non-electoral period, but then the
22 Panel of Five during the electoral period.

23 And what we have taken as a work method in
24 part because of the advice that has been received through a
25 variety of different assessments of the past elections, is
26 that, well, the importance of the Panel of Five continuing to
27 be a vigorous body and continuing to do its work during a
28 period where it's not strictly playing its function. And by

1 that, I mean we have continued to meet as a Panel of Five
2 over the course of the last year on a very regular basis in
3 order to receive the information that the SITE Task Force is
4 providing with respect to the overall situation within
5 Canada, and then specific situations that have been relevant
6 during the byelection periods.

7 But what's important there is not that we are
8 playing the role of the Panel in the sense that we will once
9 the caretaker period comes into effect, but that we are ready
10 for that and that we are -- we have gone through a series of
11 scenario exercises to prepare ourselves for the kinds of
12 situations that could arise. We have built up a body of
13 knowledge through the briefings from the SITE Task Force and
14 from others, and we are engaging more generally, we're
15 engaging outside of government with civil society, again,
16 with a view to building up our knowledge base, so that we are
17 then in a position to be as effective as we possibly can be
18 during the electoral period, because the purpose of this
19 exercise is to reinforce the confidence Canadians should have
20 in their electoral processes and to have -- be assured that
21 the government is apprised of the sorts of risks that are
22 facing the country by virtue of the kind of geopolitical
23 challenges that we face, and that we have systems in place in
24 order to address those challenges in the governance that we
25 have both during the electoral period and in general.

26 **MS. SHANTONA CHAUDHURY:** So in that sense,
27 it's almost training for the role that the Panel will
28 eventually have to play?

1 **MR. JOHN HANNAFORD:** Correct.

2 **MS. SHANTONA CHAUDHURY:** Okay. In our
3 previous discussions, you mentioned a couple of other
4 important things about the Panel and the work it's currently
5 doing, and of course you're the current Chair of the Panel of
6 Five. One of the things you mentioned was that the Panel's
7 role as the announcement, the announcement is not necessarily
8 the Panel's only role. I'm wondering you can speak to that
9 idea a bit?

10 **MR. JOHN HANNAFORD:** Yes. So the protocol
11 does set out that the Panel must take action when there is a
12 threat to a free and fair election in Canada, either at the
13 national level or at a local level, but that is only one
14 function that can be performed during the electoral period.
15 The group of Deputy Ministers who make up the Panel of Five
16 are amongst the most senior Deputy Ministers in the
17 government, and they bring to that Panel existing
18 accountabilities that they have by virtue of their office.

19 And so if there was a situation, for
20 instance, where there is seen to be a foreign mission that is
21 engaging in an activity that wouldn't rise to the level of a
22 threat to a free and fair election, but is troubling, the
23 Deputy Minister of Foreign Affairs has already within his
24 remit the ability to address that through diplomatic
25 channels.

26 The Panel of Five can play a role in making
27 sure that we are coherently addressing these sorts of issues
28 and then looking at the appropriate measures that can be

1 taken in order to address them, shy of the pronouncement that
2 there is a risk to a free and fair election if the situation
3 in question does not rise to that level.

4 **MS. SHANTONA CHAUDHURY:** So in that sense, it
5 becomes almost an operational coordinating body?

6 **MR. JOHN HANNAFORD:** Correct.

7 **MS. SHANTONA CHAUDHURY:** Okay. And the idea
8 being that, as you said, individual agencies or departments
9 can then exercise their own authorities, as opposed to the
10 Panel exercising its authority to make that final public
11 announcement once something very dire happens?

12 **MR. JOHN HANNAFORD:** That's right.

13 **MS. SHANTONA CHAUDHURY:** Okay. Another issue
14 that we talked about and maybe you can tell us a little bit
15 more about, Mr. Hannaford, is the Panel of Five's, for lack
16 of a better way of putting it, communications strategy. Its
17 role in communicating with Canadians, again, shy of making
18 that final announcement during an election that something
19 very wrong has happened.

20 **MR. JOHN HANNAFORD:** Yeah, so we have been
21 very actively considering how best to communicate the work we
22 do.

23 As you say, this is unusual for a group of
24 senior public servants to have a communication strategy with
25 respect to our work, but it's an unusual role that we're
26 playing in this context.

27 And the purpose of the Panel is for
28 Canadians, for the general public, to have confidence in

1 their institutions. And part of that is then to understand
2 what it is that we do and what the sort of protections are in
3 place to address the kind of challenges that could arise.

4 And in light of that, we feel it's incumbent
5 on us to explain that to some degree, and this is actually
6 the conversation we're having right now, is actually an
7 opportunity to do that to some degree.

8 And -- but we think there is, as well, an
9 importance of us positioning the work that we are doing as a
10 panel in advance of a democratic event, in part to make sure
11 that the first time that somebody hears of the Panel is not
12 when we are appearing to say that there may be an issue
13 that's arisen under the Protocol. It's rather to be able to
14 situate the work we're doing so as to, A, be assured that
15 that work is happening, B, be able to understand then
16 information that may come out over the course of an election
17 and be able to situate that as well, but also to have a sense
18 if there is not communications happening during an election,
19 it's not that work is not under way and that people are not
20 being vigilant. It's that a situation hasn't arisen.

21 **MS. SHANTONA CHAUDHURY:** Okay. So in that
22 sense, the Panel would play almost, I don't know, an
23 educational role would be too far, but essentially yes,
24 informing Canadians of what it's doing, what's going on, and
25 what's happening in this space?

26 **MR. JOHN HANNAFORD:** Correct.

27 **MS. SHANTONA CHAUDHURY:** Okay. Related but
28 different topic. Under the rubric of tackling mis- and

1 disinformation, which is obviously something the Panel deals
2 with, but it's a bigger topic than that.

3 So on this one I'll ask the Court Registrar
4 to pull up CAN31488, please.

5 --- EXHIBIT No. CAN031488 0001:

6 RE: RRM Canada within SITE - need to
7 evolve based on changing mandates

8 **MS. SHANTONA CHAUDHURY:** To give you a bit of
9 background of what I'm going to get into now, witnesses, this
10 is about the role of the RRM specifically. And as we know,
11 the RRM, RRM Canada, has the capacity to monitor the online
12 environment, and during elections and byelections, that lens
13 is turned towards the domestic space in order to assist the
14 SITE Task Force and the Panel with its work. However, RRM's
15 housed at Foreign Affairs. It's part of Canada's Foreign
16 Affairs Department. So there have been some questions asked
17 and issues raised about whether RRM has almost become a
18 victim of its own success. It's very good at doing what it's
19 doing, but should it be doing it?

20 So this email, it's not a PCO document, but
21 it's -- there's -- the ideas are well expressed in this
22 document.

23 So if we can turn to page 3, please, I
24 believe it is? It's an email from Tara Denham. Again,
25 scrolling down a little bit until we see the bottom line.
26 Maybe page 4. Keep going. Keep going. Oh, I missed it.
27 Sorry. Scroll up a little bit? Might be page 2, actually.
28 What I'm looking for is the bottom line. There we go.

1 Bottom line.

2 So this was Ms. Denham saying:

3 "Bottom line: I believe we need to
4 continue to socialize the need to
5 review the mandates in SITE with the
6 end objective of removing domestic
7 monitoring responsibilities from RRM
8 Canada."

9 So that -- essentially going on a bit:

10 "...so we can focus on our mandate --
11 and domestic departments must [focus
12 on theirs]."

13 Can you tell us, is this idea or these
14 thoughts have percolated their way up and whether there are -
15 - is there thought being given to this idea that maybe online
16 monitoring should be done by someone other than the RRM
17 Canada?

18 **MR. JOHN HANNAFORD:** I can start, and then
19 I'll turn to colleagues.

20 The RRM was a Canadian initiative that came
21 from our hosting of the G7 whenever that was, about seven
22 years ago, and the intention was to have in place a mechanism
23 both to be monitoring online activities, but also to have
24 coordination amongst the G7 partners, with a view to kind of
25 addressing what was seen then, and has proven to be an
26 ongoing challenge.

27 You know, I would say, just to take one step
28 back, one of the things that we have realized through the

1 work that we've been doing in the Panel of Five is there --
2 foreign interference can come in a couple of different forms.
3 It can come in a number of different forms, but there is the
4 kind of person-to-person type, call it espionage or call it
5 sort of old school foreign interference, and then there is
6 what happens online. And the first set of activities will,
7 for the security community, often involve pretty traditional
8 trade craft as to how they do their work, and that often
9 involves real sensitives then around security, protection,
10 and protection of information.

11 The online challenges can involve covert
12 activities as well, but often by their very nature, actually,
13 are significantly overt. That's part of the point, in a way,
14 is to be as public as possible about the communication of
15 certain sorts of messages.

16 That is both a fact and an opportunity in the
17 sense that the fact that we are not limited, then, to kind of
18 -- the kind of functions of government that require
19 protection gives us the opportunity to think of this as a
20 much more societal challenge than simply a government
21 challenge. And we have been working with civil society
22 groups. As the Panel of Five, we met with experts from
23 McGill and from UofT with a view to some of the work that
24 they are doing in monitoring online activities and seeing
25 what they can judge in terms of the flow of information and
26 the nature of some messages that get sent in that context,
27 which is kind of critical to having an overall resilience to
28 mis and disinformation in our society generally.

1 And so the RRM plays a critical role within
2 the government in doing that, and we are looking very
3 carefully at work that could be done to kind of expand that
4 kind of function to cover -- RRM is focused principally on
5 foreign sourced information, and so looking at a more general
6 approach to this is something that we're very actively
7 looking at right now, and I think that's reflected in the
8 document that you were referring to.

9 But at the same time, this is not a role
10 that's exclusive of government and it is -- you know, we have
11 been, as I say, talking to civil society, but we've also been
12 talking to international partners about the experiences that
13 they have had in part to make sure that we're learning
14 lessons from other electoral processes, but just other
15 environments where mis and disinformation can be challenging.

16 And one of the aspects of that that has been,
17 I think, quite instructive is to look at not only questions
18 around the content of the information, but the authenticity
19 of the messenger. And the French system, for instance, is
20 very interesting in this regard in that the French have a
21 group who are not looking necessarily to define whether a
22 given body of messaging is accurate or inaccurate. What
23 they're looking at is whether the messengers are authentic
24 people or are bots. And that can then be part of an overall
25 assessment as to whether this is an amplification of
26 something that could be problematic and, you know, something
27 that, therefore, the Canadian public should be aware of as a
28 sort of -- as a context to receive information that they're

1 receiving.

2 So this is part of the work that we are doing
3 right now, is to think about, you know, the implications of
4 that kind of structure for us.

5 And I'll turn to my colleague, Dan.

6 **MR. DANIEL ROGERS:** I think you've said it
7 very well. Thank you.

8 But I think maybe one point I can add to that
9 is, you know, the document is very interesting and it doesn't
10 have a conclusion yet, as John was saying, but we do have
11 some complexity here in identifying what is foreign and what
12 is domestic at the outset.

13 The document presumes in some way that you
14 will know, *a priori* some analysis, whether an issue is
15 domestic or foreign, and I'm not sure that's always the case
16 when it comes to, for instance, a foreign state trying to
17 make their messaging appear to be domestic and organic. So
18 there's an interplay that has to exist regardless of how we
19 structure this in government that will involve close
20 collaboration not just within government, but with civil
21 society as well.

22 And I think, you know, we are now maturing
23 that discussion, as the Clerk has just said, to think about
24 it in different stages, the difference between attributing,
25 the difference between just talking about inauthentic or
26 authentic behaviour, and the value of each of those messages
27 and who is determining those things is definitely under
28 active consideration.

1 **MS. SHANTONA CHAUDHURY:** And that takes us
2 back, in a way, to some of the discussions we've already
3 heard about in the Commission, one of which is the danger of
4 the government perhaps sort of taking on the mantle of being
5 the arbiter of truth, so not just looking at the
6 authenticity, but at the actual content.

7 On the other hand, we heard from members of
8 the Media Ecosystem Observatory, which feeds into the CDMRN -
9 - nobody can ever remember what that stands for, but I think
10 it's Canadian Digital Media Research Network -- and the role
11 that they may play in the future in assisting in these
12 endeavours and being an input, essentially, also for the
13 Panel of Five, potentially. So you've taken us right back to
14 that.

15 Speaking about, picking up on what you were
16 saying, Mr. Rogers, monitoring of the online environment, and
17 perhaps the government's capacity in sort of the open-source
18 intelligence space more broadly -- I know Mr. Hannaford, in
19 one of the discussions we have, you mention that there were
20 gaps in the government's capacities in the domestic space at
21 this point. And I think maybe I'll turn to Ms. Thomas to
22 answer some of these questions because I think some of this
23 may have started in your tenure, so Ms. Thomas, Mr. Rogers.

24 I'll ask the clerk to pull up first just
25 briefly CAN21740, please, at page 38.

26 **--- EXHIBIT No. CAN021740:**

27 Canadian Intelligence Prioritization
28 Processes, Background and Analytic

1 Aids

2 **MS. SHANTONA CHAUDHURY:** And this is just for
3 the purposes of showing a definition of what "open-source
4 intelligence" is.

5 I'm not sure you've had a look at this, but I
6 think it's a fairly accurate description of what I was saying
7 to some -- I don't know, maybe, Mr. Rogers, do you want to
8 take us through and explain what "open-source intelligence"
9 really means?

10 **MR. DANIEL ROGERS:** Yeah, I can do that.

11 So open-source intelligence as described here
12 is information which is available to the public. And I think
13 that differs from other types of intelligence collection that
14 it doesn't often include covert or specialized tradecraft to
15 obtain. It's not necessarily information that a foreign
16 state or entity would be seeking to keep secret. But I think
17 we've seen increasingly the value that open-source
18 intelligence can provide in complementing the work of the
19 national security community and intelligence community simply
20 -- well, at least in some large part because of the volume of
21 data that is now available online that can help to inform our
22 activities.

23 So this is a very live conversation, and
24 open-source is increasingly a prominent aspect of what we
25 consider when we consider recommendations or national
26 security actions.

27 **MS. SHANTONA CHAUDHURY:** Okay. And Mr.
28 Registrar, if I can ask you to pull up now CAN27789.

1 --- EXHIBIT No. CAN0027789 0001:

2 The Future of Open-Source
3 Intelligence (OSINT) in the Canadian
4 intelligence Community

5 **MS. SHANTONA CHAUDHURY:** And zoom out so we
6 can see at least a little bit more of it.

7 So this is an IAS document from, I believe,
8 April 2023, "Future of OSINT in the Canadian Intelligence
9 Community".

10 Ms. Thomas, I believe this was developed
11 maybe during your tenure. I'm not sure if you're familiar
12 with the document per se, but the notion of it, yes.

13 Can you tell us a little bit about the
14 genesis of this and the conversation that was happening
15 around this?

16 **MS. JODY THOMAS:** Yeah. So this was
17 developed by the Intelligence Assessment Secretariat in their
18 effort to continue to understand the OSINT process, who was
19 doing what in Canada, who had what authorities because the
20 privacy aspect of OSINT is particularly pertinent, how you
21 train, how you -- what tools you can use, so sort of the A to
22 Z on what OSINT looks like in Canada and how we should move
23 forward with it.

24 What we knew was that -- and know is that
25 various departments have an OSINT capability, but we don't
26 have an assessment secretariat for domestic OSINT the way we
27 do for foreign intelligence, and it was an attempt to put
28 this all on one paper.

1 The OSINT issue was particularly relevant
2 during the convoy because open-source channels were being
3 used to communicate, but it's also critical to understand the
4 cohesion of society, impacts on democratic processes, impacts
5 on democratic institutions' confidence in them. You see this
6 in social media. And so understanding how we can mine that,
7 understanding the privacy limitations, respecting the privacy
8 limitations, is a critical topic. And it's been moving
9 forward because individual departments do it.

10 Communication shops look at OSINT all the
11 time. They look at Twitter, they look at all the various
12 platforms out there. I won't embarrass myself by saying I
13 don't know much more beyond Twitter. But they do that all
14 the time. They scrape the information and they do analysis
15 for their Deputy Ministers and their Ministers.

16 Doing it for intelligence purposes has a
17 different edge and we need to be very careful about what
18 we're doing and we need to have one, we think, assessment
19 shop looking at it all and giving conclusions. And so this
20 was an attempt to start that.

21 **MS. SHANTONA CHAUDHURY:** Mr. Rogers.

22 **MR. DANIEL ROGERS:** Yeah, thank you. If I
23 can just add a little.

24 I think I am roughly familiar with the
25 document and the associated efforts within IAS, but I think
26 what the document also reflects is that, as the prominence
27 and the importance of open-source intelligence in the
28 national security community grew, so, too, did the activities

1 of the various agencies. And what the document is seeking to
2 do is identify, as it says, a more coordinated approach to
3 that.

4 So as Ms. Thomas said, we are in a situation
5 where probably all of the matters of the national security
6 community are doing some form of open-source intelligence,
7 whether it's CSIS using that as part of one of their
8 investigations or CSE adding context to some of the foreign
9 signals intelligence, obviously the RRM uses this. So I
10 think this is an effort to try and identify where those
11 activities are happening. Whether there are improvements we
12 can make to the cohesion of those activities across the
13 government, and to identify whether there are opportunities
14 for improvement through future policy changes, legislative
15 changes. And even considering things like, where we will
16 need to be conscious of legal obligations and risks as we
17 start to emerge into, you know, a previously less used type
18 of intelligence.

19 **MS. SHANTONA CHAUDHURY:** Okay. So complex
20 issues, all of which are under discussion at the moment?

21 **MR. DANIEL ROGERS:** Very much.

22 **MS. SHANTONA CHAUDHURY:** Okay. We can take
23 that down, Mr. Registrar, and move to another topic, which is
24 foreign interference obviously, as we're learning, is not
25 something that happens only at the federal level, but very
26 much at subnational levels of government as well.

27 So the next sort of, set of questions I'm
28 going to be asking you is, what engagement has the federal

1 government had with other levels of government, particularly
2 the provinces and territories? So Mr. Registrar, if you can
3 pull up CAN33456, please?

4 **--- EXHIBIT No. CAN033456 0001:**

5 Enhancing Federal Engagement with
6 Provinces and Territories on National
7 Security Issues

8 **MS. SHANTONA CHAUDHURY:** Ms. Drouin, this is
9 a memo I think from you to Mr. Hannaford on engagement with
10 provinces on national security issues. If we go to page 2,
11 we'll see -- just stopping there. Just to give some
12 introduction to the discussion:

13 "Canada faces an array of complex and
14 converging national security threats,
15 including F...I..., economic and
16 research security, cyber security and
17 violent extremism. Addressing these
18 will require whole of society
19 responses."

20 And then it talks about how both publicly and
21 directly "...Premiers have called on the federal government
22 to meaningfully engage..." on these issues. If we scroll
23 down a little bit more to the second page, the last bullet.
24 We'll skip from that some of the detail of this, but:

25 "A focused and dedicated FPT [federal
26 provincial territorial] exchange on
27 national security issues would
28 facilitate closer engagement and

1 position all p[rovincial]
2 t[erritories] to build expertise.”

3 And then it speaks about some immediate
4 actions that can be taken. So I don't know if, Mr.
5 Hannaford, you may be best placed to speak to these
6 discussions that have been happening with the provinces and
7 territories around national security issues?

8 **MR. JOHN HANNAFORD:** Yeah. And I'll invite
9 my colleagues to speak as well, because this is a
10 multifaceted set of conversations that we are engaged in
11 right now. And I should also say, this isn't new. Ms.
12 Charette can talk to the conversation she had during the time
13 that she was Clerk. I have continued those.

14 We have had several good conversations at my
15 level with a view to having a more coherent approach to a set
16 of issues at all levels of government. Because as you say,
17 this is a societal reality that we need to think about, and
18 in a federal system we need to obviously be mindful of the
19 jurisdictions that are defined by the Constitution and
20 operating within those.

21 But for us at the federal level, I think what
22 we have been seeking to do is foster greater awareness of
23 some of the challenges that we can see, create better
24 networked opportunities for us to share information as
25 thoroughly as possible, and use the fora that are available
26 to us to have a real conversation with respect to this set of
27 issues.

28 And just to give you some very tangible

1 examples, we had a meeting in July with all of the Clerks and
2 Cabinet Secretaries across the country, where there were
3 quite extensive briefings that were provided with respect to
4 foreign interference challenges with respect to security and
5 sort of, the way the geopolitics now plays itself out in our
6 society. We've had conversations around mis- and
7 disinformation as well.

8 We have been encouraging the greater use of
9 security clearances, or greater receipt of security
10 clearances, by officials and by political leaders at the
11 provincial and territorial level in order to facilitate those
12 conversations. We've also been building out, or seeking to
13 build out, some of our secured networks, and again, in order
14 to facilitate that kind of information sharing.

15 As it is right now and what does provide at
16 least some important opportunities, is we do have a network
17 of ministerial offices across the country which have secure
18 communications facilities where we have -- which we have used
19 in the past to have provincial officials then be able to
20 participate in the conversations without having to come to
21 Ottawa, or us having to go to provincial capitals. But we
22 are, as I say, looking to build out our secured networks so
23 that senior leadership can have access to that sort of
24 information in their own offices, and that's a very active
25 conversation.

26 I think the other piece of this though is the
27 conversations that then happen at other levels. Because, you
28 know, this is respecting the jurisdictions that we all work

1 within, this is an area where we have as a society, a shared
2 set of interests in making sure that we are as resilient as
3 possible. And so having a bunch of fora where we can address
4 with some specificity some of the challenges that we see and
5 make sure that we have in place the channels to have deeper
6 conversations should, you know, particular concerns arise,
7 that's been kind of our focus for the last period of time.

8 **MS. SHANTONA CHAUDHURY:** Okay.

9 **MS. JANICE CHARETTE:** Can I just jump in on
10 this? I think that this is a really good example of how the
11 overall approach to dealing with these national -- complex
12 national security issues, including but not just the matter
13 of foreign interference and democratic processes, has
14 evolved. And it evolves because the nature of the threat is
15 evolving.

16 And you know, as John said, you know I
17 started conversations when I was the Clerk with the provinces
18 and territories around the topic of miss information and dis
19 information, because at the time my counterparts were
20 concerned about what impact that was having on public
21 discourse in the provinces and territories.

22 We had a very good briefing which is referred
23 to in this note, in April of 2023 in a secure facility in
24 Ottawa, when I had the National Security Intelligence
25 Advisor, the head of CSIS, and the head of CSE come and speak
26 to provincial and territorial Clerks and Cabinet Secretaries
27 and give them a briefing, kind of about the nature of the
28 environment which they were facing. But there were

1 constraints at that point in time. Now C-70 allows for the
2 sharing of classified information with provinces and
3 territories and other levels of government, which I think
4 will add to the richness of the conversation.

5 The objective here is if national security
6 agencies and intelligence agencies at the federal level, pick
7 up something that's happening at a provincial or municipal
8 level, do we have the capacity to actually inform the other
9 jurisdictions so that they can then act on it? And I think
10 that that's all of the work that John's been doing with his
11 counterparts to build that infrastructure to allow that to
12 happen is it really important piece again, of like building a
13 resilient system, so that democratic elections that are
14 happening at all levels in this country can be free and fair.

15 **MS. NATHALIE G. DROUIN:** If I may add a
16 couple of things? So the fact that we're talking about that
17 with provinces and territories is for me a good evidence that
18 this conversation is being taken very seriously and that we
19 are evolving as a society, being able to talk about that.

20 In terms of all the initiatives that the
21 Clerk and the former Clerk talked about, CSIS has also
22 started to use their new authorities under C-70, and they are
23 providing briefings to provinces, their priorities have been
24 determined that we will meet with provinces that are facing
25 elections.

26 We will also use DM committee on intelligence
27 response in order to develop the agenda, co-agenda, like we
28 believe that all provinces should be equipped with the same

1 baseline. But territories or provinces may face different
2 types of threats, the north for example, so we will have also
3 a specific briefing for those, for all those provinces.

4 **MS. SHANTONA CHAUDHURY:** Okay. So there
5 we're talking about sort of, the provision of information to
6 provinces and territories, information the federal government
7 holds that it will share with provinces and territories.

8 Another issue that sort of falls under this
9 rubric which, Mr. Hannaford, I think you may have mentioned
10 briefly already, but it's the jurisdictional issues and
11 jurisdictional capacities of various levels of government.
12 So one thing that has been discussed at some length in the
13 Commission is this idea of building a resilient society and
14 particularly with respect to mis- and disinformation. So
15 enhancing digital literacy, media literacy, all of these.
16 And these are initiatives which presumably start with
17 education at a very low level.

18 So are the conversations that are happening
19 between the federal government and the provinces about that
20 specifically, about the education system? Understanding that
21 it's a very complex area and it's a provincial competency,
22 but is that part of the discourse as well?

23 **MR. JOHN HANNAFORD:** Well, I would say that
24 the section I referred to in July, this point was
25 specifically raised. And I think there is recognition, as
26 you say, that there is -- that this is an important part of
27 building a resilient society.

28 At the federal level what we haven't

1 mentioned yet is -- I think you've received testimony on the
2 work that's been done by Heritage Canada on the Digital
3 Citizenship Initiative, because that is very much in line
4 with precisely what we're trying to achieve generally, and
5 that's to build up, you know, an awareness of the kinds of
6 use of mis- and disinformation that can pervade social media.
7 And working with civil society organizations, whether it's
8 youth groups or it's universities or colleges, media
9 organizations, again to kind of foster that sense of
10 awareness as to some of the challenges that we collectively
11 can face. And I think education absolutely can play a
12 critical role in all of this, and I think that that needs to
13 be part of our overall conversation. But I do take the step
14 back again that, you know, we do recognize the federal
15 government has certain responsibilities, and the provinces
16 have certain responsibilities and those are clearly defined,
17 and we do need to operate within that and respect that. But
18 there are areas for collaboration where we can build up that
19 kind of shared understanding, and that's not only limited to
20 the federal system, that includes the engagement with civil
21 society generally and with the private sector and with other
22 aspects of our society because this is -- we respond to
23 geopolitics not necessarily as governments, but as a society.

24 **MS. SHANTONA CHAUDHURY:** Okay. So we'll
25 leave the provinces and territories for now and bring us back
26 to Parliament itself.

27 The next topic I'm going to cover is
28 briefings to parliamentarians. And I will ask you to --

1 actually, nothing to bring up for now, Mr. Registrar. I'll
2 just make allusion to the fact that in the NSICOP Report one
3 of the issues that's discussed is unclassified briefings to
4 parliamentarians, a suggestion that was originally made in
5 2018, and for various reasons that we'll talk about with
6 other witnesses, didn't materialize until much later.

7 The question I want to ask you is in terms of
8 authority to provide these briefings, so these are
9 unclassified essentially security briefings on foreign
10 interference to parliamentarians, who has the authority to
11 provide that kind of briefing? Is it a CSIS thing on its
12 own; do the Houses of Parliament become involved? Does PCO
13 become involved? Is the Prime Minister's authority
14 necessary? Can you help us understand that maze?

15 **MS. NATHALIE G. DROUIN:** Yes, I'll try to
16 drive us through that.

17 So it is clear that I do have the authority
18 to trigger a briefing, especially an unclassified briefing,
19 to parliamentarians. It doesn't mean that it will be
20 operated by me. For example, the briefings that happened in
21 June 2024 the coordination was made by the FI Coordinator.
22 He also worked with the two Houses, the Senate and the House
23 of Commons, in order to have access to all members of
24 different caucuses. And, of course, CSIS will support, in
25 terms of developing the form of words and things that we will
26 share with parliamentarians.

27 DM CIR will also be an input, in terms of
28 trying to identify what is relevant, what needs to be briefed

1 to the different caucuses.

2 But just to make clear, Prime Minister told
3 me more than once that I do have the authority to trigger
4 those briefings.

5 **MS. SHANTONA CHAUDHURY:** Okay. And Madam
6 Drouin, pardon me if I missed this, but did you mention
7 whether the Houses of Parliament themselves have to be
8 involved in this process?

9 **MS. NATHALIE G. DROUIN:** Yes, they do. In
10 fact, just in terms of courtesy, like, we don't, you know,
11 enter into a responsible for a caucus and say, "Well, we'd
12 like to meet with you." So we coordinate the logistic, if I
13 may say, with the House of Commons.

14 And I should add that their Sergeant-at-Arms
15 themselves and his team can offer, also, security briefings
16 to their members.

17 **MS. SHANTONA CHAUDHURY:** Okay. And can you
18 tell us a little bit about the -- you mentioned that in June
19 '24 briefings did happen. Who was involved in coordinating
20 those briefings?

21 **MS. NATHALIE G. DROUIN:** So the FI
22 Coordinator was really coordinating that between the two
23 Houses, CSIS, and the PCO. So the implementation or the
24 delivery, if I may say, of the briefings were under the
25 coordination of the FI Coordinator.

26 **MS. SHANTONA CHAUDHURY:** Okay.

27 **MS. NATHALIE G. DROUIN:** But let's say we
28 were planning, especially right now, or the briefings to

1 parliamentarians so we can discuss that at DM CIR, asking the
2 FI Coordinator, determining what should be the agenda, and
3 then things will unfold.

4 **MS. SHANTONA CHAUDHURY:** Okay.

5 The next document I'll ask you to pull up,
6 Mr. Registrar, is CAN047007.

7 **--- EXHIBIT NO. CAN047007 0001:**

8 Transmittal Note

9 **MS. SHANTONA CHAUDHURY:** The topic here is
10 different kind of briefings, which is classified briefings to
11 political party leaders. So Madam Drouin, I'll address these
12 questions to you.

13 If we can scroll down to the second page,
14 please?

15 So this is a memorandum -- scroll up a little
16 bit, please, just so we can see the title of it. Scroll up
17 again a little bit. Don't worry about it. There we go,
18 "Memorandum for the Prime Minister."

19 So this is memorandum from the NSIA Madam
20 Drouin, "Ad Hoc classified briefings". So just to set the
21 context here a little bit, we'll follow quite closely what's
22 in this document. It's a document from May 2nd, 2024, and it
23 speaks of intelligence detailing alleged foreign interference
24 directed at Opposition Parties. So intelligence details
25 alleging FI details in Canada directed at Opposition Parties.
26 Encloses intel reports after this:

27 "Given the serious nature of the
28 allegations, the [PCO] is working

1 with [CSIS] to develop TOP SECRET
2 level briefings for opposition
3 parties on the intelligence."

4 And scroll down a little bit.

5 The next part of the discussion is about
6 security clearances, and it notes that the leaders of the
7 Green Party and the NDP accepted the offer of a clearance,
8 but at that point others have not.

9 And scrolling down again a little bit, there
10 we go.

11 "Tailored products will be developed
12 to support [the] briefing with
13 leaders...given the classified
14 [sorry] which will allow briefed
15 parties to identify and, if
16 appropriate, take action. PCO will
17 share the details of the
18 briefings...with your office. Given
19 that classified [info won't] be
20 sharable [with]...Leaders...within
21 their party, PCO and CSIS will work
22 with the Leaders to..."

23 See, essentially, what they can do about
24 this. So that lengthy introduction, Madame Drouin, can you
25 tell us a little bit about what was unfolding here; how this
26 came about and what the initiative was?

27 **MS. NATHALIE G. DROUIN:** So after receiving
28 some intel that we thought were -- was relevant to some

1 political parties, we have decided that a briefing was
2 necessary at the classified level and at the Leaders' level,
3 or to their representative.

4 And the idea was really to equip those
5 Leaders and their representatives to mitigate the risk and to
6 take appropriate action. So this is exactly what this memo
7 is about.

8 Following that, two briefings happened to two
9 parties. You noted at the beginning of your question that
10 this was a memo for information to the Prime Minister and his
11 office, so it was not seeking authorization to do those
12 briefings, but as a Prime Minister he's entitled to receive
13 that information. So that was really the purpose and how it
14 unfold after that.

15 **MS. SHANTONA CHAUDHURY:** Okay. Mr. or Ms.
16 Registrar, I can't actually see, can you please pull up, for
17 the next part of the discussion, WIT149?

18 So Madam Drouin, you already alluded to the
19 fact that this was a memorandum for information. And if we
20 scroll down to paragraphs 21 and 22 of this document, there
21 was some discussion that we had in the in camera hearings
22 summary -- in the in camera hearing itself, about how you go
23 about deciding that an Opposition Party needs to be briefed.
24 So I'm wondering whether you can help draw out some of that
25 discussion.

26 **THE COURT OPERATOR:** Could you repeat the
27 paragraph?

28 **MS. SHANTONA CHAUDHURY:** I'm sorry, it's 21

1 and 22.

2 **MS. NATHALIE G. DROUIN:** So I mean, as I -- I
3 think this one is more about how to brief the Prime Minister?

4 **MS. SHANTONA CHAUDHURY:** Well, information
5 going to the Prime Minister that doesn't necessarily have to
6 do with -- doesn't have to do with his own Party, but other
7 parties ---

8 **MS. NATALIA G. DROUIN:** Okay.

9 **MS. SHANTONA CHAUDHURY:** --- and then
10 decision being made to brief the opposition parties.

11 **MS. NATALIA G. DROUIN:** Perfect. So I think
12 I said earlier this morning what are the criterias to inform
13 the Prime Minister, so whatever it's a novelty things,
14 whatever we need to take action on something, the reliability
15 is also a criteria, the context, the event that the Prime
16 Minister is going to attend, and, also, the geopolitical
17 context and events. Right now, especially with the context
18 in which we are, we are providing systematically to the Prime
19 Minister anything related to interference into our democratic
20 processes. So this is the stand that we took, you know, a
21 couple of months ago.

22 Then in terms of how to determine what
23 briefings need to be delivered to leaders of opposition. So
24 we have offered to all leaders of opposition to get their
25 clearance after receiving the ISR report, to give them access
26 to the classified version of the report. And, you know,
27 those who are equipped with that or their representative can
28 get access to top-secret information. And the information we

1 deem relevant for them, it's when it's time sensitive, when
2 they can act on it, when they can mitigate the risk or even
3 eliminate the risk. So those are the criterias that we will
4 look at.

5 **MS. SHANTONA CHAUDHURY:** Okay.

6 **MS. NATALIA G. DROUIN:** I don't know if you
7 want to add?

8 **MR. DANIEL ROGERS:** I may just add in case
9 it's not apparent, that this is not the only way within the
10 federal government that information could be shared with the
11 parties. As I'm sure others know, you know, there are times
12 when agencies will act under their own mandates. For
13 instance, CSIS has the ability to conduct threat reduction
14 activities ---

15 **MS. NATHALIA G. DROUIN:** Defensive briefings.

16 **MR. DANIEL ROGERS:** --- and defensive
17 briefings. The RCMP may have their own techniques and
18 requirements to disclose information, for instance, if
19 there's a duty to warn for someone's safety. So this is one
20 of the mechanisms and the one that is used by the National
21 Security and Intelligence Advisor, but not the only mechanism
22 that parties will hear about information. For instance,
23 obviously, there is the National Security Intelligence
24 Committee of Parliamentarians where parties have top-secret
25 cleared representatives. There are cleared representatives
26 that are briefed in the course of byelections and general
27 elections through SITE, so there are a number of ways. This
28 is one *ad hoc* way that we have also instituted.

1 **MS. SHANTONA CHAUDHURY:** Okay.

2 **MS. NATALIA G. DROUIN:** Maybe I should say
3 also that CSIS also own -- I mean, not also, but CSIS owns
4 the equities and the information, so CSIS plays the role in
5 terms of what will be the form of words that we will deliver
6 during the classified briefing. And then we work very hard
7 with CSIS in terms of what kind of advice we can give to the
8 leader or his representative in terms of how we can talk
9 about or how she can talk about what we are offering. So
10 trying to sanitize for the recipient the information for
11 disinformation to reduce for in terms of course of actions.

12 **MS. SHANTONA CHAUDHURY:** Okay. If we can
13 take that document down and put the last one back up, please,
14 there's one other aspect I want to ask you about, so it's
15 47007. If we scroll down to page 4, please. Okay. Sorry, I
16 just want to see the PCO comment there. There we go. PCO.
17 PCO comments, so it notes that intel will be briefed to party
18 leaders, it will allow them identify the issues, and then
19 says,

20 "PCO further notes that an ad hoc
21 approach to sharing intelligence may
22 not [be] the most effective mechanism
23 to counter national security threats.
24 [So] in parallel with developing a
25 process for regular classified
26 briefings to [...] major federal
27 party Leaders, PCO will work with
28 Public Safety [...] and the [S&I]

1 community to identify the most
2 appropriate mechanisms of sharing
3 similar intelligence in future
4 cases."

5 So that may go a little bit to what you were
6 just talking about in there being various mechanisms. But
7 this idea of class -- regular classified briefings to cleared
8 either leaders or representatives, is that an idea that is --
9 has been implemented?

10 **MS. NATHALIE G. DROUIN:** Absolutely. We are
11 almost putting a final point to our protocol in terms of
12 offering on a regular basis -- well, I'll say on a regular
13 basis -- offering at least twice a year a classified briefing
14 to all parties at the classified level, plus *ad hoc* briefings
15 as the one you are just talking about. So the intent would
16 be that -- for that protocol to be public.

17 **MS. SHANTONA CHAUDHURY:** Okay. Before we
18 leave political parties, this no longer has anything to do
19 with the document that's up, but there's one question I
20 wanted to address, which I believe we addressed briefly in
21 camera as well, but the vulnerability of political party
22 processes to foreign interference is something that the
23 Commission has heard quite a bit about, whether it's
24 nomination races, leadership races, other. And I believe
25 when we talked about it before, Mr. Hannaford, you may have
26 said that this is a -- it's a sensitive area and not
27 something a public service would be likely to do in terms of
28 regulating, suggesting regulation of political party

1 processes, probably not something that public service would
2 suggest of its own initiative. Can you speak to that a
3 little bit and why that would be?

4 **MR. JOHN HANNAFORD:** Public service is part
5 of the executive, and so we have to be mindful of the
6 authorities that we have and how that fits with other
7 entities within our society. And I think as a non-partisan
8 part of the executive, we have to be mindful about our
9 relationship with inherently partisan organizations and
10 appropriately partisan organizations that being parties. And
11 what that means from a practical point of view is that we are
12 looking to build up the broader resilience of a lot of parts
13 of our society. We've talked about the provinces. We've
14 talked about the structures that are being put in place with
15 respect to party structures. But as a public service, we are
16 going to be cautious about being seen to sort of look to
17 regulate the functions of party entities by virtue of our
18 institutional role.

19 **MS. SHANTONA CHAUDHURY:** So it's something
20 where you would wait for direction ---

21 **MR. JOHN HANNAFORD:** Correct.

22 **MS. SHANTONA CHAUDHURY:** --- essentially on.
23 Okay. We can leave that topic now and go to some specific
24 incidents such as the Commission's heard about that I'm going
25 to ask you about essentially because you were the people
26 there. So the first one has to do with some intelligence
27 that was regarding Michael Chong and some meetings that
28 happened around that. So, Mr. or Ms. Registrar, can I ask

1 you to pull up CAN 19500, 1-9-5-0-0. And scroll out so we
2 can see the whole page.

3 **--- EXHIBIT No. CAN019500:**

4 [Handwritten Notes of B. Clow]

5 **MS. SHANTONA CHAUDHURY:** So, Ms. Thomas, this
6 question will be for you. And to situate you, May 1st, a
7 *Globe and Mail* article comes out about a PRC diplomat's
8 interest in Michael Chong. These notes, although they're
9 noted -- the date there is May 7th, it's actually May 2nd. We
10 heard about that from Mr. Clow who's the author of these
11 notes in another part of the Commission's proceedings. And
12 this document is Mr. Clow's notes of several meetings that
13 took place that day. If we can just zoom in a little bit, so
14 that we can see -- sorry, 2 p.m. -- p.m. JT and just under
15 that. Okay. There we go. Zoom in to where it says why this
16 was not a direct threat.

17 So this is a meeting that happened in the
18 afternoon, and we understand that there was a meeting with
19 Mr. Chong himself. Ms. Thomas, can you give us your
20 recollection -- you can use these notes as a refresher, but
21 of this meeting and what was conveyed to Michael Chong at
22 this meeting?

23 **MS. JODY THOMAS:** Yes, so on that day, the
24 Prime Minister met with Michael Chong with David Vigneault
25 and myself in the room. And then David Vigneault and I had a
26 private meeting with Mr. Chong, where we walked through the
27 intelligence with him that was at least in the *Globe and Mail*
28 article. The Director of CSIS did talk to him about what the

1 intelligence meant. It was not a direct threat, but it's a
2 concern. It was a sanction. He understood why it would be
3 upsetting to Mr. Chong. Mr. Chong had a series of questions
4 for us, as you see here, and I committed to getting back to
5 him with the answers. So we did have a follow-up
6 conversation.

7 **MS. SHANTONA CHAUDHURY:** Okay. If we scroll
8 down a little bit to the next page, we'll see maybe some of
9 the conversation you're talking about there. So, Mr. Chong
10 is asking some questions about PNG and there's a line there
11 at the end of this which says "Jody said" -- that would be
12 you, Ms. Thomas:

13 "I frankly believe it was
14 bureaucratic, in response to Chong
15 [...] saying was it a political
16 breakdown or [was it] bureaucratic."

17 Can you speak to that element of this
18 conversation?

19 **MS. JODY THOMAS:** Yes. Mr. Chong was quite
20 concerned that he just wasn't informed because of a political
21 interest, and that was not true.

22 The intelligence did move, we later found
23 out, to Minister's Offices, but it was not seen.

24 And so I -- my belief, my time as NSIA, was
25 that we Deputy Ministers have a responsibility to move
26 individual pieces and brief our Ministers.

27 What could be done about it, that is, of
28 course, a CSIS equity and they would have to do the briefing,

1 a TRM or a defensive brief, but the Prime Minister was not
2 informed in 2021 of this piece of intelligence and Minister
3 Blair was not.

4 **MS. SHANTONA CHAUDHURY:** Okay. And then we
5 know in fairly short order, about a week later, Canada did
6 take the decision to PNG Mr. Zhao Wei. Can you help us with
7 your understanding of how that unfolded and your recollection
8 really of how that process unfolded and whether it was linked
9 or not to this intelligence on Mr. Chong?

10 **MS. JODY THOMAS:** The process was led by
11 Foreign Affairs, by the Deputy Minister and the Minister, as
12 it is her equities and accountability in terms of the conduct
13 and tenure of diplomats in Canada, foreign diplomats in
14 Canada. We learned that Foreign Affairs had had several
15 interactions with the diplomat in question and had had a
16 series of concerns about other activity. Once his name was
17 public, connected to this incident, or appearing to be
18 connected to this incident in the article, it was untenable
19 for him to stay in Canada, and he was PNGed. There was a
20 hope that we -- he would leave on his own accord and we would
21 avoid a reciprocal PNGing of a Canadian diplomat from China,
22 but that's not what happened.

23 **MS. SHANTONA CHAUDHURY:** Okay. If no one
24 else has anything to add on that, ---

25 **MS. JANICE CHARETTE:** Perhaps ---

26 **MS. SHANTONA CHAUDHURY:** Or Ms. Charette?

27 **MS. JANICE CHARETTE:** Perhaps just a moment
28 on this. So maybe I'll just draw a connection to we've

1 talked, I think, about a kind of broader set of toolkits and
2 accountabilities across the system. And so Global Affairs,
3 the Deputy Minister of Foreign Affairs, and the Minister of
4 Foreign Affairs have, you know, a set of tools where they can
5 engage at the diplomatic level with representatives from
6 other countries if in fact that they're doing things which
7 are beyond the conventions about how diplomats should behave
8 when they're in the country.

9 And I think the matter of PRC efforts to
10 interfere in processes or do other things which are under the
11 broad rubric of hostile acts by state actors, we saw once
12 kind of there was a reset of the relationship between Canada
13 and China after the return of the Two Michaels, so I'd be
14 talking about kind of late fall '21, early 2022, there was a
15 series of both diplomatic notes and demarches, so meetings
16 that would have taken place between the Deputy Minister and
17 the Minister with their counterparts in People's Republic of
18 China to raise these concerns about activity.

19 So this particular decision is in the context
20 of quite a number of other steps that would have been taken
21 by the Minister and by the Deputy Minister.

22 **MS. SHANTONA CHAUDHURY:** Thank you. I think
23 we can leave the PNGing of Mr. Wei for now and move to
24 another incident.

25 So for this one, Ms. Registrar, I'll ask you
26 to pull up WIT151 and scroll down to paragraph 84.

27 This topic again is for you, Ms. Thomas.
28 It's the murder of Hardeep Singh Nijjar.

1 So we understand, and the discussion is, at
2 this point, in your witness summary, so you can refer to it,
3 but you were intimately involved in the discussions that were
4 happening between Canada and India following this. So can
5 you help us with how did this unfold, from your perspective?

6 **MS. JODY THOMAS:** Well as I think you're well
7 aware, Mr. Nijjar was murdered in June 2023 and it was the
8 second high-profile murder in that same gurdwara, Mr. Malik,
9 had occurred almost exactly a year before.

10 The immediate intelligence and police
11 response hypothesis was that it was a retaliation, but the
12 community was raising concern. Very good intelligence and
13 policing work -- through very good intelligence and policing
14 work, we learned that there was a high probability that in
15 fact this was an extrajudicial killing. We learned that in
16 late July.

17 When we received the intelligence from CSIS,
18 and it was collaborated and corroborated by other documents
19 and products, I briefed the Clerk of the Privy Council within
20 an hour of receiving it with CSIS. The Clerk organized for
21 the Prime Minister to come and read this intelligence and we
22 had a conversation about what our next steps would be.

23 Throughout this entire process, our priority
24 was protecting the police investigation. There had been a
25 murder in Canada and it was critical that the police were
26 able to do the -- conduct their investigation without the
27 public being aware. So preserving the investigation was
28 critical.

1 I had, coincidentally, a meeting with Mr.
2 Doval, the National Security Advisor of India, already
3 organized. It was called the NSA Dialogues. They had been
4 paused for several years. And I, with some colleagues from
5 PCO, met with Mr. Doval in July of 2023.

6 We were -- it was a very formal meeting. I
7 met with Mr. Doval, the head of the intelligence agency, the
8 head of the internal police bureau, and also officials from
9 their Foreign Affairs Department. It was a very scripted
10 meeting, the first one. I had a script of what I could say
11 about the investigation. I did not read the entire document,
12 but he, Mr. Doval, and his colleagues, absolutely understood
13 that we knew that this was an extrajudicial killing, to the
14 point where when I went to other meetings, they already knew
15 what I was going to say.

16 We had a second meeting just prior to the
17 G20. Mr. Morrison came with me and David Vigneault came with
18 me. We met with all the same people, though David
19 Vigneault's meeting was private with the head of the security
20 agency.

21 At that point, the Prime Minister had a
22 private conversation with Prime Minister Modi to let him know
23 what we knew and how unacceptable it was.

24 It was a whole-of-government effort that up
25 until I left, and then continuing through Nathalie's tenure
26 to bring India to account, but also have a pragmatic
27 relationship with India. We have huge people-to-people ties.
28 We have huge trade relationships. This is a critical

1 relationship for us. But what had occurred was unacceptable.
2 We had a series of meetings up until two weeks before I
3 retired to try and move this file forward, share as much
4 intelligence as we could without jeopardizing the
5 investigation, and try to bring India into line with us and
6 have an approach more similar to the one -- and a statement
7 similar to the one that the Americans put out that they were
8 working on this jointly.

9 It was difficult, because we could not -- we
10 shared enough. They knew. And the security agency shared
11 information, but we couldn't share as much as the Americans
12 because we weren't investigating a murder plot, we were
13 investigating an actual murder.

14 **MS. SHANTONA CHAUDHURY:** Does anyone else
15 have anything to add to that before we move on? No. Okay.

16 Thank you for that recollection, Ms. Thomas.

17 We'll move on to a different topic now, which
18 is probably more for Madam Drouin. In the Commission's
19 proceedings, as I'm sure you're well aware, the Commission
20 asked the Government to produce a list of major significant
21 instances of foreign interference in its democratic
22 institutions and electoral processes, and that was duly done
23 after what we understand to be much conversation between many
24 of the players involved.

25 So the evidence we heard about it so far is
26 that there were -- initially CSIS gathered up all of its
27 intelligence reports and narrowed down to a list of what
28 could be considered instances, and then that initial list was

1 sort of whittled down in the process of discussion to
2 eventually a list of seven instances, which in early
3 September became a list of six instances because CSIS
4 discovered some intelligence that -- not intelligence, sorry,
5 publicly available information that contradicted its
6 intelligence and lessened the significance of one of those
7 instances. So again, with that fairly lengthy introduction,
8 what can you tell us about that process within government of
9 arriving at this eventual list that was provided?

10 **MS. NATHALIE G. DROUIN:** If you will allow.

11 **MS. SHANTONA CHAUDHURY:** [No interpretation]

12 **MS. NATHALIE G. DROUIN:** This exercise took
13 an enormous amount of time, even if there were only five
14 incidents to end with. My colleague said earlier the way
15 that our agencies -- our intelligence agency works, there are
16 really long-term behaviours and strategy and tactics that are
17 being used by different foreign actors to be able to do their
18 interference.

19 An example, as Jody was saying earlier,
20 several years ago and even now when we receive intelligence
21 documents, identifiers are not there. We're talking about
22 how the actor is dangerous, how they proceeded by coming into
23 contact with certain individuals, but those individuals are
24 not named because what is -- we're interested in is the
25 pattern that's being used by the foreign actor. And so here
26 it was a question of coming up with incidents.

27 So first of all, we had to define what
28 exactly would be an incident, and the conclusion that we can

1 to to be able to respond to this request was an incident, it
2 would take proof that there was foreign interference. So
3 this had to be something that was secret, that was false and
4 that was threatening. And there had to be an impact also.
5 And this had to be at a certain given time.

6 And so that's why it was somewhat difficult,
7 and as I was saying, it's because CSIS is not really looking
8 at incidents. They have a different point of view with
9 respect to foreign interference.

10 So my contribution with respect to this
11 document was especially when I had the first versions when I
12 was concerned because it was presented not with -- with
13 respect to something that happened -- things that happened to
14 certain MPs. And I thought it gave the idea that foreign
15 interference and the responsibility was something that lays
16 with the MPs.

17 I thought that that was unfair because the
18 actors of foreign interference, those are foreign countries,
19 but sometimes we may have MPs who have some behaviours that
20 are inappropriate who may be not prudent enough who may not
21 be -- but really, the -- things need to be really placed --
22 responsibilities are really with the foreign actors, so we
23 had to reorganize the presentation of the document so that it
24 would be seen by foreign -- seen as responsible, being -- the
25 responsible actors being the foreign [no interpretation].

26 **MS. SHANTONA CHAUDHURY:** So that takes us to
27 the idea that MPs are not necessarily the threat actors here.
28 The focus is the foreign states who really are the threat

1 actors. And another thing you mentioned is around the table,
2 essentially, I think we've also talked about differing views
3 on what would or would not constitute foreign interference.
4 And we've heard from Mr. Morrison a little bit, and Mr.
5 Vigneault about how that was part of the discussion around
6 the table again.

7 And that picks up on something I think that
8 Mr. Hannaford, you were explaining before, which is that
9 there are -- and Ms. Charette as well, I think -- there are
10 differing perspectives on this, perhaps, within government,
11 depending on what lens is being used or what perspective is
12 being brought. So I'm wondering if you could help us
13 understand those discussions as well, and where they're at,
14 and where they come from? And I think one of the questions I
15 may have asked in a previous meeting is whether this is a bug
16 in the system or a feature in the system. So I'm not sure
17 who wants to start with that. I'm sure you all have things
18 to say.

19 **MS. NATHALIE G. DROUIN:** We do.

20 **MR. JOHN HANNAFORD:** I'll certainly invite
21 that. I'll start though. I think it's absolutely clear that
22 it is a feature of the system that we have different
23 perspectives that are brought to bear on assessing the
24 information that's available to us. You know, as Ms.
25 Charette was saying, those of us who have been posted abroad,
26 part of our role is to have a good, detailed knowledge of how
27 decisions are made in the host country that we are dealing
28 with and how those decisions can benefit Canada. And that

1 involves in many instances things like creating lists.

2 And so, the creation of a list per say, is
3 kind of a classic exercise of what we do when we are abroad,
4 and it's a perfectly legitimate exercise. How those lists
5 are used and the sort of -- the manner in which a government
6 comports itself abroad, that it -- that's the question of
7 judgement as to whether or not that has passed from an
8 exercise of foreign influence into an exercise of foreign
9 interference.

10 So for those of us on our side who are
11 thinking through the conduct of foreign governments as they
12 are conducting themselves here in Canada, we have to be
13 mindful of the various perspectives and knowledge that we
14 have around our tables. And it is absolutely a strength that
15 we facilitate that kind of an exchange, because we come to
16 better decisions based on that kind of collective
17 understanding, rather than it being simply an exercise of
18 group think.

19 And so, our governance structures, which we
20 have been describing earlier, are intended to facilitate
21 precisely these kinds of exchanges and to draw them out. And
22 I feel that's kind of critical that we make sure that we're
23 having a good vigorous conversation around these sorts of
24 issues because they matter. It really matters that we get
25 this right. If something is a question of foreign
26 interference, we need to respond vigorously to that. If
27 something is less than that, we need to recognize that as
28 well.

1 And so having an exchange of views, I think
2 in any system, but particularly government, is really
3 important and it's something that we encourage rather than
4 discourage.

5 **MS. NATHALIE G. DROUIN:** If I may add, the
6 national security domain is similar to any other domain, and
7 the role of PCO is the same. So when we develop a policy on
8 environment, an economy, we will hear different perspectives
9 from different departments in order at the end to have
10 hopefully the best policy possible that will take into
11 account all of the inputs. So we do exactly the same thing
12 when it comes to foreign interference and views from, you
13 know, the different departments and agencies.

14 **MS. JANICE CHARETTE:** I guess Canadians have
15 heard a lot about foreign interference in the last couple of
16 years. I think what we've been trying to describe to you is
17 just there is a lot of senior level attention that's being
18 paid to these topics, to these matters, by the most senior
19 public servant in the country, a collection of very
20 knowledgeable and experienced Deputy Ministers, each who come
21 with a different background and a different perspective to be
22 able to ensure that there's coordination in how we detect
23 these threats to the country, and how we actually work
24 together to figure out what the right balance approach is to
25 respond, and to counter these threats.

26 So I think I'm 100 percent in the world that
27 you've heard the Clerk describe, that this is a feature of
28 our system. That you know, we live in a wonderful democracy

1 where people have the freedom of speech and freedom of
2 association, and we have to make sure that those freedoms are
3 protected while at the same time protecting national --
4 protecting Canadians from national security threats. That
5 balanced approach, neither underreacting or overreacting, I
6 think is very much a feature of the system.

7 It also is as Natalie points so, kind of a
8 feature of a Westminster democracy. You know, we have
9 collective decision making, Ministers come together, they
10 bring their perspectives, their functional authorities or
11 departmental authorities, but also their knowledge and
12 experience to collective decisions in the best interests of
13 Canadians. We try to mirror that and draw on that as the
14 Deputy Ministers as well.

15 **MS. JODY THOMAS:** The only thing I would add
16 is that, in the national security community, but also in
17 other parts of government, very few decisions are with a
18 single Minister, or a single department, or a single agency.
19 And so, I think another very positive feature of this system
20 and the challenge is the dual key, maybe more than that, to
21 decisions that are taken.

22 So the Minister of Public Safety, and the
23 Minister of Foreign Affairs have to decide together on action
24 that's going to be taken. And sometimes that has to go to
25 the Prime Minister. Hopefully it's worked out at the
26 ministerial -- the Deputy Minister level, on the ministerial
27 level, and Prime Minister is informed, but when there's a
28 difference of opinion, the Prime Minister is informed of the

1 differences so that he understands, as he goes forward with
2 trying to resolve issues and conflict between departments, if
3 it gets to the point where it has to get to him. But the
4 dual-key system, or the more than dual-key system where
5 multiple Ministers have an accountability, it makes some of
6 the decisions more difficult, makes some of them a little
7 slower, and it also ensures a very robust thought process,
8 goes into some very, very complex and significant decisions.

9 **MS. SHANTONA CHAUDHURY:** So picking up on
10 that, when Mr. Vigneault was here, one of the things he
11 mentioned was maybe it's a good thing that in our society,
12 the security and intelligence agency doesn't necessarily have
13 the last word on things. Is that sort of in keeping with
14 that idea of dual-key?

15 **MS. JODY THOMAS:** Yeah.

16 **MR. JOHN HANNAFORD:** Sorry, could I --
17 there's just two more points on this, because I think it's
18 important. This is not unique to this domain. Like, we --
19 you look at peer review and all sorts of different parts of
20 life, where you want to make sure that whatever information
21 is the product of a process has been thoroughly tested.

22 And, you know, what you've heard from us
23 today over the -- with respect to our governance, with
24 respect to the role of PCO, one of the functions that Dan
25 mentioned at the outset is we have a challenge function.
26 That challenge function is reflective of a kind of broader
27 sense that because what we are doing ultimately matters, it
28 matters that we are making a statement with respect to us

1 having a free and fair election. It matters that we are
2 defining a certain set of conduct in a certain way. We
3 better be sure that that is right and we better be sure that
4 that is a thoroughly tested proposition. And that's because
5 Canadians rely on what we are saying.

6 And so I think, just to really drive home
7 this point, that whole process of challenge is inherent in
8 our system and it is fundamental to it.

9 **MS. SHANTONA CHAUDHURY:** Okay. Just a
10 question leading on from that. So there's also been
11 suggestions made that there's disagreements -- does there
12 need to be modification of the definition of foreign
13 interference?

14 So if I can ask you for your views on that,
15 perhaps? Is there a disagreement as to the definition, a
16 disagreement as to its application? Or where's that
17 discussion?

18 **MS. NATHALIE G. DROUIN:** I can start. I
19 don't think the issue is on the definition. I think the
20 issue is on how we read facts and how we put facts in their
21 context. And this is why the conversation we just had is so
22 important, because the context can be read differently,
23 depending on your expertise and where you're coming from. So
24 this is why conversations need to happen. The Clerk gave you
25 the example of a list. You know, providing a list to a
26 consulate may be right, may be not right, depending on the
27 purpose, and depending if you're getting something from that.

28 So it's really, you know, fact based and the

1 conversation needs to happen around those facts.

2 **MS. SHANTONA CHAUDHURY:** Okay. The last
3 topic I'll ask you about, keeping an eye on the clock, is the
4 NSICOP report. So without going into it in any detail, Madam
5 Drouin, I'll probably address these questions to you, but
6 it's quite a general question, which is obviously as NSIA,
7 you have been exposed to the NSICOP report and everything
8 under it. We've heard a lot in the public discourse, and
9 from participants in these proceedings also, about the effect
10 that that report has had. On the one hand, it being a very
11 valuable piece of work, but I think MP Kwan, and I'm sure her
12 counsel will correct me if I'm wrong, but I believe she said
13 it has cast a cloud of suspicion over 338 MPs.

14 And I'm just wondering whether, from your
15 perspective, knowing what you know about that report, can
16 Canadians still have confidence in their parliamentarians?
17 And what do you see is the import, the value, and the
18 reaction to the NSICOP report?

19 **MS. NATHALIE G. DROUIN:** Thank you. So first
20 of all, let me say -- I'll go in French.

21 **MS. SHANTONA CHAUDHURY:** [No interpretation]

22 **MS. NATHALIE G. DROUIN:** Well, I think that
23 it is a work of great value. NSICOP is something that we
24 need in our governmental apparel -- apparatus, and I think
25 that they should be put to use more frequently.

26 Now, with respect to foreign interference, I
27 would repeat what I'd just said previously when I explained
28 how we built or we prepared the document, the fact that

1 NSICOP focused on members of Parliament, and thus we gave the
2 impression that some MPs might have been aware and might have
3 acted in a way that is close to treason makes me very
4 uncomfortable because that's not what I see.

5 I said before, I've seen inappropriate
6 behaviours. I saw some lack of judgment and, in the case of
7 some individuals, maybe I would trust them a bit less, but I
8 saw no MPs responsible for espionage, sabotage or putting the
9 security of Canada at risk, so I remain extremely confident
10 with respect to the present MPs and giving any other
11 impression is once more to help foreign countries in their
12 effort to diminish the trust of the Canadian public in our
13 democratic system.

14 **COMMISSIONER HOGUE:** When you say, Mrs.
15 Drouin, that it's not what you were seeing, and here, I don't
16 want to put words in your mouth, but what are you referring
17 to? What do you have access to in order to reach this
18 conclusion?

19 **MS. NATHALIE G. DROUIN:** Well, the
20 information we have -- and maybe I would open another
21 discussion.

22 Most of the information provided to this
23 Commission that deal with members of Parliament were
24 collected in an ancillary fashion since these people, in most
25 cases, were not targeted by a CSIS or CSE investigation.
26 They were monitoring other components and it is by accident,
27 if you like, that they collected information about some
28 members of Parliament.

1 However, what we saw in the intelligence some
2 complacent behaviour, as I said before, in the case of some
3 individuals maybe relations that should not have been
4 tolerated or some people shared information when, in fact,
5 they didn't have that real information to share. Now, the
6 information that we have and that you now have and the NSICOP
7 used do not allow me to reach a conclusion that there are
8 traitors in Parliament.

9 **COMMISSIONER HOGUE:** Now, should my
10 conclusion be that you had access to all the information, to
11 all the intelligence that was available when NSICOP worked?

12 **MS. NATHALIE G. DROUIN:** Yes, absolutely.
13 And you heard that, but I also have access -- it's like a
14 puzzle that we are working with, so I am updated with respect
15 to all this trove of intelligence.

16 **COMMISSIONER HOGUE:** You said that the focus
17 comes from CSIS and that it should deal -- put the spotlight
18 on the actors in terms of foreign interference rather than on
19 members of Parliament -- it is your expression -- so all
20 members of Parliament. And if, on the other hand -- and it's
21 a big, big if, so capital I -- if a foreign state succeeds in
22 having a member of Parliament cooperating with this foreign
23 entity, who in terms of national security in the whole system
24 would be responsible in order to check, if you like, the
25 situation regarding one MP in particular? In other words, I
26 understand your statement and you say that foreign actors,
27 foreign states are the real authors of interference, but what
28 about successful interference and how do we make sure that

1 there was such an incident and who's interested in these
2 issues?

3 **MS. NATHALIE G. DROUIN:** Well, first of all,
4 even though I said that I saw no treason, no traitor, it
5 doesn't mean that these behaviours shouldn't be taken into
6 account and corrected. It doesn't mean that all individuals
7 should have access to classified information. That's one of
8 the lines of defence that are offered to various Party
9 leaders, and that's why it is important to give access to
10 this information to Party leaders so that they can take
11 action if, indeed, inappropriate behaviours are involved.
12 But your question is quite delicate. It is tricky.

13 If I look at all the various hypotheses, it
14 is a constitutional right to be a member of Parliament and
15 you can be that through a political Party or as an
16 independent member of Parliament. According to our present
17 constitutional system, someone could run as an independent
18 and even be a known criminal, so now it's up to citizens to
19 make a decision about this individual.

20 Now, in the end, apart from using the powers,
21 the very important powers invested in our political Party
22 leaders, there is no system preventing an independent
23 individual from becoming a member of Parliament even though,
24 according to some standards, that person would not be
25 qualified.

26 **COMMISSIONER HOGUE:** Because the person would
27 be elected.

28 **MS. NATHALIE G. DROUIN:** Yes, and it is a

1 constitutional right to run for elections.

2 **COMMISSIONER HOGUE:** Now, does it mean from
3 what you say -- from what you are saying, should I conclude
4 that Party leaders, if they have the required information,
5 should be able to take measures in order to prevent that
6 individual from causing any harm by making sure that no
7 classified information could be shared with that individual,
8 that no particular role is given to that person allowing
9 access to potential classified information or information
10 that might be important for foreign states? It is in that
11 perspective that you think that someone in that hypothetical
12 situation could be elected as a member of Parliament, should
13 be monitored?

14 **MS. NATHALIE G. DROUIN:** Yes. And you know
15 very well that our police forces, our *Criminal Code* and other
16 tools can be used and the public can be informed according to
17 the context. And our responsibility now as a government in
18 this domain is to make sure -- as I said before, to make sure
19 that leaders are well informed and to advise them with
20 respect to such information and to indicate that there's also
21 a way to go forward. There are measures that can be taken.

22 **COMMISSIONER HOGUE:** Well, there's access to
23 intelligence, but do you also have the possibility or the
24 powers needed if you ever reach a conclusion that some
25 behaviours are indeed illegal or against the *Criminal Code*?
26 Can you inform police authorities?

27 **MS. NATHALIE G. DROUIN:** Well, it is always a
28 very tricky issue when you talk about intelligence and

1 criminal prosecutions, but yes, we can work with our various
2 partners and you know that we can work with Elections Canada.
3 So there are channels to share information.

4 **COMMISSIONER HOGUE:** Thank you.

5 **MS. SHANTONA CHAUDHURY:** Well, I think that
6 we ran over time.

7 We are quite tight today in terms of the
8 schedule, so I suggest -- although it's 12:45, I suggest that
9 we come back at 1:45. We'll take one hour for lunch instead
10 of one hour and 20 minutes.

11 Thank you.

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

13 This sitting of the Commission is now in
14 recess until 1:45 p.m.

15 --- Upon recessing at 12:46 p.m.

16 --- Upon resuming at 1:48 p.m.

17 **THE REGISTRAR:** Order please.

18 This sitting of the Foreign Interference
19 Commission is now back in session.

20 The time is 1:48 a.m.

21 **--- MR. DANIEL ROGERS, Resumed:**

22 **--- MS. NATHALIE G. DROUIN, Resumed:**

23 **--- MR. JOHN HANNAFORD, Resumed:**

24 **--- MS. JODY THOMAS, Resumed:**

25 **--- MS. JANICE CHARETTE, Resumed:**

26 **COMMISSIONER HOGUE:** Sorry, it's cross-
27 examination, so the first one is Mr. van Ert, counsel for
28 Michael Chong.

1 **MR. GIB van ERT:** Mr. Harland, counsel for
2 Michael Chong.

3 **COMMISSIONER HOGUE:** Oh, sorry.

4 **MR. FRASER HARLAND:** Not a problem,
5 Commissioner.

6 **COMMISSIONER HOGUE:** Since he joined just
7 this afternoon, I thought he came just for the cross-
8 examination, so it's my mistake.

9 **--- CROSS-EXAMINATION BY MR. FRASER HARLAND:**

10 **MR. FRASER HARLAND:** I'd like to start with
11 some intelligence about my client, Mr. Chong, and I'm going
12 to be directing these questions to Ms. Thomas to start. Ms.
13 Thomas, I understand that you did not learn that Mr. Chong
14 was the target of PRC foreign interference activities until
15 it was reported in the *Globe and Mail* in 2023; is that right?

16 **MS. JODY THOMAS:** That's correct.

17 **MR. FRASER HARLAND:** And yet you were the
18 recipient of numerous intelligence products indicating that
19 he was the target, and so I'd like to take you through some
20 of that to understand what you did with those intelligence
21 products. So if we could call up CAN 8242 please?

22 **--- EXHIBIT No. CAN008242:**

23 MD on Accountability

24 **MR. FRASER HARLAND:** This document we know is
25 a document produced by CSIS, where they're justifying how
26 they followed the Ministerial Directive on Accountability in
27 informing numerous departments about the intelligence with
28 respect to Mr. Chong. And so if we could go to page 2,

1 please? And it's the prior to May bullet, so down a little
2 bit more. You could keep going down, please. So -- back up
3 where it says prior to May. Perfect. So,

4 "Prior to May 2021, CSIS shared
5 intelligence reports that discussed
6 PRC foreign interference efforts
7 against Michael Chong. [And] these
8 reports were shared to named senior
9 officials, including:"

10 And if we go to the third sub-bullet, it
11 says:

12 "The Deputy Minister of National
13 Defence and others at the Department
14 of National Defence".

15 So do you accept, Ms. Thomas, that you would
16 have received these intelligence products while you were
17 Deputy Minister at the time?

18 **MS. JODY THOMAS:** I do.

19 **MR. FRASER HARLAND:** And did you receive --
20 so you received it. Did you review the intelligence at the
21 time?

22 **MS. JODY THOMAS:** I don't recall reading it,
23 no.

24 **MR. FRASER HARLAND:** You don't recall.
25 And so you wouldn't be able to recall if you
26 informed your Minister of this intelligence either.

27 **MS. JODY THOMAS:** I would not have, no.

28 **MR. FRASER HARLAND:** Okay. And you wouldn't

1 have convened other Deputy Ministers to discuss the contents
2 of that intelligence to see what could be done about it.

3 **MS. JODY THOMAS:** That would not have been my
4 role, no.

5 **MR. FRASER HARLAND:** And then there was also
6 a CSIS intelligence assessment of July 2021. I can pull it
7 up if you need to, but I imagine you're familiar with it.

8 And I understand you were on leave when that
9 intelligence was shared with the Department of Defence? Do I
10 have that right?

11 **MS. JODY THOMAS:** That's correct.

12 **MR. FRASER HARLAND:** Okay. So would anyone
13 else have reviewed it in your stead? I just want to
14 understand what would have happened while the Deputy
15 Minister's on leave with an intelligence product like that.

16 **MS. JODY THOMAS:** So depending on the
17 product, and that particular product it wasn't that I had to
18 read it to do my job. I was the person in Defence who could
19 read it.

20 The Associate Deputy Minister may have read
21 it at the time. I would suggest that we were very busy in
22 terms of Afghanistan and understanding what was going on in
23 that period of time, and she would have been reading
24 significant intelligence on that subject rather than this.

25 **MR. FRASER HARLAND:** So it's possible that no
26 one reviewed this intelligence at the time in the department.
27 Is that fair?

28 **MS. JODY THOMAS:** Of National Defence.

1 And then it talks about the Ministerial
2 Directive issued by the Minister of Public Safety.

3 And what I want to put to you is that this
4 document and -- that the Prime Minister's receiving at this
5 time puts the onus on the security agencies for somehow
6 having failed to make Ministers proactively aware of these
7 threats, but we heard from CSE witnesses when they were here
8 that they felt that they were already doing this and they
9 were already providing this intelligence.

10 CSIS came here and told the Commissioner the
11 same thing, that they fulfilled their responsibilities. And
12 we just saw from the MD accountability document that CSIS was
13 informing numerous departments and numerous individuals in
14 those departments of the intelligence that they had.

15 So I'd put to you that the issue here was not
16 actually the security agencies, but it was the department and
17 the Deputy Ministers and Ministers and the NSIA, and that's
18 nowhere in this document in terms of taking responsibility
19 for what happened.

20 **MS. JODY THOMAS:** So I don't actually accept
21 the premise that there was any blame here. This was
22 explanation of what steps were going to be taken to adhere to
23 a new Ministerial Directive.

24 **MR. FRASER HARLAND:** So when all of the focus
25 here is on what the agencies did or didn't do and what they
26 need to do now in future to ensure that Ministers and the
27 Prime Minister can be made aware of this, I don't see how
28 that doesn't put the blame on the agencies. And we know

1 that, in fact, they were providing this intelligence and it
2 wasn't taken up.

3 This reads to me like you're saying to the
4 Prime Minister, "They didn't provide us with the information.
5 We're going to make sure that they do in the future".

6 **MS. JODY THOMAS:** That's not how it reads to
7 me.

8 **MR. FRASER HARLAND:** Okay. And would you
9 accept that there was responsibility for Deputy Ministers and
10 for Ministers and the NSIA in terms of this kind of
11 intelligence and briefing appropriately going forward?

12 **MS. JODY THOMAS:** Yes, I absolutely agree
13 with that.

14 **MR. FRASER HARLAND:** Thank you.

15 I'd like to turn now to the Special Report
16 that we heard about this morning.

17 And Commissioner, I apologize. I don't know
18 if I provided this document, but it's the document itself.
19 It's CAN3787_R01.

20 **--- EXHIBIT No. CAN003787 R01:**

21 China's Foreign Interference
22 Activities

23 **MR. FRASER HARLAND:** So I'm not sure if it
24 can be pulled up, but if so, I'd ask for your leave just
25 to...

26 So this is the Special Report that was
27 discussed this morning. Is that right?

28 **MS. JODY THOMAS:** That's correct.

1 understanding from your evidence this morning is that the PCO
2 Intelligence Assessment Secretariat could have moved forward
3 with distribution on its own because it's an independent
4 entity. Is that ---

5 **MS. JODY THOMAS:** That's correct.

6 **MR. FRASER HARLAND:** --- fair?

7 But it sounds like he moved it to an ADM or
8 DM committee and then it got stuck there. It was sort of
9 stuck in peer review because they were dealing potentially
10 with other, more important matters, and it didn't get out of
11 that process. Is that what happened?

12 **MS. JODY THOMAS:** I don't know if he moved it
13 to the ADM peer review committee, but they were doing some
14 pretty significant work at that period of time on Afghanistan
15 -- or sorry, on the invasion of Ukraine and on the convoy,
16 amongst other things.

17 **MR. FRASER HARLAND:** And if a document like
18 this were stuck in peer review, could -- would the NSIA have
19 a role to move it through that process faster if it was a
20 document that they thought -- that you or an NSIA thought
21 needed to get to the Prime Minister, for example?

22 **MS. JODY THOMAS:** I don't think that an NSIA
23 would interfere with the professional judgment of the
24 intelligence community if they're working on something.

25 **MR. FRASER HARLAND:** Well, I'm not saying
26 interfere in the judgment, but I'm talking more about sort of
27 timelines. Like if it's something that seemed stuck and
28 needs to be moved along, could the NSIA do something to push

1 that process along?

2 **MS. JODY THOMAS:** Hypothetically, the NSIA
3 could ask where it is, yes.

4 **MR. FRASER HARLAND:** Okay. And you didn't do
5 that with this particular report.

6 **MS. JODY THOMAS:** I did not.

7 **MR. FRASER HARLAND:** If we could pull up
8 CAN11049_0001, please.

9 **--- EXHIBIT No. CAN011049 0001:**

10 IAS Report on China's Foreign
11 Interference Activities

12 **MR. FRASER HARLAND:** And if we can go to the
13 -- this, I understand, would be a cover note to the report.
14 And if we go down a little bit further to the second
15 paragraph, we recommend it be sent to "Deputy Ministers and
16 Cabinet Ministers" as well as the Interim Clerk, Deputy
17 Clerk, who would also benefit from receiving the report.

18 And that dissemination wouldn't have happened
19 because it never ended up being a finalized product that
20 could be disseminated. Is that ---

21 **MS. JODY THOMAS:** That's correct. This would
22 actually circumvent the normal process for a document of this
23 nature.

24 **MR. FRASER HARLAND:** Okay. I noted in your
25 testimony this morning that you said it would be sort of
26 inappropriate to interfere with PCO Intelligence Assessment
27 Secretariat's work because they're independent and it could
28 be political interference, I think was the phrase you said,

1 if that were to take place.

2 I understand the NSIA to be a public servant
3 along with PCO IAS, so how would that be political
4 interference?

5 **MS. JODY THOMAS:** I said as an example,
6 political interference. One of the reasons an assessment
7 secretariat like IAS is considered independent is to avoid
8 the perception of interference, whether it's bureaucratic,
9 policy or, I gave the example, political.

10 **MR. FRASER HARLAND:** So, the NSIA being
11 involved is a form of interference?

12 **MS. JODY THOMAS:** The assessment is left at
13 the level of -- the documents are released by IAS so that
14 they are not affected by the policy objectives of the day,
15 they're policy-neutral. They're not affected by the
16 political objectives of the day. They just assess the facts.

17 **MR. FRASER HARLAND:** So, they're assessing
18 the facts, but that doesn't prevent you from helping with the
19 dissemination of such a report and moving through the
20 necessary peer review, does it?

21 **MS. JODY THOMAS:** That's not my job. It is
22 the job of the Assistant Secretary of IAS to ensure it is
23 properly peer reviewed.

24 **MR. FRASER HARLAND:** Okay.

25 **MS. JANICE CHARETTE:** Perhaps -- maybe I can
26 just try and give a little context. This is a draft of a
27 report that was prepared at the initiation, as it indicates
28 here, at the request of the former Acting National Security

1 Intelligence Advisor, Mr. Morrison, who, at the time, having
2 been through his role on the Panel of Five and received a
3 fair number of these - we're on an assessed intelligence
4 report - had a set of questions for the Secretariat to go
5 away and ask. That work continued. David, I think, gave
6 testimony that he had some questions about the report and
7 some reactions to it. Sent it back in. Similarly so, then,
8 a new SNIA -- a new NSIA comes in, and the product is
9 resurfaced again. And, okay, interesting, needs to go
10 through the peer review process in the community. And that's
11 where it went.

12 In the meantime, a number of other priorities
13 were tasked. It is not unusual that an IAS product might be
14 started and maybe not completed. It may be overtaken by
15 other events, it could be a kind of competing priority. So,
16 the fact that this didn't necessarily kind of get pulled out
17 of the pile reflects, I think, the judgment of the NSIA at
18 the time, that there were a lot of other competing priorities
19 for very scarce assessment resources.

20 **MR. FRASER HARLAND:** That's helpful. I think
21 where I was going with this is that a previous NSIA was the
22 origin of this, and this document, I think, would indicate
23 that IAS saw it as important and it was a priority for them.
24 It wasn't a priority for peer review, and it got stuck there
25 and didn't advance further. But Mr. Green certainly would
26 have liked it to, and I was trying to understand why it
27 didn't advance further. So that evidence is helpful.

28 I'd like to turn to the targeting paper now.

1 So, Ms. Thomas, I understand that you convened a group of
2 deputy ministers to discuss the paper, and it was redrafted
3 out of that discussion.

4 **MS. JODY THOMAS:** That's correct.

5 **MR. FRASER HARLAND:** Okay. And CSIS did the
6 right redraft, and from my understanding of their evidence,
7 their expectation that it would be distributed, including to
8 the Prime Minister, and the director told us that he would
9 have liked it to go to the Prime Minister, but there was an
10 issue in how the revised report was disseminated, and so it
11 never got to you for distribution. Is that fair?

12 **MS. JODY THOMAS:** I did not see it before I
13 retired.

14 **MR. FRASER HARLAND:** Okay. Would you agree
15 that that's a significant breakdown in communication when
16 CSIS thinks that they're drafting a report for the Prime
17 Minister, and they go and do that, and that's not your
18 understanding, and the report never gets to the Prime
19 Minister? Would you agree with that?

20 **MS. JODY THOMAS:** I would suggest that CSIS
21 was drafting a report, period.

22 **MR. FRASER HARLAND:** But their evidence is
23 that they saw it was for the Prime minister, and
24 Mr. Vigneault told us in testimony that he wants that
25 document to go to the Prime Minister.

26 **MS. JODY THOMAS:** Yes, he did say that, but
27 nobody else in that meeting thought that this was necessarily
28 going to the Prime Minister, and we would have wanted to see

1 the redraft, and then another discussion would be held on it.

2 **MR. FRASER HARLAND:** Has a redrafted version
3 of the report gone to the Prime Minister now? Do we know
4 that?

5 **MS. JODY THOMAS:** I don't work at PCO any
6 longer. I couldn't comment.

7 **MR. FRASER HARLAND:** Madame Drouin, perhaps
8 you can help with that.

9 **MS. NATHALIE G. DROUIN:** [No interpretation]
10 not been given before his last in camera hearing so as not to
11 influence his testimony.

12 **MR. FRASER HARLAND:** Okay. And I'd like to
13 take a step back with respect to something that I think the
14 targeting paper reveals, which is a significant disagreement
15 between departments and agencies on what foreign interference
16 is. And we've heard particularly how GAC officials and CSIS
17 seem to be viewing this issue very differently. And so,
18 leaving aside the targeting paper, isn't that in and of
19 itself something that the Prime Minister should have been
20 made aware of, that there was this disagreement about a
21 significant national security threat in the country and how
22 the departments were understanding what it even means?

23 **MS. JODY THOMAS:** I think that we're talking
24 about a report and then an understanding of what foreign
25 interference is and how seriously people are taking it. The
26 national security community, including our colleagues at GAC,
27 are very attuned to the risk of foreign interference, and
28 that they are part of the national security community. They

1 accept the same definition of foreign interference that CSIS
2 does, that's sort of the standard definition.

3 Within that, on individual actions,
4 individual pieces of intelligence, individual assessments,
5 there can be difference of opinion. And that, as we stated
6 earlier, we see as one of the great strengths of our
7 community, our government, intergovernmental approach to how
8 we look at intelligence and decide what to do with it.

9 And in this particular case, there was a
10 difference of opinion. That's not a bad thing.

11 **MR. FRASER HARLAND:** So I'd put it to you,
12 because I understand this is one particular case - and we can
13 take this document down - but what I would suggest is that
14 this case, and from the testimony we've heard, raises not an
15 issue just with this case, but there was a broader issue in
16 the government. And we know the Prime Minister has a special
17 responsibility for national security. And when relevant
18 departments and agencies can't agree on the very parameters
19 of a key national security threat, foreign interference,
20 that's a problem. And if that problem is festering, that's
21 not a feature, but that's something that the Prime Minister
22 needs to be aware of so that he can be involved and help the
23 governance process break that logjam. Would you not agree
24 with that?

25 **MS. JODY THOMAS:** Well, I would look at it
26 from a different perspective. I think that there is a huge
27 benefit and a healthy tension between departments and
28 competing national interests. That's number one.

1 Number two, ministers have accountabilities.
2 And so, I think it's important that deputy ministers and
3 agency heads go to their ministers, and then ministers talk
4 about any differences on particular cases, before it goes to
5 the Prime Minister.

6 When we do brief the Prime Minister on
7 issues, if there is a difference of opinion, he's fully aware
8 of that, and he then adjudicates his meetings to understand
9 both sides of any situation. Normally, it's resolved at the
10 deputy minister level or the ministerial level and the Prime
11 Minister doesn't have to become involved. He's briefed, but
12 he's not involved in adjudicating between ministers. He
13 hears from both, and even when a situation's been resolved,
14 we would tell him that there has been a difference of opinion
15 in the community, and here's how it's being resolved. I
16 don't think -- there's no festering going on.

17 **MR. FRASER HARLAND:** That's helpful. Thank
18 you.

19 One final topic, and it relates to a
20 paragraph in the NSICOP report, so I'll bring that up. It's
21 COM363.

22 **--- EXHIBIT No. COM000363:**

23 NSICOP Special Report on Foreign
24 Interference in Canada's Democratic
25 Processes and Institutions

26 **MR. FRASER HARLAND:** And I'd like to go to
27 the PDF page 59 of that document, paragraph 126, please.
28 Maybe 60, sorry. It should be paragraph 126, so if we can

1 keep going. I -- yeah, that's it. Perfect. So, if we can
2 have the whole paragraph? Perfect.

3 So, this paragraph talks about multiple
4 efforts to seek the Prime Minister's authorization to -- for
5 CSIS to brief parliamentarians. And some of this predates
6 your time, Ms. Thomas, but there's one sentence in particular
7 that I'd just like to understand. So, it's the one that
8 begins "In February 2022", about two-thirds of the way
9 through the paragraph. It says:

10 "[...] the NSIA revived the initiative
11 in another memorandum to the Prime
12 Minister, following December 2021
13 media articles about the Conservative
14 Party of Canada's concerns with 13
15 ridings in the most recent federal
16 election..."

17 And then it says:

18 "... (this memorandum was ultimately
19 not provided to the Prime Minister)."

20 So, I'd just like to understand, there was
21 obviously an issue here that was important enough to draft a
22 memo, but it wasn't sent, so I was wondering if you could
23 explain that to the Commission?

24 **MS. JODY THOMAS:** I don't actually recall why
25 it was not sent. And I haven't seen the memo in my review
26 for this hearing.

27 **MR. FRASER HARLAND:** That's fair enough. I
28 don't think I've seen the memo either. I'm not sure it's

1 available to the parties, so this stood out to me as
2 something you might be able to explain. If you haven't
3 reviewed it, that's fine.

4 Commissioner, those are my questions for
5 today. Thank you very much.

6 **COMMISSIONER HOGUE:** Thank you.

7 **MR. FRASER HARLAND:** Thank you very much,
8 Ma'am.

9 **COMMISSIONER HOGUE:** So next one is Maître
10 Sirois for the RCDA.

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

12 **MR. GUILLAUME SIROIS:** Hello again.
13 Guillaume Sirois for the RCDA, Russian-Canadian Democratic
14 Alliance.

15 I'd like to ask the Court Reporter to pull
16 RCD20, please.

17 **--- EXHIBIT No. RCD0000020:**

18 Tenet Youtube videos

19 **MR. GUILLAUME SIROIS:** [No interpretation]
20 obviously.

21 I want to give you the title of a few videos
22 about Canada coming from Tenet Media that you're probably all
23 aware of.

24 That's the YouTube page before it was removed
25 by YouTube, some videos on the Prime Minister:

26 "Do NOT Move to Canada!, Economic
27 Revolts Imminent? Canadian Police
28 Issue Warning, Canada Is Becoming A

1 COMMUNIST HELLHOLE".

2 So you're aware that this was funded,
3 orchestrated by Kremlin agents with help of Canadians?

4 You can close the document. Thank you.

5 **MS. NATHALIE G. DROUIN:** Well, if you'll
6 allow me, Russia is an extremely active and capable player.
7 They can use social media, they can use influencers in order
8 to reach their goal. Their main goal that they've had for
9 many, many years, decades is to impact the credibility of
10 democracies throughout the world.

11 We've testified on the development of the
12 Panel of Five and the protocol. The origin of the creation
13 of the Panel of Five was the experience lived in France by
14 the French during their elections, which resulted of an
15 active campaign by Russia on their elections in France.

16 You're talking about Tenet. You've also seen
17 that the United States have indicted a campaign against
18 Russia for a campaign that the Russians are doing to
19 interfere in the Presidential election campaign in the
20 States. You've seen that after this publication of the
21 indictment, Minister LeBlanc, Public Safety Minister, also
22 made a declaration that we were condemning Russia's
23 manoeuvres, that we were saluting the job done by the
24 Americans, and all the cooperation work that Canada was
25 involved with with the Americans to put -- shed light on this
26 Russian campaign.

27 **MR. GUILLAUME SIROIS:** Before we get to the
28 question on September, as you know, this operation has been

1 happening since November 2023, so for four partial
2 byelections, during which the SITE was active and this
3 operation was happening. What does that say on the
4 efficiency of the Five (sic) Task Force in not stopping this
5 Russian operation?

6 **MS. NATHALIE G. DROUIN:** Well, there's two
7 things. The Russians, particularly since Russia's invasion
8 of the Ukraine -- the Russians are very active in pushing
9 their narrative and trying to influence. Obviously they're
10 saying that Ukraine is responsible for all the problems that
11 they are facing.

12 But Russia is agonistic when they -- there's
13 the political Party in Canada, whether it should be one Party
14 or another, their will is just generally to attack the
15 credibility of our system, of our democracy. That's why we
16 though that for election periods 43 and 44, Russia had not
17 interfered in our process, election process, but this being
18 said, Russia is very active in its disinformation campaigns,
19 so it's just important to make a distinction between foreign
20 interference in the goal of influencing the result of an
21 election versus just interference in the goal of pushing the
22 narrative and destabilizing, attacking the system as it is.
23 Whoever wins is directing the system.

24 **MR. GUILLAUME SIROIS:** Yes, that's what is
25 very special. We've seen a decrease of Canadians towards
26 their Prime Minister, Justin Trudeau, and we see that
27 Russia's been attacking the Prime Minister for a long time.

28 Is it to influence the election or to harm

1 the Prime Minister, the consequences are the same. This
2 propaganda against the Prime Minister is having an impact of
3 potential elections.

4 **MS. NATHALIE G. DROUIN:** Yes, it has an
5 impact on democracy. That's why we're being very transparent
6 and vocal towards Russia.

7 You probably know that we've updated the
8 summary on Russia to show the escalation of Russia's
9 activities. I've referred to the Public Safety Minister's
10 declaration. There were declarations from Minister Joly from
11 Global Affairs. CSIS also published some documents. CSE
12 also towards the cyber attacks from Russia.

13 So we're trying to equip Canadians with the
14 necessary tools to identify and see, and we're also working
15 on operations to mitigate and eliminate those attacks.

16 Something that is not being said often
17 enough, but I will say it here, if you look at our
18 intelligence and activity priorities, Canada with its
19 partners, we have great capacities to see what Russia is
20 trying to do. So sharing information, as we're doing amongst
21 ourselves, allows us to see what are the intents and also the
22 tactics used by Russia.

23 **MR. GUILLAUME SIROIS:** Thank you for that.

24 I will move beyond the electoral issue, but
25 also the effect of Russian propaganda over years, maybe a
26 decade or more. What do we know on the cumulative impact of
27 that propaganda through the years on Canadians, on their
28 voting habits or how they see some policies like support to

1 NATO or Ukraine or other issues that are important for our
2 national security?

3 **MS. NATHALIE G. DROUIN:** I don't have the
4 whole impact evaluation, but I can give you interesting data
5 or concerning data. When polling Canadians, one sees that
6 there's an increase of how many Canadians would be
7 comfortable with having an autocratic country.

8 You also see that there's an increase in the
9 number of Canadians who believe that the situation in Ukraine
10 has been caused by Ukraine itself, so you see a real concrete
11 impact of the disinformation campaign from Russia.

12 **MR. GUILLAUME SIROIS:** That's very
13 interesting. And the impact will increase with what Russia
14 is trying to do in reducing how much help Canada is sending
15 to Ukraine.

16 **MS. NATHALIE G. DROUIN:** In Canada, there is
17 a consensus in society on how to help Ukraine, but we can see
18 that, in Europe, things are crumbling somewhat and Russia is
19 working very actively in Europe on disinformation campaigns.

20 **MR. GUILLAUME SIROIS:** ACD82 (sic), it's the
21 government's answer. I have it in English, the Permanent
22 Standing Committee on National Security. In English again,
23 "Up to the Task: Strengthening Canada's Security Posture in
24 Relation to Russia". RCD82.

25 **--- EXHIBIT NO. RCD0000082:**

26 Department Of Public Safety And
27 Emergency Preparedness

28 **MR. GUILLAUME SIROIS:** This answer, which is

1 signed by Minister LeBlanc, was presented in the House of
2 Commons on September 18th, 2023, a bit over a year ago.

3 Just to introduce the document, I'm wondering
4 if you recognize the answer. Are you aware and are those
5 things that you're working on currently?

6 If I can help, I can show the report of the
7 National Committee -- or Standing Committee on Public Safety
8 and National Security.

9 **MS. NATHALIE G. DROUIN:** I'm not sure I
10 understand your question.

11 I remember the report. What is the goal of
12 your question, exactly?

13 **MR. GUILLAUME SIROIS:** I just want to go to
14 one of the recommendations to know where we are at this point
15 and what does the -- what are the next steps.

16 So Recommendation 10 on page 6.

17 So Recommendation 10, I'll read it in
18 English, recommends:

19 "That the Government of Canada
20 examine the full extent of Russian
21 disinformation -- and other state-
22 backed disinformation -- targeting
23 Canada, the actors, methods, messages
24 and platforms involved, and the
25 impact this disinformation is having
26 on the Canadian population and
27 Canada's national security, and that
28 it report its findings to Parliament

1 annually.”

2 So the response in September 2023 was to
3 examine this recommendation further and also RRM Canada is
4 identified to identify disinformation, so it’s quite
5 different from what RRM Canada’s doing. And the idea of
6 measuring the full impact of Russian disinformation on
7 Canadians and the national security -- and I wonder that that
8 recommendation to examine more deeply, where are we at this
9 point?

10 **MS. NATHALIE G. DROUIN:** I’ll give my
11 colleague the floor after saying some preliminary things.

12 The fact that I looked at that report
13 reminded me that you know that Canada implemented many
14 economic sanctions to Russia, so this was an interesting
15 response. And we also banned RT. I think that you’ve heard
16 the CRTC talk about it. It used to be *Russia Today*.

17 And as I said earlier, Canada prioritizes
18 Russia in intelligence gathering and does it in collaboration
19 with its partners. And earlier when I made an inventory of
20 everything we communicated to Canadians, the RRM also
21 communicated many things to Canadians that they learned their
22 work. And the G7 prioritizes Russian actions in its [no
23 interpretation].

24 **MR. DANIEL ROGERS:** Thank you. Just a small
25 addition to say this really links to the conversation that we
26 were having earlier on the ability to monitor and consume and
27 analyze open-source information and the complexity that goes
28 along with that.

1 I mean, one of the challenges around
2 identifying disinformation is that often the information that
3 is being inauthentically spread is also genuinely held
4 opinion by a number of Canadians who do not, you know, share
5 those views because of Russian activities.

6 And so disaggregating that, identifying the
7 difference between something that's inauthentic and authentic
8 is one step, but we have to be cautious in our approach in
9 the way that the government deals with that analysis to make
10 sure that we're doing it properly and taking those steps to
11 look at authenticity, but then attribution later, and some of
12 those things can be challenging to do.

13 So where we can -- and I fully agree with
14 Madam Drouin, we have efforts under way to look at Russian
15 disinformation. It is in our intelligence priorities. It's
16 clearly something that SITE will prioritize. It's something
17 that the RRM has prioritized. But we have to make advances
18 there deliberately.

19 **MR. JOHN HANNAFORD:** I would also add, this
20 does get into a broader societal resilience piece, where
21 there is -- this was the conversation we were having this
22 morning as well around education and just building up a
23 knowledge of some of the techniques that are used to
24 disseminate mis- and disinformation, and that is also part of
25 sort of our Digital Citizenship Initiative, but it is a
26 bigger sort of societal challenge.

27 **MR. GUILLAUME SIROIS:** Yes, I appreciate your
28 answers.

1 I'm wondering if there's perhaps something on
2 the policy side that could be done to improve the
3 government's ability to detect or respond to this threat?
4 Because Russia has indicated even after the Tenet Media
5 operation was detected by the United States, that it still
6 would try everything it can to interfere with our
7 democracies. And obviously this Tenet Media operation was
8 not detected during four byelections, so what, on the policy
9 perspective, what can be done more to prevent this from
10 happening again during General Election 45?

11 **MR. JOHN HANNAFORD:** Well I think what we
12 were describing earlier is with a view to being vigilant to
13 all of these sorts of challenges, and that is a general
14 vigilance with respect to mis- and disinformation, and as my
15 colleagues were saying, we have already means by which we
16 will both detect and address these kinds of challenges, but
17 at the same time, we need to continue to evolve and to work
18 with broader civil society and to develop our own
19 capabilities.

20 **MR. GUILLAUME SIROIS:** Okay. I'm going to
21 move to a slightly different topic again. I want to talk
22 about -- we can close -- maybe just one last question on that
23 topic. Do you still -- do you believe that -- just to return
24 to the initial question, do you believe that preparing such a
25 report about the extent of Russian-backed disinformation,
26 reporting it to Parliament annually would be a good idea?
27 Would be something that the government should implement?

28 **MS. NATHALIE G. DROUIN:** [No interpretation]

1 talking about this, I think it's a good idea to continue to
2 be transparent and to talk about that risk with Canadians in
3 order to increase the level of awareness and thus the
4 capacity to avoid it.

5 **MR. GUILLAUME SIROIS:** We can take down the
6 document. Thank you.

7 I think we have some time. Maybe I can show
8 it to you anyway so -- to refresh your memory. So WIT116,
9 page 19, paragraph 54.

10 Mr. Rogers, there's a mention that's
11 attributed to you about the CSIS assessment about the Russian
12 diaspora being targeted by Russia. I'm not sure if you
13 recall this specific -- okay, I can ---

14 **MR. DANIEL ROGERS:** I'd have to review it. I
15 don't recall.

16 **MR. GUILLAUME SIROIS:** It's WIT116.

17 **COURT REPORTER:** Would you like the French
18 version?

19 **MR. GUILLAUME SIROIS:** Doesn't matter. At
20 page 19, please. Paragraph 54. So it's not the correct --
21 yes, exactly. Page 17, sorry.

22 So I can let you read the paragraph to remind
23 yourself of that.

24 **MR. DANIEL ROGERS:** Yes, thank you.

25 **MR. GUILLAUME SIROIS:** Okay. Do you remember
26 this intelligence assessment about diaspora members being
27 targeted by Russia? Especially the Russian diaspora.

28 **MR. DANIEL ROGERS:** I remember this

1 conversation that's summarized here, and from memory, I was
2 asked about a particular paper that had been put on the
3 agenda, but not discussed. I don't believe we have discussed
4 that paper or that I have read it, but that is my memory of
5 that.

6 **MR. GUILLAUME SIROIS:** And I'm wondering,
7 considering the Russian diaspora is being targeted by Russia,
8 I'm wondering if there's any strategy to better protect the
9 Russian diaspora in Canada against Russia's attempt at
10 controlling or using them for their own strategy goals?

11 **MS. NATHALIE G. DROUIN:** I think CSIS already
12 testified about this and were aligned with this, that to have
13 specific consultations with communities is something that we
14 have to focus on because the threats that various communities
15 can experience in Canada really depend on the communities to
16 which they belong.

17 **MR. GUILLAUME SIROIS:** But you don't --
18 there's no strategy about this? It's just something that
19 CSIS does as part of its outreach program, but there's no
20 overarching strategy about how to protect the Russian
21 diaspora or other diasporas specifically? Is that right?

22 **MS. NATHALIE G. DROUIN:** There's no specific
23 strategy. It's a strategy that's applicable to various
24 actors or various foreign countries that are making threats
25 and their impact on various communities in Canada.

26 **MR. DANIEL ROGERS:** I think one thing I can
27 add to that, if it's helpful, is that, you know, a lot of our
28 approach is intelligence-driven and threat-driven. So if we

1 do see something that merits or requires a response from
2 government, we have the systems and processes that we
3 described earlier to make sure that that's given attention,
4 that it's discussed, and it's responded to.

5 I think you're seeing from us two different
6 sort of lines of attack against foreign interference, some
7 which are strategic and involve engagements and broader
8 societal resilience, and then on the other hand, reactions to
9 specific intelligence or threat events when they occur. And
10 it's through both of those strategies that we address foreign
11 interference more generally, including that against Russian
12 diaspora.

13 **MR. GUILLAUME SIROIS:** We can close that
14 document now.

15 So we know there's quite a lot of Russian
16 diplomats in Canada and Russia targets members of the Russian
17 diaspora in Canada for their own ends. And that operation on
18 Tenet Media, we saw that they were targeting Russians in
19 Canada and Canadians as well, and that's happening now. It's
20 not something that happened 10 years.

21 Is there anything wrong with the government
22 response? How can we be confident that the election will go
23 smoothly with all of this happening in Canada still? Is that
24 acceptable?

25 **MS. NATHALIE G. DROUIN:** I think I responded
26 -- gave you a lot of answers about the actions being taken.
27 We collaborated for several months with the Americans. I
28 can't comment on investigations that are current in Canada.

1 I would like to come back to one premise from
2 your question. The campaign that was updated by the
3 Americans during their last indictment, it was a campaign
4 that was targeting Americans. That being said, it was not
5 targeting Canadians. It was targeting Americans with a nexus
6 using intermediates -- intermediaries that were Canadian,
7 among others.

8 But our information system is porous between
9 Canadians and Americans. Canadians view and listen to many
10 English-language media, but the main target was the American
11 Presidential campaign.

12 **MR. GUILLAUME SIROIS:** Thank you very much.
13 That's -- those are all my questions for today.

14 **COMMISSIONER HOGUE:** So next one is Mr. Singh
15 for the Sikh Coalition.

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

17 **MR. PRABJOT SINGH:** Thank you, Commissioner.
18 My name is Prabjot Singh for the Sikh Coalition. In order to
19 kind of manage my time, I'm going to direct my questions
20 towards one or several of you, just so we can cover as much
21 ground as possible. So, Ms. Charette, I'd like to start with
22 you. If we can pull up WIT 151, please, and go to page 27.
23 I want to touch on some of the comments that you made with
24 regards to the importance of transparency. So if we pull up
25 that paragraph. Yeah, right there. And if we just get all
26 the way to the bottom of the paragraph, please? The full
27 paragraph. Scroll up, 95, please. Thank you.

28 So, Ms. Charette, you noted that increased

1 detail in the government's public reports and communications
2 is critical because it builds engagement with a number of the
3 listed stakeholders there. And you went on to say that this
4 builds resilience through knowledge. So within that context,
5 are you able to succinctly tell us about the process of how
6 redactions in NSICOP reports, for example, are finalized? So
7 my understanding, and I'll put it to you, that the PCO makes
8 suggestions to the Prime Minister based on inputs from
9 different agencies. And then the Prime Minister signs off on
10 those redactions; is that fair?

11 **MS. JANICE CHARETTE:** I'm not in a position
12 to explain to you how NSICOP reports are redacted. That
13 would be done by national security officials who ---

14 **MR. PRABJOT SINGH:** Sure.

15 **MS. JANICE CHARETTE:** --- were working for
16 me.

17 **MR. PRABJOT SINGH:** Ms. Drouin or Mr. Rogers?

18 **MR. DANIEL ROGERS:** The redactions that will
19 come from NSICOP are done through normal redaction process,
20 similar to what we would have done with this Commission.
21 There's a department or an area within the Department of
22 Justice, the national security group, that will, you know, go
23 through with departments and agencies the specific statements
24 that could be injurious to their operations or national
25 security. Those are done to a relatively consistent standard
26 for all types of legal disclosures, and those are applied to
27 those documents before they are provided to the Prime
28 Minister.

1 **MR. PRABJOT SINGH:** And so when they're
2 provided to the Prime Minister, he's the final authority in
3 approving the redactions; is that fair?

4 **MR. DANIEL ROGERS:** In -- the report is
5 provided to the Prime Minister from NSICOP. Those redactions
6 are done but before it is provided to him.

7 **MR. PRABJOT SINGH:** Looking back at India's
8 foreign interference activities that we've seen have clearly
9 escalated over the past few years, at the very least, Ms.
10 Drouin, I'll direct this one towards yourself, do you agree
11 that had the Government of Canada been more forthcoming by
12 publicly acknowledging India's activities earlier and
13 publicly reprimanding India for its bad behaviour, India may
14 not have been so emboldened to escalate its foreign
15 interference activities so drastically?

16 **MS. NATHALIE G. DROUIN:** I don't know if I
17 can talk about cause and effect. What I can say is, and the
18 work of this Commission is helping all of us to learn how to
19 sanitize, how to talk about foreign interference. The work
20 also -- this work also taught us about how difficult it is to
21 summarize something that is top secret. You know, sometime
22 when you summarize, you lose some lines, your assessment is
23 stronger or softer, so it is, you know, a process in which we
24 are. We need also to be able to talk with the public more
25 about foreign interference. This is kind of the first line
26 in terms of the protection, making sure that Canadians know
27 it's happening. And I think that, you know, since 2018, we
28 have evolved and we continue to evolve because we do believe

1 that being transparent, being equipped to talk about that
2 will help all of us.

3 **MR. PRABJOT SINGH:** Thank you for that. And
4 so over the past couple of weeks, the Commission has heard
5 from a number of witnesses from the security and intelligence
6 community about India's foreign interference tactics and
7 their objectives specifically. So, Ms. Drouin, from your
8 kind of NSIA vantage point today, is it fair to say that
9 India is the second-most prominent threat actor in terms of
10 foreign interference, with the objective of influencing
11 Canadian policy, particularly against those activities
12 considered anti-India in Canada?

13 **MS. NATHALIE G. DROUIN:** So I'll start by
14 saying that I'm not always sure that ranking is useful. We
15 just talked about Russia. They have their trade craft.
16 China has another set of trade crafts, and Indian has another
17 set of trade craft. It's really important that we understand
18 that in order to make sure that our response is appropriate
19 to what they are doing. It is also important to understand
20 that why India has an interest when it comes to Canada.

21 So Canada has close to two per cent of its
22 population coming from India, and almost half of it are Sikh.
23 And this is the largest Sikh diaspora outside of India. And
24 that attracts a lot of India's attention. And we have also
25 in our history what happened with Air India, so that also
26 tanked a little bit the interest that India has in Canada.
27 The objective of India, not sure -- and, you know, feel free
28 to -- not sure that they really want to influence our policy.

1 I think that they really want to influence the pro-
2 Palestinian debate and conversation.

3 **MR. DANIEL ROGERS:** I don't have much to add,
4 other than to say I think you're certainly correct that India
5 seeks to favour a more pro-India sentiment and has -- well,
6 you've seen the acts of foreign interference that are listed
7 in the summary that we are concerned with. And I think that
8 I agree with Mme. Drouin that ranking may not be the most
9 helpful exercise. The importance is that we are vigilant, we
10 understand the tactics, and that we as a federal community do
11 everything within our power to try and protect people from
12 foreign interference and any nefarious acts by India.

13 **MR. PRABJOT SINGH:** Thank you. And, Ms.
14 Operator, if we can pull up TSC 1, please?

15 **--- EXHIBIT No. TSC0000001:**

16 Foreign Interference Intimidation,
17 Disinformation, and Undermining
18 Canadian Institutions

19 **MR. PRABJOT SINGH:** And, Ms. Thomas, I'm
20 going to direct this one towards yourself. In one of the
21 summaries we received about information relating to India, we
22 saw reference to a report that was published by Canadian
23 gurdwaras about Indian foreign interference in Canada. Have
24 you -- are you familiar with this report? Have you seen this
25 or received a briefing or summary about the contents?

26 **MS. JODY THOMAS:** I don't know when this
27 report was published. It doesn't look familiar to me. I had
28 many briefings on Indian foreign interference, but this

1 particular document I don't recall. Certainly didn't review
2 it in my prep.

3 **MR. PRABJOT SINGH:** Sure. If we can go to
4 page 22, please. And if we just scroll down to the third
5 paragraph. That's fine right there. So that third paragraph
6 there is kind of -- this is from the conclusion where this
7 report published by the Ontario Gurdwaras Committee and B.C.
8 Gurdwaras Council analysed open-source information and public
9 reporting to provide an assessment and summary of Indian
10 foreign interference activity. So in that third paragraph
11 there, in the conclusion, the report says:

12 "There is clear evidence on the
13 record that Indian intelligence
14 agencies are actively engaging in
15 conduct to manipulate public
16 narratives in the media, intervene in
17 electoral processes, and ultimately
18 influence government decision-making
19 in order to criminalize and prosecute
20 Sikh political advocacy in Canada..."

21 Would you agree with this statement today in
22 terms of India's objectives and desired outcomes?

23 **MS. JODY THOMAS:** I haven't read this entire
24 report, so it is hard to comment on one sentence in
25 isolation.

26 Certainly we know that India has an interest
27 in Canada adhering to the "one India" policy and not
28 supporting active extremism.

1 **MR. PRABJOT SINGH:** And we heard from
2 witnesses from RCMP and from GAC that India often, in
3 bilateral relations and conversations that are happening in
4 multiple kind of forums and meetings, where India expects or
5 tries to request that Canada prosecute activity that is
6 *Charter* protected in Canada, including lawful advocacy for
7 Khalistan. Is that fair to say?

8 **MS. JODY THOMAS:** I think that's a law
9 enforcement to law enforcement conversation in terms of
10 prosecution and what the evidentiary level is. Our concept
11 of free speech is very broad and it's just part of the
12 Canadian culture, and it's a *Charter* right.

13 **MS. NATHALIE G. DROUIN:** Maybe if I can add.
14 We live in a free society when Canada respects one's beliefs
15 and opinion. Government of India, from my perspective, does
16 not make the difference between being an extreme violence
17 Khalistanian versus being pro Khalistanian, so putting all of
18 them in the same boat, India does not understand why we allow
19 people being able to talk openly supporting the Khalistan.

20 **MR. PRABJOT SINGH:** And in Canada, it's
21 because those are *Charter* protected rights; correct?

22 **MS. NATHALIE G. DROUIN:** Exactly.

23 **MR. PRABJOT SINGH:** Thank you.

24 Ms. Operator, if we can bring up WIT151 and
25 go to paragraph 84, please.

26 So Ms. Thomas, I want to talk about some of
27 your earlier testimony today when you were talking about
28 Hardeep Singh Nijjar's assassination. When you were speaking

1 to Commission counsel, you mentioned another high-profile
2 murder in the lower mainland in 2022.

3 Are you able to confirm today that there is -
4 - that Canadian agencies have intelligence or are gathering
5 intelligence about the potential role of Indian agencies in
6 that murder as well?

7 **MR. GREGORY TZEMENAKIS:** I apologize for the
8 intervention. I'm going to advise the witness not to answer
9 that question on the grounds of national security
10 confidentiality.

11 **MR. PRABJOT SINGH:** Thank you. No problem.
12 I'll move on.

13 The Commission has heard in considerable
14 detail, particularly from Mr. Weldon Epp from Global Affairs
15 last week, that India has engaged in full-court press --
16 full-court press disinformation campaigns. So when speaking
17 to Commission counsel earlier today, you mentioned that the
18 immediate hypothesis after Mr. Nijjar's assassination was
19 that it was in retaliation to the 2022 murder. Do you recall
20 saying that?

21 **MS. JODY THOMAS:** I do.

22 **MR. PRABJOT SINGH:** So after reviewing the
23 intelligence about India's role in Mr. Nijjar's murder, would
24 you agree that India actively engaged in a disinformation
25 campaign in 2022 to amplify this retaliation hypothesis?

26 **MS. JODY THOMAS:** I cannot agree to that, no.

27 **MR. PRABJOT SINGH:** And if we scroll down,
28 once you learned about intelligence regarding India's role in

1 the assassination, you talked about meeting your counterpart,
2 Ajit Doval, in July 2023; correct?

3 **MS. JODY THOMAS:** Correct.

4 **MR. PRABJOT SINGH:** And in that meeting, you
5 said that your communication to him was clear that Canada
6 knew about India's role in the extrajudicial killing of
7 Hardeep Singh. Do you recall that?

8 **MS. JODY THOMAS:** I do.

9 **MR. PRABJOT SINGH:** And orchestrating the
10 extrajudicial killing of a Canadian citizen is obviously a
11 flagrant violation of international law and the basic norms
12 of diplomacy. I think you'd agree with that?

13 **MS. JODY THOMAS:** Yes.

14 **MR. PRABJOT SINGH:** Would you agree that this
15 is unprecedented event where a foreign state plotted to
16 assassinate a Canadian citizen on Canadian soil because of
17 his political views?

18 **MS. JODY THOMAS:** This is the first
19 extrajudicial killing we're aware of, I believe, in my ---

20 **MR. PRABJOT SINGH:** And if you see right
21 there at paragraph 86, you talked about Canada's efforts to
22 get India to acknowledge its role, similar to how the U.S.
23 succeeded with regards to a plot to assassinate a colleague
24 of Hardeep Singh Nijjar. So to confirm for the record, it's
25 your understanding that Indian agents attempted to
26 assassinate a colleague of Hardeep Singh in the U.S., who was
27 also a Sikh activist advocating for Khalistan; correct?

28 **MR. GREGORY TZEMENAKIS:** Sorry. I'm going to

1 caution the witness not to answer the question on the grounds
2 of national security confidentiality.

3 **MR. PRABJOT SINGH:** Are you aware of public
4 reporting and an unsealed indictment from the U.S. that
5 implicates Indian agents in the attempted assassination of a
6 colleague of Mr. Nijjar?

7 **MS. JODY THOMAS:** I'm aware of the
8 indictment, the unsealed indictment.

9 **MR. PRABJOT SINGH:** Thank you.
10 And if we scroll down to paragraph 91.
11 Thank you. Right there.

12 In terms of India's response to the Prime
13 Minister's public statement on this issue in September, is it
14 fair to say that we've seen India denying responsibility,
15 being uncooperative and actually engaging in a coordinated
16 disinformation campaign in Canada?

17 **MR. GREGORY TZEMENAKIS:** Again I'm going to
18 caution the witness not to answer the question on the grounds
19 of national security confidentiality.

20 **MR. PRABJOT SINGH:** Are you aware of an RRM
21 report that's before this Commission that documents the
22 amplification of similar narratives and perspectives from
23 Indian media targeting the Prime Minister and Canada with
24 regards to these allegations?

25 **MS. JODY THOMAS:** Yes, I've seen the RRM
26 report.

27 **MR. PRABJOT SINGH:** Thank you.
28 So is it your understanding that India is not

1 showing signs of cooperating or recognizing the problems with
2 its behaviour?

3 **MR. GREGORY TZEMENAKIS:** I'm going to -- I
4 apologize for the continuous interventions, but the witness
5 is very limited in her ability to talk about the specific
6 bilateral relation with India in respect of the murder of Mr.
7 Nijjar.

8 **MR. PRABJOT SINGH:** So in your witness
9 summary, you did reference that Canada is using a multi-
10 pronged approach to get India to cooperate and acknowledge
11 its behaviour similar to the U.S.; correct?

12 **MS. JODY THOMAS:** Correct.

13 **MR. PRABJOT SINGH:** Are you aware of media
14 reports in the Washington Post that Samant Goel, the head of
15 India's intelligence agency, Raw, and Ajit Doval, your
16 counterpart at the time, were involved in coordinating the
17 assassination attempt?

18 **MS. JODY THOMAS:** I read the Washington Post,
19 yes.

20 **MR. PRABJOT SINGH:** Thank you.

21 And so in paragraph 91, you talk about how
22 Canada is taking a pragmatic approach to this issue given the
23 relationship to India. Can you talk about who's responsible
24 for setting the course on what approach would be taken in
25 response to the killing?

26 **MS. JODY THOMAS:** As I said, it's a whole of
27 government approach. We certainly briefed the Prime
28 Minister. The Prime Minister has been very involved while I

1 was in the job with the direction we were taking, the
2 diplomatic approach, the approach that CSIS had and the
3 conversations I was having with my counterpart. And so the
4 Minister of Public Safety, the Minister of Foreign Affairs
5 and Clerks who were -- Mr. Hannaford certainly very involved
6 in understanding what the Canadian approach was going to be,
7 or strategy was going to be, and how we were going to make
8 our representations.

9 **MR. PRABJOT SINGH:** So I'm hoping you can
10 help us today and expand on what you mean with regards to a
11 pragmatic approach.

12 So you acknowledge that this was an
13 unprecedented event where a Canadian citizen was assassinated
14 by a foreign state, which I think you would agree is the most
15 egregious form of foreign interference and transnational
16 repression we've seen. So when you talk about holding India
17 accountable for this violent act, can you talk about the
18 mechanisms or outcomes that are desired according to this
19 pragmatic approach?

20 **MS. JODY THOMAS:** That those who perpetrated
21 this are held to account.

22 **MR. PRABJOT SINGH:** And does that include the
23 individuals and Indian agencies that orchestrated or ordered
24 the actions to be taken?

25 **MR. GREGORY TZEMENAKIS:** Sorry; I object.

26 **MS. JODY THOMAS:** Yeah.

27 **MR. GREGORY TZEMENAKIS:** Same grounds.

28 **MR. PRABJOT SINGH:** So in general terms

1 without speaking about the specific scenario, in a case where
2 a foreign state has engaged in an assassination of a citizen,
3 would you agree that Canada ought to pursue the individuals
4 who actually orchestrated or gave the orders for an
5 assassination to be carried out?

6 **MS. JODY THOMAS:** My response would be that
7 we need a fulsome police investigation. The RCMP would be
8 the lead agency on that.

9 **MR. PRABJOT SINGH:** And so when you talk
10 about holding India accountable, are you able to expand on
11 what that means for you?

12 **MS. JODY THOMAS:** That we are able to
13 identify who has orchestrated the event.

14 **MS. NATHALIE G. DROUIN:** If I may, the first
15 thing for us is India has to take us -- take our law
16 enforcement actions seriously. They need to look internally
17 at what happened, they need not to escalate the situation as
18 what they did when they directly PNG a lot of our personnel
19 in the embassy over there.

20 This is what we mean by accountability, and
21 this is the repeated ask that we did to them.

22 **MR. PRABJOT SINGH:** I'm not sure I entirely
23 understand from that understand what the accountability
24 means. What I'm hearing is that, "I'm hoping that India
25 doesn't escalate the situation," but in terms of India's
26 specific accountability for its role in the assassination of
27 a citizen, are you able to articulate what Canada's or the
28 government's stated objective is in engagements with India?

1 **MS. NATHALIE G. DROUIN:** I cannot enter into
2 the details, but the first thing, as I said, for us is
3 instead of denying the situation, take our law enforcement
4 actions seriously and look at what happened in their own
5 system. One thing that concretely they can do, they can
6 scope us in in their public inquiry that put in place for the
7 Pannun case in the U.S. So there's many things they can do
8 in terms of showing their accountability.

9 I don't think I can go further.

10 **MR. PRABJOT SINGH:** No, understood. That's
11 fine. I'm going to move on and ask a more forward-looking
12 question now, as we're looking back.

13 As we're assessing this situation ---

14 **COMMISSIONER HOGUE:** I'm going to remind you
15 that you have just 20 seconds.

16 **MR. PRABJOT SINGH:** Sure. Yeah, no, this is
17 my final question.

18 So looking at the situation where we've seen
19 this report that's published in 2023, we've seen the NSICOP
20 report about the Prime Minister's trip to India in 2018 about
21 disinformation campaigns, we've seen the 2019 NSICOP report,
22 where we know that Indian foreign interference has been a
23 concern. There are concerns and were concerns about the
24 targeting of Canadian citizens in the summer of 2022, but a
25 foreign state was still able to assassinate a Canadian
26 citizen. So from your vantage point in the PCO, and I
27 welcome all the panel members to answer if they have any
28 insight, what can the Commission learn from this example in

1 terms of how Canada can effectively detect, counter, and
2 deter foreign interference of this nature?

3 **MS. NATHALIE G. DROUIN:** Well first of all, I
4 will repeat that when arrestations happened earlier this
5 spring, RCMP said that they had another separate and distinct
6 investigation. So we need to rely on that too.

7 The other message is while FI in our
8 democratic processes is important, an area of concern,
9 transnational repression, and to its extreme, extrajudicial
10 killing, is something major, where we need to put our -- to
11 continue to monitor and put our intention into it.

12 **MR. PRABJOT SINGH:** Does anybody else have
13 anything to add?

14 **MR. DANIEL ROGERS:** I think that was a fine
15 answer. I would say it underscores the importance of some of
16 the actions we've taken around prioritizing law enforcement
17 and intelligence investigations, ensuring that they are
18 strongly coordinated in things like the SITE Task Force.
19 Although that's for elections, similar mechanisms for other
20 types of foreign interference are important.

21 I think it's important that we continue to
22 focus on the issue and learn some of the lessons. We'll look
23 forward to recommendations, but we know that transparency is
24 important. We also know that the intelligence and law
25 enforcement capacity is very important and something we'll
26 need to continue to work through.

27 **MR. PRABJOT SINGH:** Thank you. Those are all
28 my questions.

1 **MS. JANICE CHARETTE:** Mr. Singh, maybe ---

2 **COMMISSIONER HOGUE:** Thank you.

3 **MS. JANICE CHARETTE:** --- I will actually go
4 back to your question to me, which feels a long time ago now.

5 We talked about redactions. And so I just
6 want to -- like, why is information redacted? Because as you
7 say, and I said, there's a lot of value in trying to provide
8 as much information in as concrete a form to Canadians as
9 part of our efforts to try and build resilience.

10 So why would we redact in that case? Why
11 don't we just put it all out there? Well, I think what we've
12 just had is a conversation about how important it is that
13 national security considerations, whether it is the
14 protection of sources and methods that are used by our
15 agencies to be able to collect the information which is
16 important to the detection, but also to be able to protect
17 then law enforcement, for instance, in terms of actually
18 being able to deal with these things.

19 So in all things, there's a balance. I think
20 we've learned a lot through the Commission process in terms
21 of, like, how much information can be put out in a way that
22 helps educate and inform, but at the same time, protects
23 national security interests, and national security agencies
24 to be able to do their job. That's a constant balancing act
25 and I think that you've put your finger on an important
26 question, but it's not just redactions for the sake of
27 redactions. There are important considerations and balances
28 here.

1 **MR. PRABJOT SINGH:** Thank you.

2 **MS. JANICE CHARETTE:** Thank you.

3 **COMMISSIONER HOGUE:** Just for all of you to
4 know, up until now, I have been very flexible, I imagine you
5 have noticed, with the time for cross-examination. This
6 afternoon, just make sure to ask all your, I will say your
7 key questions, within the time allotted to you, because I
8 will have to be more strict with the time this afternoon
9 because we are scheduled until at least 6:25 and just at this
10 point in time, I'm calculating and we will probably finish
11 more at quarter to 7:00, and we have a hard stop at 7:00
12 given the need for the personal. So just make sure to keep
13 it in mind while conducting your cross-examination. It's the
14 case for these witnesses and it will be the same with the
15 next witness this afternoon. So just in all fairness, I want
16 everyone to have their time for conducting their cross-
17 examination.

18 So next is counsel for Erin O'Toole.

19 **MR. PRESTON LIM:** Thank you, Madam
20 Commissioner. The good news for you is I don't think I'll be
21 taking my full time.

22 **COMMISSIONER HOGUE:** Okay. So we'll ---

23 **MR. PRESTON LIM:** Famous last words.

24 **--- CROSS-EXAMINATION BY MR. PRESTON LIM:**

25 **MR. PRESTON LIM:** So, Ms. Wilson, if it's all
26 right, I'm going to direct these questions to you, but of
27 course if anyone else feels that they can usefully chime in,
28 please do so.

1 **COMMISSIONER HOGUE:** To whom?

2 **MR. PRESTON LIM:** Sorry, Ms. Thomas. My
3 mistake. Moving too quickly.

4 So I'm going to take you to document
5 CAN23483.

6 **--- EXHIBIT No. CAN023483:**

7 Briefing to Member of Parliament

8 **MR. PRESTON LIM:** And if we can go just down
9 to page 2? Right.

10 And so this is a Memorandum for the Prime
11 Minister. Are you familiar with this document, Ms. Thomas?

12 **MS. JODY THOMAS:** Yes.

13 **MR. PRESTON LIM:** And could you kindly
14 confirm for me who the author of this memorandum was?

15 **MS. JODY THOMAS:** It was written within my
16 office.

17 **MR. PRESTON LIM:** Okay. Great. And I see
18 your signature down on page 5. We don't need to go there. I
19 assume you approved of this document before it was sent on?

20 **MS. JODY THOMAS:** Yes.

21 **MR. PRESTON LIM:** Great.

22 **MS. JODY THOMAS:** If I signed it.

23 **MR. PRESTON LIM:** Next I would like to take
24 you down to page 9.

25 Court Operator, if we could go to page 9?

26 I'll just give you a second to familiarize
27 yourself with this. So my understanding of this document is
28 that this is a comparison of Mr. O'Toole's statements in the

1 House of Commons. He gave an address on May 30th, 2023 and
2 then it's a comparison of those comments with information
3 provided to him by CSIS. Could I ask you who conducted this
4 analysis?

5 **MS. JODY THOMAS:** If memory serves correctly,
6 it was CSIS, at our request.

7 **MR. PRESTON LIM:** Okay. So this is a CSIS
8 document. And this table represents the official view of
9 CSIS from an agency perspective?

10 **MS. JODY THOMAS:** Yes.

11 **MR. PRESTON LIM:** We heard from Dr. Giles the
12 other day during her evidence that CSIS will sometimes
13 conduct what they call a damage assessment. Is this a damage
14 assessment or is this something less than that?

15 **MS. JODY THOMAS:** I don't know how they
16 characterized it. I don't think it was a damage assessment.

17 **MR. PRESTON LIM:** Okay. That's helpful.
18 Thank you. Now, a lot of attention has been paid to Mr.
19 O'Toole's remarks in the house on May 30th, 2023, and I'm not
20 going to take you through the specifics of those remarks. Of
21 course there are some up on this table here. I guess here's
22 how I'll phrase the question, would you agree with me that in
23 the lead up to these remarks in May of 2023, that there was
24 plenty of reporting in Canadian media about alleged Chinese
25 interference in Canadian democracy?

26 **MS. JODY THOMAS:** There was significant
27 reporting based on leaked documents.

28 **MR. PRESTON LIM:** Right. Absolutely. And

1 would you say that the contents of some of those media
2 stories mapped on to some of the ideas or themes that Mr.
3 O'Toole addressed in his May 2023 address?

4 **MS. JODY THOMAS:** I don't think I could ---

5 **MR. PRESTON LIM:** Sure. So ---

6 **MS. JODY THOMAS:** --- agree with that.

7 **MR. PRESTON LIM:** Okay. So let's maybe take
8 one example.

9 Madam Commissioner, I'm seeking leave to go
10 to Document CCC15. I've made Attorney General of Canada
11 aware of this this morning. It's just an open news media
12 file.

13 So if we could go to CCC15, and page 1 of
14 that?

15 **--- EXHIBIT No. CCC0000015:**

16 CSIS documents reveal Chinese
17 strategy to influence Canada's 2021
18 election

19 **MR. GREGORY TZEMENAKIS:** So sorry. I just
20 want to correct for the record that I did not respond. The
21 Attorney General of Canada ---

22 **MR. PRESTON LIM:** Yes.

23 **MR. GREGORY TZEMENAKIS:** --- did not respond
24 to the request. That you made the request and we left it ---

25 **MR. PRESTON LIM:** Made the request. You're
26 welcome to object.

27 **MR. GREGORY TZEMENAKIS:** No, I'm not
28 objecting. I just -- you said I agreed, and I didn't.

1 **MR. PRESTON LIM:** Oh, sorry. My mistake.

2 **COMMISSIONER HOGUE:** Okay. So you can ---

3 **MR. PRESTON LIM:** I made the request.

4 **COMMISSIONER HOGUE:** You can move on.

5 **MR. PRESTON LIM:** Thank you, Madam

6 Commissioner.

7 So we don't actually have to get into the
8 specifics of this document, but this is a Globe article, *CSIS*
9 *Documents Reveal Chinese Strategy to Influence Canada's 2021*
10 *Election*.

11 And I'm not going to flip you back to it, but
12 one of the segments of the analysis in the earlier table that
13 we were looking at, it's stated that:

14 "CSIS shared that there was reporting
15 suggesting that PRC officials in
16 Canada did not favour the CPC in the
17 2021 Election."

18 And I would just put to you that there are
19 contents in this document that kind of align with what CSIS
20 seems to be talking about in that statement.

21 So if we could just scroll down a little bit
22 on page 1, just to the bottom, and then ---

23 **COMMISSIONER HOGUE:** It's not easy to read.

24 **MR. PRESTON LIM:** No, it really isn't.

25 Let's go higher up, actually, to the first
26 page. Scroll down slowly, please. Okay. Stop there.

27 Okay. So just the first paragraph. And we
28 can read it together. I'll just read it out loud.

1 "China employed a sophisticated
2 strategy to disrupt Canada's
3 democracy in the 2021 federal
4 election campaign as Chinese
5 diplomats and their proxies backed
6 the re-election of Justin Trudeau's
7 Liberals -- but only to another
8 minority government..."

9 And I'm just going to stop there. And the
10 question that I'll ask is, do you think this statement here
11 lines up with the statement in the table:

12 "CSIS shared that there was reporting
13 suggesting that PRC officials in
14 Canada did not favour the CPC in the
15 2021 Election."

16 **MR. GREGORY TZEMENAKIS:** I'm just going to
17 caution the witness that she can't attest to the veracity of
18 any of the ---

19 **MR. PRESTON LIM:** Right.

20 **MR. GREGORY TZEMENAKIS:** --- intelligence
21 allegedly summarized in a *Globe and Mail* media article in
22 providing her response.

23 So with that express caveat...

24 **MR. PRESTON LIM:** Yeah, no need to get into
25 that Ms. Thomas.

26 **MS. JODY THOMAS:** Okay. So this was the
27 reporting based on leaked documents.

28 **MR. PRESTON LIM:** Right. Okay. Great. If

1 we could go back to the previous document?

2 **MS. NATHALIE G. DROUIN:** Can I ---

3 **MR. PRESTON LIM:** Please, yes, Madam Drouin.

4 **MS. NATHALIE G. DROUIN:** --- please add
5 something? I talked a little bit earlier about the different
6 trade crafts that different countries are using. China will
7 always devote more time and energy to the party that is
8 governing or to the party that they assess can govern. So
9 they will prioritize their energy towards that.

10 **MR. PRESTON LIM:** Thank you, Madam Drouin.
11 And if I have time, I will come back to you and maybe we can
12 continue along with that conversation.

13 If we could go back to the previous document,
14 please? That was CAN23483. And just down to where we were
15 earlier, that's page 9, the table.

16 Just a question again for Ms. Thomas. Beside
17 Mr. O'Toole's comments on the activities of the United Front
18 Work Department, there's a blank box. So it's the -- can you
19 see it Ms. Thomas? It's the third kind of box on the left
20 down, and then on the right, there's just a blank box.

21 **MS. JODY THOMAS:** Right.

22 **MR. PRESTON LIM:** Could you explain why
23 there's a blank box there?

24 **MS. JODY THOMAS:** No.

25 **MR. GREGORY TZEMENAKIS:** I can explain why,
26 for the purpose of the record. It just signifies a
27 redaction.

28 **MR. PRESTON LIM:** That's just a redaction.

1 Right.

2 And I'm going to go back to the Globe article
3 now. Sorry, that is CCC15. If we could go to page 8 of that
4 document, please? Okay. That's good. You don't need to
5 scroll.

6 So I'll just read it out again. I'm looking
7 at the third paragraph on that page. So here they're talking
8 about Consul Wang Jin. CSIS said Mr. Wang had direct ties to
9 the Chinese Communist Party's UFWD, and then it describes the
10 UFWD, and then at the end of that paragraph, it says that:

11 "CSIS said Mr. Wang served as an
12 intermediary between the UFWD and
13 Chinese-Canadian community leaders in
14 British Columbia."

15 Now, I'm not asking you to get into the
16 substance of this information or to confirm the veracity of
17 this information, but just from kind of a compare and
18 contrast perspective, do some of the comments in this
19 paragraph line up with what Mr. O'Toole was talking about in
20 his comments?

21 **MS. JODY THOMAS:** It's close to impossible
22 for me to answer that question without having the documents
23 side by side.

24 **MR. PRESTON LIM:** Fair enough. I don't know
25 if we're able to go half screen/half screen? I don't know if
26 that's a capability we have?

27 **COMMISSIONER HOGUE:** I have no clue.

28 **MR. PRESTON LIM:** Yes.

1 **COURT OPERATOR:** We do not.

2 **MR. PRESTON LIM:** Would it be okay if we went
3 back to the last document?

4 **MS. JODY THOMAS:** Sure.

5 **MR. PRESTON LIM:** Sure. Okay. So if we
6 could just go back to CAN23483? Table on page 9.

7 **COMMISSIONER HOGUE:** But feel comfortable, if
8 you come to the conclusion that you are not in a position to
9 ---

10 **MS. JODY THOMAS:** Thank you.

11 **COMMISSIONER HOGUE:** --- say anything, just
12 let us know.

13 **MS. JODY THOMAS:** Thank you. Well what I
14 would ---

15 **COMMISSIONER HOGUE:** Because it can be
16 difficult. I can easily imagine how difficult it is.

17 **MS. JODY THOMAS:** This is a CSIS analysis
18 that we put into a note. I would say that the issue that
19 CSIS had is they use a very precise form of words.

20 **MR. PRESTON LIM:** Sure.

21 **MS. JODY THOMAS:** They don't extrapolate.
22 They don't exaggerate. It's very precise. And so any
23 changes or modifications to the form of words that they use,
24 they would question.

25 **MR. PRESTON LIM:** Okay. I understand. And
26 that's fine. We don't need to do the compare and contrast
27 analysis, I guess. So I'll re-ask the same question. You
28 would agree that around the time of the lead up to Mr.

1 O'Toole's remarks, there was public reporting on Chinese
2 interference efforts? Without commenting on the veracity.

3 **MS. JODY THOMAS:** Absolutely. Yes.

4 **MR. PRESTON LIM:** And would you say that it
5 is possible that Mr. O'Toole, in his remarks, was referring
6 to some of these media reports?

7 **MS. JODY THOMAS:** I wouldn't want to
8 speculate on what Mr. O'Toole used as the background material
9 for his parliamentary speech, but I believe that some of the
10 language was taken from what CSIS told him, in that the media
11 reports were partial reports, not complete reports.

12 **MR. PRESTON LIM:** But you would agree with
13 the comment that media reports like the one that I took you
14 to formed part of the broader factual context at this time?

15 **MS. JODY THOMAS:** I don't think I can agree
16 to that.

17 **MR. PRESTON LIM:** And can I ask why not?

18 **MS. JODY THOMAS:** Well I -- the fact -- the
19 context in terms of the media, but what Mr. O'Toole used, I
20 can't speculate on.

21 **MR. PRESTON LIM:** Oh, sure. Sure. Right.
22 You don't know what actually went into his speech, into his
23 preparation. But what I mean was kind of maybe I'll phrase
24 it at a broader level.

25 Part of information that was publicly
26 available that somebody who was writing/speaking about China,
27 would have access to at the time?

28 **MS. JODY THOMAS:** The public material, yes.

1 **MR. PRESTON LIM:** Yes. All right.

2 **MS. JANICE CHARETTE:** Although, can we just -
3 - I think Ms. Thomas was clear when she underlined the fact
4 that the media reporting was based on leaked documents, which
5 may or may not actually have been complete, they haven't been
6 verified by government, they may not be in context. So
7 describing them as facts, I don't think I could do that.

8 **MR. PRESTON LIM:** I appreciate that, Ms.
9 Charette.

10 That's all I have today, Madam Commissioner.

11 **COMMISSIONER HOGUE:** Thank you. We'll --
12 it's 3:10. Let me see. We'll take the break. We'll come
13 back at -- is it okay, 3:20? Is it enough time for all of
14 you? Yes? So we'll come back at 3:20. It's fine with you?
15 Ten (10) minutes?

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

17 This sitting of the Commission is now in
18 recess until 3:20 p.m.

19 --- Upon recessing at 3:10 p.m.

20 --- Upon resuming at 3:22 p.m.

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

22 This sitting of the Foreign Interference
23 Commission is now back in session.

24 The time is 3:22 p.m.

25 --- MR. DANIEL ROGERS, Resumed:

26 --- MS. NATHALIE DROUIN, Resumed:

27 --- MR. JOHN HANNAFORD, Resumed:

28 --- MS. JODY THOMAS, Resumed:

1 --- MS. JANICE CHARETTE, Resumed:

2 --- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:

3 **MR. SUJIT CHOUDHRY:** Good afternoon. For the
4 record, my name is Sujit Choudhry; I'm counsel to Jenny Kwan.

5 So I have a couple of themes that I hope to
6 pursue with the panel this afternoon, and so the first is to
7 pick up on the tail end of the Commissioner's questions to
8 Maître Drouin about the NSICOP Report.

9 And so I just want to circle back over that
10 issue and pose a couple of questions about it. And so -- and
11 I think, if I understood correctly the question that the
12 Commissioner posed, was the following, that in the event that
13 it is ascertained with a reasonable degree of certainty that
14 a parliamentarian is, to use the term of the NSICOP Report,
15 a "Witting" beneficiary of foreign interference, what, then,
16 is the appropriate institutional response?

17 And let me just say for the record that MP
18 Kwan testified on this issue; she has spoken about this in
19 Parliament and the House. It's something of great concern to
20 her, just to preface the questions, because she has -- her
21 evidence here was that the allegations have cast a shadow
22 over members of Parliament, but particularly those of Indian
23 and Chinese heritage. And so there needs to be some type of
24 a process, and she's put it on the record, that balances
25 accountability and transparency, but also national security
26 and procedural fairness.

27 So the question is to clarify some of the
28 points you made and to then ask you for your views on some

1 other things. And this also might be questions directed to
2 other members of the panel too.

3 So I understood correctly, Maître Drouin,
4 that you said that if -- there might be instances where if
5 the evidence were there of the violation of a criminal
6 offence, that it could be that the RCMP might take
7 appropriate steps. Is that right?

8 **MS. NATHALIE G. DROUIN:** So there's different
9 mechanisms available. So we have Election Canada, also the
10 Commissioner who has jurisdiction, for example, when it comes
11 to illegal funding for a campaign, so they can act upon that.
12 Law enforcement also; as you know with C-70, government has
13 introduced new offences that can be very helpful to
14 investigate and to act upon that.

15 **MR. SUJIT CHOUDHRY:** Okay.

16 **MS. NATHALIE G. DROUIN:** One other thing that
17 I told the Commissioner is that of course leaders can also
18 act with the set of facts ---

19 **MR. SUJIT CHOUDHRY:** Right.

20 **MS. NATHALIE G. DROUIN:** --- that we can
21 share with them. And that, for example, can allow leaders to
22 have conversation with their MPs, can -- and the leader can
23 decide not to give specific roles to the MP, even specific,
24 if I may say, instructions to the MP. For example, "I don't
25 want you to take any position with regard to blah, blah. I
26 don't want you to continue to use your relationship with
27 blah, blah." So there's things that can be done by the
28 leader.

1 **MR. SUJIT CHOUDHRY:** And that -- you
2 anticipated my next question; that is, the second steam was
3 to kind of provide briefings of some sort to political party
4 leaders who could take, let's call them internal steps,
5 within the ambit of their authority, and there might be a
6 variety of those. You've set out some of them; there might
7 be other steps they might take according to internal party
8 processes.

9 But there's a third track you didn't mention,
10 and I wanted to ask for your views on this. So as you know,
11 the privileges of Parliament include Parliament's inherent
12 powers -- and this is a power that both Houses have in our
13 system -- to assess the conduct of its members and then to
14 take steps in response to those institutionalized processes
15 of assessment. And the steps that Parliament has the power
16 to take ranges from censure or reprimand or certain forms of
17 discipline up to and including expulsion.

18 And so -- and there are committees in
19 Parliament; the House Procedure Committee, PROC, and also the
20 Senate Rules, Procedures, and Rights of Parliament Committee
21 that have -- where that type of responsibility is lodged in
22 our system.

23 So would you agree that, as we think through
24 mechanisms and options, that Parliament itself has tools that
25 it can use to address these types of situations.

26 **MS. NATHALIE G. DROUIN:** I would say that
27 Parliament can adopt the rules they see fit, but that does
28 not mean that parliamentarians should and could have access

1 to all information in any circumstances.

2 **MR. SUJIT CHOUDHRY:** Sorry. Go ahead.

3 **MS. NATHALIE G. DROUIN:** So we have the
4 NSICOP members who have access to the information. We have
5 also, as we talked a lot about that, offered leaders and
6 their representatives to be cleared and have access to
7 information. And the reason why we have to be careful in
8 terms of using intel at a forum is exactly what we saw with
9 the leaks.

10 When you read a piece of intel that has not
11 been corroborated that due process didn't apply, we didn't
12 give the opportunity, for example, to the individual being
13 talked about in a piece of intel to explain herself or
14 himself, that is totally just not fair. So we need to be
15 careful how we deal with intel products.

16 **MR. SUJIT CHOUDHRY:** And so just to pick up
17 on that, that -- is it not the case that in the context of
18 the events of the last year and a half that we have been
19 adapting the idea of security clearance and we have been
20 extending security clearances, for example, to leaders of
21 political Parties and we're now discussing institutionalizing
22 classified briefings to leaders of Parties. We have security
23 cleared -- we have a security cleared committee of
24 parliamentarians, NSICOP, so the idea of parliamentarians
25 receiving classified information with security clearances and
26 safeguards, that precedent has already been set. Isn't that
27 right?

28 **MS. NATHALIE G. DROUIN:** Absolutely. And if

1 I can add also, Minister of Public Safety, at that time
2 Minister Mendicino, also adopted a directive making sure that
3 when the intelligence agencies find out about a specific
4 threat regarding an MP, that this threat will be disclosed to
5 this MP using, for example, defence briefing or TRM.

6 **MR. SUJIT CHOUDHRY:** Sure. And I just want
7 to link this point here about processes to a point that the
8 Clerk made about the separation of powers and the way in
9 which the executive or at least the Party executive that you
10 had would interact with political Parties in relation to
11 nominations.

12 And your point -- you were quite careful in
13 how one -- how you answered the question, appropriately so.
14 And so it -- what I would want to ask is, is it not the case
15 that this type of issue and how Parliament should deal with
16 its own members raise -- also raises questions of the
17 separation of powers and there might be some advantages to
18 having a suitably designed, thoughtful, careful parliamentary
19 process that deals with what has become an extraordinarily
20 challenging situation in the wake of the allegations in the
21 NSICOP report?

22 **MR. JOHN HANNAFORD:** So I would say that the
23 separation issue that I described is applicable in a number
24 of different contexts, including with respect to the
25 Legislature, so we do need to be cautious, as the executive,
26 as to, you know, recognizing where our lane is.

27 I think we also, though, have been making,
28 and you alluded to this, some very important steps in order

1 to ensure that information can be shared in meaningful ways
2 so as to build up our collective resilience. And that's part
3 of a process that we continue to pursue.

4 The NSICOP is a critical piece of that. The
5 ongoing conversations with leaders and their representatives
6 is a critical piece of that.

7 And I think this -- the other point, which
8 was reflected in one of the documents earlier today, is it's
9 important that these be ongoing conversations, too, because
10 this is inherently context laden information, and so just
11 getting individual pieces of information without a sort of
12 broader context is, in and of itself, a challenge.

13 **MR. SUJIT CHOUDHRY:** No, I understand.

14 So if I could shift to a different theme in
15 the time remaining to me, so I was -- would like to go back
16 to the NSIRA report, and so this is Commission document 364.

17 **--- EXHIBIT No. COM0000364:**

18 NSIRA Report - Review of the
19 dissemination of intelligence on PRC
20 political foreign interference, 2018-
21 2023

22 **MR. SUJIT CHOUDHRY:** And it's page 33 of the
23 PDF. And I'm interested in paragraph 133 in particular.

24 And to give you a sense of what I'd like to
25 ask about, it's about this issue of a multiplicity of views
26 or lenses or perspectives on the issue of foreign
27 interference.

28 And so I want to kind of -- look, I don't

1 want to challenge the idea that having debate and
2 deliberation and sifting and thinking is a smart way to do
3 public policy, but it's -- pardon me. It's paragraph 133. I
4 might have given you the wrong page number.

5 Yes. I meant page 43. Thank you very much.

6 And so I want to take you to this paragraph
7 and just if I could have you refresh your memory here. And I
8 want to put to you this, that the NSIRA's assessment is this,
9 that is, if you could look at the fourth line, it begins --
10 there's a sentence that begins "Nonetheless". It says:

11 "Nonetheless, the delta between
12 CSIS's point of view and that of the
13 NSIA in this case is significant
14 because the question is so
15 fundamental."

16 CSIS collected, analyzed and reported
17 intelligence about activities that it considered to be a
18 significant threat to national security, and one of the
19 primary consumers of that reporting disagreed with that
20 assessment, and so that's just a statement of fact, that
21 there was a disagreement of views.

22 But then I want to take you to what
23 conclusion NSIRA drew from that:

24 "Commitments to address political
25 foreign interference are
26 straightforward in theory but will
27 inevitably suffer in practice if
28 rudimentary disagreements as to the

1 nature of the threat persist in the
2 community."

3 And so, as you know, government is not a
4 graduate seminar. Ultimately, it's about advising Ministers
5 and the Prime Minister to do something, as Ms. Thomas said.
6 And so if that's true, is that not a fair point, that at some
7 point at the end of the day, the executive has to come down
8 and decide what it thinks about the framework for analyzing
9 foreign interference and how it applies in a specific set of
10 facts?

11 And Mr. Rogers, I saw you were shaking your
12 head, so I'm going to call on you, if I could.

13 **MR. DANIEL ROGERS:** Yeah, serves me right for
14 shaking my head.

15 **COMMISSIONER HOGUE:** Next time.

16 **MR. DANIEL ROGERS:** Well, thank you for the
17 question, and I'll certainly invite my colleagues to jump in
18 also.

19 I would say of course the executive has to
20 make decisions at some point, and it has to support -- you
21 know, the public service has to support the government in
22 making decisions at other points. I would hesitate to draw a
23 conclusion that because there was a disagreement in one case
24 that the public service fails to do that at any scale.

25 I would also say that there were, even in
26 this particular case, other mechanisms for that dispute to
27 have been resolved. As my colleagues mentioned earlier,
28 there is the possibility for Deputy Ministers to go to the

1 Clerk, to Ministers. If an issue is of significant
2 importance, I, for one, have confidence that it would have
3 been resolved.

4 **MR. SUJIT CHOUDHRY:** So could we just -- in
5 my remaining time, I just want to talk about that because
6 that's exactly where I wanted to go.

7 So obviously, there have to be ways to
8 escalate, resolve, sort things out, right. And so one
9 pathway that Ms. Thomas talked about is proceeding through
10 Ministers, you know, and Ministerial accountability. Of
11 course.

12 The Clerk then talked about Deputies going up
13 to the Clerk. Of course.

14 Now, the -- and then both of those pathways
15 lead, ultimately, to the Prime Minister.

16 But I want to ask the question about the
17 Director of CSIS and whether he or she is in the same
18 position in the org chart given that CSIS is an agency. And
19 we've seen lots of evidence that CSIS seems to meet directly
20 with the PMO and directly with the PCO in a way that often
21 has not involved the Minister over which -- which sits under
22 that Ministry, at least not in the evidence we've seen.

23 And I'm wondering if there ought to be a
24 different way of sorting through these issues when the issue
25 is intelligence from CSIS.

26 And maybe I'll pose that to the Clerk.

27 **MR. JOHN HANNAFORD:** Well, I mean, to answer
28 your question directly as to the role, obviously the Director

1 of CSIS has specific responsibilities by virtue of being
2 Director of CSIS. But David Vigneault when he was in this
3 role, was very much a part of the deputy community and would
4 participate in the conversations that would be had and the
5 various committees we've been describing over the course of
6 the day as Deputy Minister. I don't know that it's --
7 there's anything particularly unusual about any of that.

8 And I mean, CSIS because of its role can be
9 involved in briefings to the Prime Minister. If they are
10 having those briefings in the absence of the Privy Council
11 Office, I'm not aware of that. So we would normally be
12 having that as part of an overall set of briefs. That's not
13 unique for Deputy Ministers to participate in briefings on
14 issues that fall within their parameters.

15 I do want to go back though, you know, we
16 were taking the instance of a single report as emblematic of
17 something bigger. And I just really want to emphasize the
18 fact that there may have been a debate about that report is
19 not necessarily anything bigger than there was a debate about
20 the report. You know, I hope that over the course of the day
21 we've been demonstrating the degree of attention that we are
22 collectively paying to the issue of foreign interference, and
23 I don't think that there is a fundamental disagreement as to
24 the risks associated with foreign interference for the kind
25 of seriousness that we need to approach these issues.

26 What I think is critical is because it is
27 important, because it requires attention, we need to make
28 sure that we are delivered as we assess the situations that

1 we're dealing with, and that is going to involve debate, and
2 if it doesn't involve debate, frankly, I'd be worried. So I
3 think the fact that we have had evidence of debate in some
4 instances shows the vibrancy of this system.

5 And so, I just want to make sure that we're
6 not drawing very broad conclusions around something that I
7 think is, as I say, a feature of the system, not a bug.

8 **MR. SUJIT CHOUDHRY:** Thank you, Commissioner.
9 Thank you.

10 **COMMISSIONER HOGUE:** Thank you. Mr. Matas,
11 counsel for the Human Rights Coalition.

12 **--- CROSS-EXAMINATION BY MR. DAVID MATAS:**

13 **MR. DAVID MATAS:** Thank you.

14 I wanted to ask you first of all, we've heard
15 a lot about foreign interference in the context of foreign
16 governments. And I wanted to ask whether the Privy Council
17 has considered or dealt with the issue of foreign
18 interference where the foreign actors our foreign entities
19 which are not governments?

20 **MR. JOHN HANNAFORD:** Do you mean like an
21 international organization -- or like, organized crime, or
22 terrorist group?

23 **MR. DAVID MATAS:** Well, it could be a
24 terrorist organization, could be a political party that is
25 not in government. Something that doesn't form part of the
26 government.

27 **MR. JOHN HANNAFORD:** Sure, yes.

28 **MR. DAVID MATAS:** Is it dealt with

1 differently from the way government foreign interference is
2 dealt with, or under the same rubric and manner, and in the
3 same manner?

4 **MR. JOHN HANNAFORD:** I mean, I will turn to
5 my colleagues as well on this, but there's a long history
6 before about transnational terrorism as part of the overall
7 mandate of our security accomplishment, and international
8 organized crime is likewise considered a serious issue we
9 addressed through all of our agencies. So I don't know if
10 there's much more to be said on it.

11 **MR. DANIEL ROGERS:** I would agree with the
12 Clerk. I would say that by necessity there are different
13 ways of thinking about dealing with those types of issues,
14 because there are distinctions between foreign interference
15 that is perpetrated by a state, than by an organized group.
16 For instance, the tools that we would have diplomatically are
17 different, the fact that there may be different intelligence
18 collection opportunities because the presence in Canada those
19 groups would be different than those under, for example, the
20 *Vienna Convention*.

21 So I think it is a definitional question
22 about whether a foreign entity interfering in Canada would be
23 treated the same way or not. I mean it would still be a
24 concern if it was a detriment to Canadians.

25 **MR. DAVID MATAS:** Yes. I understand that
26 there are conceptual differences, but I'm trying to ask about
27 whether or not in fact when the Privy Council is dealing with
28 these sorts of problems, there's an operational difference?

1 **MR. DANIEL ROGERS:** I think we have seen a
2 couple of examples, for instance the SITE task force did take
3 things like ideologically motivated violent extremism into
4 account in some of its work as it was seeking to protect the
5 election. Some of that may originate from outside of Canada.
6 And I think, you know, the Privy Council office itself is not
7 an operational agency in the same way that others are, so in
8 a way that question is better directed from others.

9 We are concerned by anything that would have
10 -- at least within the national branch, anything that would
11 have a detrimental impact on Canadians that rises to the
12 level of national security, certainly, as it relates to
13 elections.

14 **MR. DAVID MATAS:** Yes. I appreciate that the
15 Privy Council is not operational. But when it comes to going
16 to the operational arms of governments that are dealing with
17 foreign interference of a non-governmental entity, Global
18 Affairs wouldn't necessarily be the place to go. So it
19 strikes me that there might be differences operationally in
20 the two types of threats.

21 When it comes to overall government
22 structure, the Privy Council is very much involved in that
23 sort of issue about where these issues go, and I wonder if
24 the Privy Council has grappled with that?

25 **MS. JODY THOMAS:** If I could jump in? I
26 think that depending on the incident, foreign interference,
27 any other of the incidents that are managed and coordinated
28 through the NSIA's office, and who is involved, is dependent

1 on the environment, the incident, and the players in that
2 incident.

3 There is a core group of national security
4 departments, but you might bring in Transport Canada, if we
5 think that it's economic -- an economic security issue, which
6 can have aspects of foreign interference, we bring in ISED.
7 So I think that the core components of how we deal with this
8 kind of an issue remain the same, the players may vary and we
9 may add people. But for example, if it was a terrorist
10 organization that we were concerned about, Global Affairs
11 does have a terrorist unit and we would want their views.

12 **MR. DAVID MATAS:** Well, of course terrorism
13 is a problem on its own, whether there is foreign
14 interference nature or not. But there can be from a
15 terrorist entity, foreign interference without it amounting
16 to terrorism. And so, what I heard is in that sort of
17 situation you'd be dealing with it on a case-by-case basis.
18 Is that correct?

19 **MR. DANIEL ROGERS:** Yes, I would say that if
20 we had intelligence about a foreign group, a terrorist group
21 or otherwise that was engaging in the same tactics that we
22 would be talking about here in terms of foreign interference,
23 for instance disinformation or other types of repression, we
24 would deal with all of those on a case by case basis, as
25 Madam Thomas said, on the basis of the facts for that case.

26 There are some -- you know, I think that the
27 general point that we're trying to do around societal
28 resilience for disinformation and some of the longer-term

1 strategic things like transparency from the national security
2 community, apply well to things that are like transnational -
3 - sorry, terrorism or could be organized crime in addition to
4 foreign interference, so there is an overlap.

5 **MS. NATHALIE G. DROUIN:** Maybe I can give you
6 an example. We have seen recently a lot of protests in
7 Canada, and our agencies and law enforcement always look at
8 whether or not those protests are being amplified by
9 certain groups.

10 **MR. DAVID MATAS:** Yes. And once you look at
11 that, where does that go?

12 **MR. DANIEL ROGERS:** If there were a national
13 security concern, and it was intelligence derived, we would
14 get products in the same way that we get intelligence
15 products from other agencies. If it was law enforcement,
16 that can be more independent. But if it rose to the level of
17 national security coordination being needed, then that would
18 come through our group at PCO as well.

19 **MR. DAVID MATAS:** There were your colleagues
20 in the Privy Council who testified on Monday, and for them I
21 asked about a Deputy Ministers' Committee on China, and an
22 Assistant Deputy Ministers Committee on China, and the
23 biweekly meetings of Assistant Deputy Ministers on India.
24 And one of the answers I got to the questions was, well, the
25 chair of those committees with Global Affairs, and that when
26 it came to the workings of those committees that probably the
27 questions I was asking more best asked to Global Affairs.

28 And the questions I was asking about was the

1 impacts on diaspora communities and the contacts with
2 diaspora communities, those sorts of questions. And I mean,
3 I accept that answer. But it strikes me that when we're
4 dealing with issues of non-governmental entities, Global
5 Affairs is not the place to go. And I appreciate obviously
6 that you're dealing with situations on a case-by-case basis,
7 but I wonder if there's a structured way of dealing with
8 these issues of foreign interference of non-government
9 entities that doesn't amount -- like terrorist entities that
10 don't in fact engage in terrorism, but just engage in what we
11 think of as foreign interference?

12 **MR. DANIEL ROGERS:** One thing I can say to
13 that is this goes back a little to the conversation we had
14 earlier on governance. And part of the reason that we
15 consider governance and have the committees such as the one
16 you described is that each agency or department will bring
17 things to the table at those committees based on what they're
18 seeing based on their own mandates.

19 So when we have the breadth of committees --
20 of departments represented, like the RCMP, or CBSA, or
21 Immigration, the table is there should they see something,
22 irrespective of the source, that rises to a national security
23 threat.

24 So regardless of who is convening or chairing
25 the meeting, often it's PCO, sometimes it's Global Affairs,
26 the tables exist for that collaboration and consultation to
27 happen, regardless of the source. So in that way, I think we
28 try to catch anything that would come up through any

1 department or agency's mandate.

2 **MS. NATHALIE G. DROUIN:** I don't know if it
3 helps if I tell you that the ITAC group who does the
4 evaluation of terrorist threats or any other type of extreme
5 violence threats, this group reports both to CSIS and PCO, to
6 my office. So in terms of the coordination, I don't know if
7 it helps if I tell you this is the governance we have.

8 **MR. JOHN HANNAFORD:** And I should just
9 emphasize the point, Global Affairs does actually -- Global
10 Affairs, they're called Global Affairs for a reason. It's
11 not just about state-to-state relationships. There is a
12 component of Global Affairs that looks at international
13 terrorism and international crime.

14 **MR. DAVID MATAS:** Okay. We heard also
15 yesterday from Public Safety. In fact, one of the witnesses
16 is -- was a former member of the Privy Council, and they have
17 within Public Safety the Foreign Interference Coordinator.
18 And the question is the extent to which -- I mean, you
19 mentioned CSIS and Global Affairs, the extent to which Public
20 Safety and the Foreign Interference Coordinator is brought
21 into these issues of foreign interference from non-
22 governmental entities?

23 **MR. DANIEL ROGERS:** The Foreign Interference
24 Coordinator is an ADM level position within Public Safety and
25 one of the primary methods for coordinating national security
26 responses of any kind, not just foreign interference, is
27 through a committee called the ADM National Security
28 Operations Group, of which that Coordinator is a member. So

1 they will be exposed -- that member -- or that Coordinator
2 would be exposed to issues of all kinds, not just foreign
3 interference.

4 **MR. DAVID MATAS:** I understand. Well let me
5 go back to the original concern which I'd raised with your
6 colleagues who testified Monday about discussing the impact
7 on diaspora communities, involving communication with
8 diaspora communities. Where the issue is, I mean, as you
9 say, Global Affairs, but not necessarily governments, is that
10 happening somewhere in the structure? And if so, where?

11 **MS. NATHALIE G. DROUIN:** I'm not sure I
12 understood your question carefully, but at CSIS for example,
13 they do have a diaspora engagement program and they are
14 looking at that. I know that they have testified, for
15 example, that they are augmenting their capacity in terms of
16 the number of languages in which they can communicate with
17 different diasporas. So there is a program at CSIS. So
18 while, as you said, the DM's Committee on China can also talk
19 about that, it's not the only forum where we talk about how
20 and when we should engage more with different diasporas.

21 **MS. JODY THOMAS:** And if I may add, Public
22 Safety, I don't remember the exact name, I remember the
23 acronym, TAG, their Transparency ---

24 **MR. DANIEL ROGERS:** Advisory Group.

25 **MS. JODY THOMAS:** --- Advisory Group, which
26 is from communities to help them better manage community
27 policing, national security. Foreign interference is now a
28 big part of that. And they have community roundtables on

1 these issues. And so there's quite a robust infrastructure
2 for the departments and agencies that do do interface with
3 the Canadian public.

4 **MR. DAVID MATAS:** In listening to the various
5 government representatives from the Privy Council, I hear
6 that Privy Council tries to ensure that, A, there's no
7 overlap, and, B, there's no gaps. Is this an area where both
8 those problems have been solved?

9 **MR. DANIEL ROGERS:** I'm not sure we'll ever
10 solve them completely. And if we have an issue, I would
11 rather it be an overlap than in gaps, which is where I think
12 we are now and why we're trying to look at our governance.

13 I think that there are many different ways we
14 can organize ourselves that would render us effective, and so
15 we'll, I think, go through, as I said earlier, continuous
16 improvements to try and improve, especially as the context
17 changes around us. I don't think that we'll ever be in a
18 time when the context is static, and so we will always have
19 to evolve with it.

20 **MR. DAVID MATAS:** I heard you say, or at
21 least I thought you said that when you say this is an area
22 where we are now, I thought you were referring to gaps. So
23 is this an area where there's a gap?

24 **MR. DANIEL ROGERS:** I mean, as I think
25 colleagues have mentioned, there's a fairly robust
26 conversation around these areas. I'm not -- I don't see a
27 gap in what we've discussed.

28 **MR. DAVID MATAS:** Those are my questions.

1 **COMMISSIONER HOGUE:** Thank you.

2 AG?

3 **--- CROSS-EXAMINATION BY MR. GREGORY TZEMENAKIS:**

4 **MR. GREGORY TZEMENAKIS:** Good afternoon. For
5 the record, my name is Gregory Tzemenakis. I'm counsel for
6 the Government of Canada. I will not be 20 minutes. It's a
7 good thing.

8 So I just want to clarify some of the
9 evidence given during your cross-examination to make sure the
10 record is complete. My first one is going to be addressed to
11 you, Mr. Rogers. My friend from the Sikh Coalition asked you
12 some questions about the redactions to the NSICOP report and
13 about redactions generally.

14 To be clear, does the Prime Minister have a
15 role to play in the application of redactions, either in the
16 NSICOP report or more generally speaking?

17 **MR. DANIEL ROGERS:** No.

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

19 My second question is directed to Ms. Thomas
20 and/or Madam Drouin. You spoke today about the PCO Special
21 Report and about the targeting paper. And counsel for Mr.
22 Chong suggested to you that the fact that they did not get to
23 the Prime Minister or were not further distributed were, in
24 his words, a significant breakdown.

25 And my question to you is this, are these two
26 documents specifically, or more generally the dissemination
27 of intelligence documents, written products, the only way the
28 Prime Minister can be briefed about the contents of

1 significant intelligence or events that he needs to know,
2 assuming he has not previously been made aware of the
3 contents?

4 **MS. JODY THOMAS:** No, the Prime Minister is
5 briefed constantly on intelligence. He reads raw
6 intelligence, the kind of intelligence that the report
7 written by IAS was based upon, and took from, and extracted
8 from to build that report.

9 He -- there is no -- in this ecosystem of
10 foreign interference, there's no one piece of intelligence
11 that is a smoking gun. And I think that there's been an
12 overemphasis on these two pieces of intelligence. He was
13 briefed. He was aware of the content of the issues and
14 they've been previously published in the IAS report.

15 And I think that in terms of the other
16 targeting report, it's been called the PM Targeting Report.
17 That's not what its title was when it came to me. It's taken
18 on that name. I'm not sure it's appropriate. But it's not a
19 failure in the system that draft reports don't get to the
20 Prime Minister. I believe that the targeting report is an
21 example.

22 In 2001, when the issue was live, might have
23 been a different report, depending on -- or different
24 approach, depending on when that report came in. In 2003, I
25 think -- or '23, sorry, I've lost my years -- it's felt long
26 here. In 2021, maybe a different approach. I don't know.
27 In 2023, I think it's a really valuable document for having
28 the discussion in the community, for talking to Ministers.

1 For Minister Joly to be able to go to her --
2 the Ambassador or her Chinese counterpart and say, "What were
3 you doing?" and us to have an appropriate policy response and
4 understand the spectrum of activity, but it doesn't mean that
5 the Prime Minister has to see everything.

6 And frankly, to think that the job is done
7 because the Prime Minister has seen it, I think that's where
8 we have an issue. No, the job is doing the policy work, the
9 operational work, the police work, whatever is required,
10 based on the intelligence that we read, we assess, and we
11 discuss as a community.

12 **MR. JOHN HANNAFORD:** And if I could just -- I
13 just want to underline that last set of points, because I
14 think it's really important.

15 First of all, we've talked about two reports
16 of a volume of -- a vast volume of documents that gets
17 generated by the intelligence community, and this is
18 incredibly important, the volume and the quality of those
19 pieces, but it's simply not the case that the Prime Minister
20 needs to read them all. He can't. It's impossible.

21 And part of our process is to have highly-
22 qualified people such as my colleagues here to exercise their
23 judgment as to what needs to be in front of the Prime
24 Minister and how the Prime Minister will be provided
25 information. His confidence in us, collectively, is based on
26 our ability to impose our judgment in a way that will allow
27 him to use -- to do his job to the fullest extent possible
28 and also make sure that the system is operating in the way

1 that it should so that Ministers are appropriately briefed
2 and that information is assimilated in ways that are
3 meaningful. But it is not the case that any one report is
4 the *sine qua non* for the Prime Minister being aware of
5 information.

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

7 I am going to give the opportunity to Madame
8 Drouin if she has any additional observations to make.

9 **MS. NATHALIE G. DROUIN:** [No interpretation]

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

11 I'm going to turn to my next question. So we
12 have heard evidence that the FI -- the activities of foreign
13 state actors in our electoral processes are real, but they're
14 not as pervasive as may have been in the case in other
15 countries, and this public inquiry has heard views from
16 diaspora communities, from government officials and from
17 others.

18 It's also fair to say that there's been a
19 high level of concern expressed in the media about whether
20 Canada is a playground for FI and whether Canada is doing
21 enough to detect, deter and counter. And I want to give the
22 opportunity to this panel to comment on these notions and
23 whether or not this is a cause for concern or a cause for
24 panic.

25 And perhaps I'll direct the question to Madam
26 Drouin to start, or to the Clerk.

27 **MS. NATHALIE G. DROUIN:** I'll [no
28 interpretation] very seriously.

1 We also have to make sure that the tools that
2 we have in our toolbox are adequate, be it at the level of
3 gathering information by various agencies or by the response
4 that we can make when we discovery that there has been
5 foreign interference. And by response, I mean briefings,
6 threat reduction measures, actions that may be carried out by
7 the RCMP.

8 We have to take that seriously. We have to
9 remain agile, we have to adapt because, unfortunately, the
10 players also adapt in the means they use. That's what I
11 talked about, the various amendments made to C-6 (sic). We
12 will need more amendments over time if their tactics improve.

13 We have to take it seriously. We can't take
14 it lightly. But Canada is not the centre of the universe,
15 nor a playground for foreign interference.

16 **MR. GREGORY TZEMENAKIS:** Sir.

17 **MR. JOHN HANNAFORD:** I will just reinforce
18 that point. I think this is obviously a very serious set of
19 issues for us in a world which is challenging.

20 The geopolitics, the current situation are
21 more challenging than they have been for probably generations
22 of folks who have done this job, so we do need to take very
23 seriously that reality and think about how we best ensure
24 that our institutions which are central to our society are
25 protected and are allowed to flourish. And that's very much
26 the focus of what we as a collective have been pursuing over
27 the course of the last period of time.

28 And I think just to really emphasize, I

1 guess, three points.

2 The first is, while we have not been the
3 centre of foreign interference activities, it's really
4 important that we do learn from the international examples,
5 and that's something that we have been pursuing through
6 conversations with other parties -- with other international
7 parties in order to best understand the kinds of situations
8 that can arise and anticipate, then, some of the challenges
9 that we may face.

10 We have to remain vigilant, so the
11 institutions that we have been describing, I think, are
12 incredibly important and we need to continue to dedicate our
13 time and energy to those. I consider one of my central roles
14 my chairmanship of the Panel of Five.

15 And then finally, we need to see this as a
16 societal exercise. We at the public service can play an
17 important role here and, you know, that is obviously, as I
18 say, central aspect of our work, but there is a broader piece
19 which we've been discussing over the course of the day,
20 whether it's the provincial jurisdiction or just the role
21 that civil society can play and the broader public can play
22 in making sure that we understand the kinds of threats that
23 can be addressed and we are prepared to deal with the kinds
24 of challenges the geopolitics can present to us.

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

26 I have one last question. We had a
27 discussion earlier today about mis and disinformation, we had
28 a discussion about open-source intelligence, and we had a

1 discussion about the role that the federal government and
2 civil society can play in this regard.

3 And Mr. Hannaford, you commented on the
4 notion or can you comment -- let me phrase the question
5 differently.

6 You made reference to the notion of what the
7 federal government can do and what the Panel of Five can do
8 specifically about being the arbiters of the truth. The
9 question was framed to you as whether or not -- how does the
10 arbiter of truth analogy, prospect, concept play into this.

11 And so I just want to elaborate on perhaps
12 some of the limitations that might exist within the federal
13 government being seen to be the arbiter of truth. I'm
14 wondering if you can comment a little bit further on that.

15 **MR. JOHN HANNAFORD:** Yes. So just to clearly
16 situate that our role as the Panel of Five is during an
17 electoral period. And during an electoral period, it's
18 obviously the case that, first of all, there is an active
19 debate where there are many opinions that are being
20 expressed. That's the nature of an electoral process, and
21 it's a critical aspect of an electoral process.

22 Secondly, in the general course, the public
23 service does not engage in those debates. That's also a
24 critical part of our role as a non-partisan institution.

25 At the same time, we have responsibility to
26 be addressing issues around mis and disinformation as they
27 may arise and we have to be mindful of the fact that if we
28 were to try and position ourselves as some sort of ministry

1 of truth where we would opine on the accuracy of every
2 statement that's made on social media, we would be unable to
3 do that in any significant way. We would be threatening to
4 overstep our role as a non-partisan entity.

5 So what we need to think of is how we can be
6 most effective in address mis and disinformation in a way
7 that is -- gets to the heart of whether or not it could
8 affect a free and fair election. And so when we talk about
9 looking at the authenticity of the sources of some social
10 media activity, potentially looking at attribution in some
11 instances, those are ways of signifying that there may be the
12 amplification of mis and disinformation in a way that will
13 allow the Canadian public to understand the context in which
14 some messages may be received. But we have to be very
15 careful that we are not in that process acting as an arbiter
16 of truth at the final moment because (a) we aren't equipped
17 to do that, and (b) we enter into a debate and process of
18 doing that.

19 **MR. GREGORY TZEMENAKIS:** And is that one of
20 the reasons why there's an active engagement with civil
21 society organizations, engagements with provinces, an
22 interest in education or more resilient education amongst
23 provinces and territories and other members of society to
24 further their knowledge base on becoming better versed on mis
25 and disinformation in addition to any measures the federal
26 government is taking?

27 **MR. JOHN HANNAFORD:** A hundred percent. That
28 is the process of resilience, and that's why we have taken

1 steps through the Digital Citizenship Initiative, that's why
2 we have been talking about building up our understanding of
3 online activity so that we can monitor potential challenges
4 and then think about how we present those in the format of
5 the Panel of Five or in the format of the government during a
6 period of election.

7 But that is not simply a role for the
8 government and for the public service. It is a much broader
9 societal necessity that we think about how we ensure that we
10 understand some of the risks that we are facing collectively
11 as a country, how we identify when we are being misled,
12 potentially, and how we, therefore, build into our
13 understanding of the information ecosystem in which we
14 operate where those challenges are, and therefore become more
15 resilient as we engage in our democratic activities.

16 **MR. GREGORY TZEMENAKIS:** Thank you,
17 panellists. Those are my questions.

18 **COMMISSIONER HOGUE:** Thank you.

19 Ms. Chaudhury, any question in re-
20 examination?

21 **MS. SHANTONA CHAUDHURY:** [No interpretation]

22 **COMMISSIONER HOGUE:** So you'll be happy to
23 hear that you're free to go, but I want to thank you all for
24 -- first for coming, although you had no choice.

25 **(LAUGHTER)**

26 **COMMISSIONER HOGUE:** I do appreciate, and I
27 appreciate the willingness you have shown to provide us with
28 as much information as possible, and it will be very useful

1 in the rest of our work.

2 Thank you.

3 **MS. NATHALIE G. DROUIN:** [No interpretation]

4 **MS. JODY THOMAS:** Thank you.

5 **COMMISSIONER HOGUE:** So we'll take -- we are
6 just almost on target. Yes, we'll come back at 4:25.

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

8 This sitting of the Commission is now in
9 recess until 4:25 p.m.

10 --- Upon recessing at 4:09 p.m.

11 --- Upon resuming at 4:25 p.m.

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

13 This sitting of the Foreign Interference
14 Commission is now back in session.

15 The time is 4:26 p.m.

16 **COMMISSIONER HOGUE:** Ms. Astravas.

17 So you can go ahead right away, because we
18 know that we are a bit tight, in terms of time today.

19 **MS. ERIN DANN:** Thank you, Commissioner.

20 Could the witness please be sworn?

21 **THE REGISTRAR:** All right. Ms. Astravas,
22 could you please state your full name, and then spell your
23 last name for the record?

24 **MS. ZITA ASTRAVAS:** Zita Astravas, A-s-t-r-a-
25 v-a-s.

26 **THE REGISTRAR:** Perfect. Thank you.

27 **--- MS. ZITA ASTRAVAS, Affirmed:**

28 **THE REGISTRAR:** Thank you.

1 Counsel, you may proceed.

2 MS. ERIN DANN: Thank you.

3 --- EXAMINATION IN-CHIEF BY MS. ERIN DANN:

4 MS. ERIN DANN: Good afternoon, Ms. Astravas.
5 We'll start with some housekeeping matters.

6 Could I please have WIT157?

7 --- EXHIBIT NO. WIT0000157:

8 Interview Summary: Ms. Zita Astravas

9 MS. ERIN DANN: This is a summary of the
10 interview that was conducted on March 19th, 2024. Can you
11 confirm that you've had -- once it's up on the screen -- an
12 opportunity to review this document; whether you have any
13 additions or modifications you wish to make; and, if not,
14 whether you are prepared to adopt this as part of your
15 evidence today?

16 MS. ZITA ASTRAVAS: I have reviewed it, and
17 I'm prepared to adopt it.

18 MS. ERIN DANN: Thank you.

19 Next we'll look at WIT158.

20 --- EXHIBIT NO. WIT0000158:

21 In Camera Examination Summary: Zita
22 Astravas

23 MS. ERIN DANN: This is the summary of the in
24 camera examination. Can you confirm that you've had an
25 opportunity to review this document, and whether you're
26 prepared to adopt it as part of your evidence?

27 MS. ZITA ASTRAVAS: I have reviewed it, and
28 I'm prepared to adopt it. Thank you.

1 **MS. ERIN DANN:** Thank you.

2 We start, I'll ask you to provide some -- a
3 background, a description of your professional history and
4 background.

5 **MS. ZITA ASTRAVAS:** Thank you.

6 I have worked in politics for over 16 years,
7 and I departed federal government work last fall, about a
8 year ago. I've worked both at the provincial and at the
9 federal level, both in government and in Opposition over that
10 span of time.

11 I worked at Queen's Park for Premier Wynne;
12 I've also worked for Opposition Leader Michael Ignatieff, and
13 I also worked for Prime Minister Trudeau and a number of
14 Cabinet Ministers.

15 **MS. ERIN DANN:** All right. And in terms of
16 the positions in the federal government, I understand that
17 you were Chief of Staff for the Minister of National Defence
18 from 2017 to the 2019 General Election?

19 **MS. ZITA ASTRAVAS:** Yes.

20 **MS. ERIN DANN:** And then during the 2019
21 General Election you served as -- or worked as the Prime
22 Minister's Director of Media Relations?

23 **MS. ZITA ASTRAVAS:** Yes, during the 2019
24 election, yes.

25 **MS. ERIN DANN:** And then subsequent to the
26 2019 election, until the 2021 election you were Chief of
27 Staff for Minister Bill Blair when he was Minister of Public
28 Safety.

1 **MS. ZITA ASTRAVAS:** That is correct.

2 **MS. ERIN DANN:** And following 2021 election,
3 you became -- you remained Chief of Staff for Minister Blair
4 when he was then a Minister of Emergency Preparedness and
5 President of the King's Privy Council.

6 **MS. ZITA ASTRAVAS:** That is correct.

7 **MS. ERIN DANN:** All right. My questions will
8 relate to your time as Chief of Staff for Minister Blair in
9 his capacity as Minister of Public Safety.

10 **MS. ZITA ASTRAVAS:** Okay.

11 **MS. ERIN DANN:** Can you describe your role as
12 Chief of Staff?

13 I think you can take down that summary, Court
14 Operator.

15 Can you describe your role as Chief of Staff?
16 What were your duties, and how is a Chief of Staff position
17 distinct from the role -- a public servant role? We've heard
18 from many public servants at this -- at the Commission. Can
19 you describe sort of the distinction between a Chief of Staff
20 position and a public servant position?

21 **MS. ZITA ASTRAVAS:** Perfect. So as you've
22 mentioned, I've been a Chief of Staff for many portfolios in
23 my time in the federal government. What that role entails is
24 you're the chief, the boss of all the political staff that
25 work within that office.

26 The size of my teams varied. For example, in
27 National Defence they were larger than that at Emergency
28 Preparedness; Public Safety was in the middle, in terms of

1 staff size. I would oversee those -- the hiring of that
2 personnel and I would manage them.

3 I divided my team into four sections: The
4 parliamentary affairs team, the communications team, the
5 operations team, the policy team, and then the executive
6 support for the Minister and for myself.

7 What we would undertake is work closely with
8 the Public Service, you know whether it was memorandums to
9 Cabinet, getting materials to the Minister, organizing
10 speeches, tours, public appearances for the Minister; all of
11 that came under my shop, as well as liaising with the
12 Constituency Office.

13 Part of the function of a Chief of Staff as
14 well is building a relationship with senior public servants.
15 So in that case, at National Defence, it was with the Deputy
16 Minister and the Chief of Defence staff. At Public Safety it
17 was a bit different as we had the Deputy Minister and we had
18 five Deputy Heads: The Director of CSIS, the Commissioner of
19 the RCMP, the Commissioner of Corrections, the Chairperson of
20 the Parole Board, and the President of the CBSA.

21 How we differ than the Public Service,
22 obviously we are not public servants. We serve the Minister
23 at pleasure. If there's a change in Minister -- I followed
24 Minister Blair, that is not always the case. Of personnel
25 across the system, we provide advice separate and aside, and
26 rely on the advice of the Public Service, but we integrate
27 our own advice in working with the Minister, and support him,
28 in this case him, in their execution of their daily

1 activities. We also oversaw the Minister's schedule, made
2 arrangements for documents to be delivered and facilitated,
3 you know, meetings with -- whether it was the Deputy
4 Minister, or the Director, or the President of CBSA, on a
5 daily basis, and that continued on for the time that I served
6 Minister Blair.

7 **MS. ERIN DANN:** Can you describe your
8 relationship as the Chief of Staff with other Ministerial
9 Chiefs of Staff and with the Prime Minister's office in
10 particular?

11 **MS. ZITA ASTRAVAS:** So I also did work for
12 the Prime Minister's office from 2015 to 2017 as Director of
13 Issues Management. As Chiefs of Staff, we would work closely
14 together. There were a number of files at Public Safety that
15 were multiple portfolios. So for example I would work very
16 closely with my counterpart at say, Justice on a number of
17 policy matters as it related to gun control. I would work
18 with other Chiefs of Staff, like Foreign Affairs, very
19 closely on some policy items.

20 We would work closely with Prime Minister's
21 office, whether it was around matters of what to bring to
22 Cabinet, how we would bring and what sequence we would bring
23 items to Cabinet to ensure that there was a coordinated
24 effort across from government. My team also worked very
25 closely with the Prime Minister's office and the teams in
26 different ministerial offices. So for example on gun
27 control, my communications team would work closely with that
28 of the deputy -- or of the Minister of Justice and we had a

1 very strong working relationship.

2 **MS. ERIN DANN:** Much of your time working as
3 Chief of Staff for Minister Blair when he was Minister of
4 Public Safety was during COVID. If I could take you back to
5 -- thinking back, sort of, to the end of 2020 and the first
6 half of 2021, were you working physically in Ottawa in the
7 office?

8 **MS. ZITA ASTRAVAS:** At that time, during the
9 pandemic, we were working from home. We would come into the
10 office as it was required in order to view classified
11 material, that in a pandemic was still required to be in a
12 classified space to review those sensitive documents and
13 arrangements would be made for myself and my team to go into
14 the office.

15 **MS. ERIN DANN:** Right. Would someone alert
16 you when there was something that needed to be -- that you
17 need to view in a secure space?

18 **MS. ZITA ASTRAVAS:** Yes, I depended on the
19 public service to alert me to that.

20 **MS. ERIN DANN:** My examination will focus on
21 two specific topics. First, a particular warrant; and then
22 second, flow of intelligence relating to MP Michael Chong in
23 2021.

24 So we'll start with the warrant. Just to
25 sort of set the stage for this I'll ask that CAN.SUM.29 be
26 pulled up, and if we can go to Page 3 of that document?

27 **--- EXHIBIT No. CAN.SUM.000029:**

28 CSIS Warrant Application Process

1 **MS. ERIN DANN:** This is a summary that was
2 produced which outlines the CSIS warrant application package.
3 You see on the -- it outlines the considerable amount of work
4 that goes into preparing a warrant application package.

5 I want to direct your attention to the second
6 last paragraph on page 3, if we can scroll down. It says:

7 "The *CSIS Act* requires that any
8 warrant application be approved by
9 the Minister of Public Safety Canada.
10 Public Safety Canada officials will
11 review the warrant application to
12 draft a summary with advice to the
13 Minister as to whether Minister
14 should approve the application and
15 provides all information received
16 from CSIS to the Minister for
17 consideration. The Minister's office
18 may ask questions for request further
19 information from CSIS or Public
20 Safety officials."

21 Does that accord with your recollection of
22 how this process occurred during your time as Chief of Staff?

23 **MS. ZITA ASTRAVAS:** Yes.

24 **MS. ERIN DANN:** All right. And when it says
25 that Public Safety would provide all the information received
26 from CSIS to the Minister for consideration, would Public
27 Safety provide that directly to the Minister or would they
28 provide that to the Minister's office for processing to the

1 Minister?

2 **MS. ZITA ASTRAVAS:** They would provide it to
3 the Minister's office, however in the time of the pandemic we
4 would make arrangements for that said document to be provided
5 to the Minister physically.

6 **MS. ERIN DANN:** Understood. So when --
7 during this time period how did you or your office -- did you
8 personally receive it, or someone within the Minister's
9 office would receive the physical package from public safety
10 officials?

11 **MS. ZITA ASTRAVAS:** So while I was Chief of
12 Staff, I always ensured that at least two individuals had the
13 appropriate clearance to deal with these sensitive matters.
14 That was important to me in the case where if one of us got
15 sick or had to leave, not be in the office, that there would
16 be a continuity of knowledge. And so that would be presented
17 to either myself or a member of my staff.

18 **MS. ERIN DANN:** And who was responsible then
19 for alerting the Minister that a warrant application had
20 arrived and for his review and approval?

21 **MS. ZITA ASTRAVAS:** We would inform the
22 Minister that he would be required to get himself to a secure
23 facility to review classified documents.

24 **MS. ERIN DANN:** We've heard evidence that
25 CSIS usually built in approximately 10 days for the Minister
26 to review the warrant materials, unless the warrant
27 application was particularly urgent, in which case they may
28 require a shorter turn around. Was that 10-day sort of

1 expected turn around, is that consistent with or inconsistent
2 with your memory?

3 **MS. ZITA ASTRAVAS:** I don't have a
4 recollection that that was explicitly stated, but we worked
5 closely with the department to ensure a signature with
6 provided.

7 **MS. ERIN DANN:** All right. And what we're
8 Minister Blair's general expectations, if you can say, in
9 terms of the promptness with which warrants should be dealt?

10 **MS. ZITA ASTRAVAS:** Minister Blair would
11 expect to be notified of documents that required his
12 attention, and that he also knew that we would review the
13 documents in advance of being delivered to the Minister.

14 **MS. ERIN DANN:** Could I ask that COM.615 be
15 put up? I'm going to ask some questions now about a specific
16 warrant. Commissioner, the document that I will ask to be
17 put up is an unclassified chronology. There's a chronology
18 that's referred to in a number of the interview and in camera
19 summaries that have been provided. That is a classified
20 chronology.

21 The Commission has prepared this unclassified
22 version based on information contained within the public
23 summaries. I am not asking that this be marked as an
24 exhibit, but I will use it as an aid to examination to set
25 out -- to help, I hope, frame some of the discussion in terms
26 of the intervals that we're talking about.

27 **COMMISSIONER HOGUE:** Fine.

28 **MS. ERIN DANN:** Ms. Astravas, I'll briefly

1 review this to see if you can provide any other details or
2 information and then we'll have some questions about specific
3 entries. Day 0, we have an entry that says, CSIS letters
4 signed by the Director to the Deputy Minister of Public
5 Safety, then Rob Stewart and Minister of Public Safety, Bill
6 Blair:

7 "...requesting the Minister authorize
8 an application for a warrant, [and]
9 enclosing materials related to the
10 warrant application."

11 Do you have any knowledge of when this
12 warrant package arrived at Public Safety?

13 **MS. ZITA ASTRAVAS:** I don't have a specific
14 recollection, but I acknowledge the timeline of the warrant
15 in front of me.

16 **MS. ERIN DANN:** All right. And we have an
17 entry at Day 4 that says, signed consultation by the Deputy
18 Minister "pursuant to subsection 7(2) of the *CSIS Act*".

19 We've heard evidence of a memo or a cover
20 letter from the Deputy Minister that was signed -- or that
21 was stamped Day 4, that recommended that the Minister approve
22 the warrant and stated that CSIS was requesting the return of
23 the package by that same date. IE, Day 4. We've also heard
24 evidence that this package was passed to you.

25 Did you receive this package of materials at
26 some point, and if so, do you recall when it was passed to
27 you?

28 **MS. ZITA ASTRAVAS:** As you can appreciate, I

1 don't have the benefit of my calendar from that time. But I
2 do acknowledge receipt at some point of the package. That
3 package would include the briefing note, the warrant itself,
4 and the letter from the Deputy Minister. I would note that
5 the date stamped of it leaving the Deputy Minister's office
6 was not always reflective of the date that it arrived within
7 my office. But I do acknowledge receipt of that package.

8 **MS. ERIN DANN:** All right. And do you recall
9 seeing the requested return date of Day 4?

10 **MS. ZITA ASTRAVAS:** I don't have specific
11 recollection of it, but I don't dispute that.

12 **MS. ERIN DANN:** All right.

13 **MS. ZITA ASTRAVAS:** I would -- I would note
14 that there were -- as I just mentioned, there were some dates
15 where we would receive documents after a date that it had
16 been stamped. That was just a challenge of not just at
17 Public Safety, at other departments that I had worked with.

18 **MS. ERIN DANN:** All right. And then there's
19 -- Day 13, there's a reference to a secure oral briefing to
20 Minister Blair's then Chief of Staff, that's you, and others.

21 Do you recall who else -- and it indicates
22 that Minister Blair did not attend. Do you recall who else
23 was in attendance at that briefing, which we call the initial
24 briefing in a number of the summaries?

25 **MS. ZITA ASTRAVAS:** So members of the service
26 were present. An invitation to members of Public Safety was
27 always extended in this case, and a member of my staff with
28 the appropriate clearance was present. And Minister Blair

1 was not present.

2 **MS. ERIN DANN:** Thank you.

3 And I'll return to some questions about that
4 briefing, but just to complete this timeline or chronology,
5 on Day 54 we have CSIS provides a secure oral briefing to
6 Minister Blair. The Minister briefing was given over secure
7 videoconference. You, senior Public Safety officials and
8 CSIS officials attended by video from Ottawa.

9 Does that accord with your memory?

10 **MS. ZITA ASTRAVAS:** It does.

11 **MS. ERIN DANN:** All right. And that's the
12 day on which the Minister reviewed the application and
13 approved it. Is that right?

14 **MS. ZITA ASTRAVAS:** Correct.

15 **MS. ERIN DANN:** Did you maintain your hard
16 copy version of the warrant package?

17 **MS. ZITA ASTRAVAS:** All warrants were stored
18 in a secure facility in the office because of the nature of
19 the documents and how very sensitive that they were, and that
20 was maintained within the office of the Minister of Public
21 Safety.

22 **MS. ERIN DANN:** And was a separate -- I
23 understand a separate copy of that -- of those materials
24 would have been provided to Minister Blair in the Toronto
25 regional office.

26 **MS. ZITA ASTRAVAS:** We could coordinate with
27 departmental officials to ensure that a package would be made
28 available to Minister Blair in Toronto when he attended the

1 regional office.

2 **MS. ERIN DANN:** You testified in camera about
3 having asked for and received a briefing on the Vanweenen
4 list. What was the purpose of that, of requesting that
5 briefing?

6 **MS. ZITA ASTRAVAS:** As you can appreciate, I
7 did not know what a Vanweenen list was prior to working at
8 Public Safety. As was the case on a number of different
9 files and functions moving through departments, I would ask
10 for an information brief that would cover what that is and
11 how it would be treated from what a document is and not the
12 matter -- not the specifics of the document itself.

13 **MS. ERIN DANN:** All right. Did you share the
14 names of the individuals on the Vanweenen list with anyone
15 outside the Minister's office, Public Safety or CSIS?

16 **MS. ZITA ASTRAVAS:** No.

17 **MS. ERIN DANN:** Specifically, did you share
18 any of those names with the Prime Minister's Office?

19 **MS. ZITA ASTRAVAS:** No.

20 **MS. ERIN DANN:** Can you place the briefing
21 you had on the Vanweenen list anywhere on this?

22 I realize it won't be exact, but can you
23 place it anywhere on this timeline? Was it before or after,
24 for example, the initial briefing?

25 **MS. ZITA ASTRAVAS:** It would be following the
26 initial briefing, so following Day 13 prior to Day 54.

27 **MS. ERIN DANN:** All right. When on this
28 timeline, if at all, did you advise Minister Blair that there

1 was something -- I believe the language you used this morning
2 was -- earlier in your testimony was there was something
3 requiring his review in a secure location?

4 **MS. ZITA ASTRAVAS:** At some point between Day
5 13 and Day 54.

6 **MS. ERIN DANN:** Can you tell us whether it
7 was closer to Day 13 or Day 54, or you can't say?

8 **MS. ZITA ASTRAVAS:** I don't have a specific
9 recollection of that. I would add, though, that the nature
10 of the information contained in the warrant, we would not be
11 allowed to speak about it on an unclassified phone, and so we
12 were constrained from that perspective to discuss the subject
13 of the warrant itself.

14 **MS. ERIN DANN:** All right. And we expect
15 Minister Blair's evidence will be that he only became aware
16 that the warrant application was awaiting his approval on Day
17 54. Is that consistent with your memory, or do you believe
18 you advised him of the existence of this warrant and that it
19 was awaiting his approval prior?

20 **MS. ZITA ASTRAVAS:** I would have advised of
21 paper moving through our office, but because of the nature
22 and the classification of the document itself, I was not -- I
23 did not disclose the subject matter of the warrant itself.

24 **MS. ERIN DANN:** All right. You mentioned in
25 your in camera examination that you spoke to the Minister
26 daily, sometimes multiple times a day. Those, I assume, were
27 not secure telephone calls.

28 **MS. ZITA ASTRAVAS:** No, it would usually be

1 on a regular cell phone, although I would say that this
2 material was considered top secret with additional
3 constraints given the sensitivity of it, and so it would be
4 inappropriate to have discussions at the unclass or secret
5 level on this matter.

6 **MS. ERIN DANN:** All right. And did you have
7 any opportunity between Day -- some time before Day 54 to
8 convey this information to -- the subject matter of this
9 warrant to the Minister by way of a classified or TS phone
10 call?

11 **MS. ZITA ASTRAVAS:** The subject of the
12 warrant had been a matter of discussion with the service
13 outside of a warrant process for some time, and so there was
14 an awareness of an individual and awareness of a warrant, but
15 we did not discuss the specific -- the document itself
16 because of the classification of it.

17 I would add, though, in between Day 13 and
18 Day 54, there were a number of occasions where Minister
19 Blair, CSIS Director David Vigneault and myself as well as
20 the Deputy Minister were in meetings together on a number of
21 different matters, and so there was communication on a number
22 of different issues between the four of us.

23 **MS. ERIN DANN:** All right. But on none of
24 those occasions did you tell the Minister, "That item for
25 your signature relates to this issue that has been the
26 subject of some ongoing discussion".

27 **MS. ZITA ASTRAVAS:** I do not have direct
28 recollection of that specifically, as in I cannot recall.

1 **MS. ERIN DANN:** We expect to hear evidence
2 from Minister Blair that, several months prior to receiving
3 the warrant application or prior to CSIS sending the warrant
4 application, that Minister Blair received a briefing from
5 CSIS, the Director and Deputy Director, regarding
6 intelligence relevant to this eventual warrant. Did you --
7 were you aware of that briefing and did you attend that
8 briefing?

9 **MS. ZITA ASTRAVAS:** It was customary for me
10 to attend briefings with the Minister when they were provided
11 by Director Vigneault. I don't have specific recollection of
12 that in this forum, so if you could provide any other
13 details.

14 **MS. ERIN DANN:** That's all right. I think
15 I've -- I don't think I can provide any other details in this
16 forum, but that's all right. If you don't have a
17 recollection, that's all right.

18 **MS. ZITA ASTRAVAS:** It was customary for me
19 to attend briefings with Minister Blair and the Director.

20 **MS. ERIN DANN:** All right. Did you tell
21 anyone outside of the Minister's office, CSIS or Public
22 Safety officials about the subject matter of the warrant that
23 we've been discussing?

24 **MS. ZITA ASTRAVAS:** No.

25 **MS. ERIN DANN:** And in particular, did you
26 tell anyone within the Prime Minister's Office or the Privy
27 Council Office about the subject matter of this warrant?

28 **MS. ZITA ASTRAVAS:** No.

1 **MS. ERIN DANN:** There's a reference in the
2 CSIS in camera hearing summary to David Vigneault noting that
3 you, Ms. Astravas, were forthcoming and transparent in
4 discussions relating to this warrant.

5 Does that suggest that you had some
6 information that you felt relevant to discussions about this
7 warrant or intelligence relating to this warrant?

8 **MS. ZITA ASTRAVAS:** As you know, we've
9 discussed this in camera at length. And over 16 years in my
10 professional life, I had become familiar with a number of
11 individuals and, speaking more generally, whenever there was
12 a document or a conversation with the service where an
13 individual was named that I was familiar with, I disclosed
14 that to the Director himself immediately or -- and repeatedly
15 as an opportunity that if there was any concern, that the
16 Director could take that under advisement and express any
17 concern should there be some. And he did not at any point.

18 I also disclosed that same information to
19 Minister Blair, and he also did not express any concerns.

20 **MS. ERIN DANN:** Can you tell us when, and I
21 don't need a specific date, but where perhaps in relation to
22 this timeline? Was it in advance of day zero? At some point
23 between day zero and day 54?

24 **MS. ZITA ASTRAVAS:** It would have been the
25 first time that an individual was named in a briefing. I
26 would have disclosed that information. And I would have
27 reiterated that information at day 13, when I became aware of
28 that document.

1 **MS. ERIN DANN:** All right. Turning then to
2 day 13 and the initial briefing, what was -- I understand
3 from your in camera summary that you asked a number of
4 questions during that briefing, including questions about how
5 the activities described met the threshold to obtain a
6 warrant. What was your purpose of asking those questions?

7 **MS. ZITA ASTRAVAS:** We would trigger a
8 briefing whenever a warrant came into our office for
9 information. We considered these as operational documents
10 from the Service. Unlike a Memorandum to Cabinet, which
11 would be a discussion, this was an operational -- like, a
12 brief to us, where we would have an opportunity to ask
13 questions.

14 It was to inform myself, for information
15 only, and this was customary practice within our office to
16 receive a briefing whenever a warrant came in.

17 As time went on and warrants came for
18 renewal, and particularly if a warrant that Minister Blair
19 had authorized initially came back for renewal, the
20 information brief would often be truncated.

21 **MS. ERIN DANN:** All right. Were you waiting
22 for any answers to these questions before putting the warrant
23 application or bringing the warrant application to the
24 Minister's attention?

25 **MS. ZITA ASTRAVAS:** I had asked for an
26 explanation of what a Vanweenen list is, and I received that
27 briefing in that subsequent time.

28 **MS. ERIN DANN:** All right. And did you

1 require that briefing before putting this -- the briefing on
2 the Vanweenen lists, was that a prerequisite to getting this
3 -- to putting the warrant before Minister Blair?

4 **MS. ZITA ASTRAVAS:** I determined what
5 information I would put forward to Minister Blair based on a
6 priority list identified by the Director.

7 **MS. ERIN DANN:** We heard evidence from then
8 Deputy Minister Stewart that it would have taken CSIS some
9 time to get the Minister and his staff comfortable with this
10 particular warrant. From your perspective, did you require
11 time to get comfortable with this warrant?

12 **MS. ZITA ASTRAVAS:** We required the time to
13 get briefed on it, and I would say that Minister Blair has
14 approved every warrant put in front of him, and that was our
15 recommendation for him as well.

16 **MS. ERIN DANN:** Did you report back any of
17 the information that you learned in the initial briefing or
18 in your subsequent briefing on the Vanweenen list to Minister
19 Blair?

20 **MS. ZITA ASTRAVAS:** Could you repeat the
21 question?

22 **MS. ERIN DANN:** Did you report to, or consult
23 with, or discuss with Minister Blair any of the information
24 that you received during the initial briefing or the briefing
25 on the Vanweenen list?

26 **MS. ZITA ASTRAVAS:** We would have spoken
27 about the warrant in a classified space the same day that he
28 affixed his signature, and that would be the time that we

1 would have discussed any information provided in that -- in
2 those briefings.

3 **MS. ERIN DANN:** During your in camera
4 examination, you were shown an internal CSIS email sent the
5 day after the initial briefing, so day 14, and you had not
6 seen this email before. It indicated that the author of that
7 email expressed concern that the warrant application was in
8 danger of not being approved by the Minister. Was the
9 warrant in danger of not being approved?

10 **MS. ZITA ASTRAVAS:** No.

11 **MS. ERIN DANN:** Was that a message you
12 conveyed during the initial briefing?

13 **MS. ZITA ASTRAVAS:** No.

14 **MS. ERIN DANN:** What was your expectation
15 following the initial briefing? What were the next steps to
16 put this before the Minister?

17 **MS. ZITA ASTRAVAS:** We would, in these
18 briefings, because of the -- where the arrangements that
19 would have to be made in order for us to speak to the
20 Service, we would often deal with a number of different
21 issues in that time period. And that would often be followed
22 up with guidance from the Service on what was urgent. And in
23 this case, it was not expressed as urgent.

24 **MS. ERIN DANN:** I understand the evidence
25 before the Commission to be that there was no back and forth
26 on the content of this particular warrant package between day
27 zero and day 54. Is that consistent with your memory?

28 **MS. ZITA ASTRAVAS:** Yes.

1 **MS. ERIN DANN:** And you spoke in your in
2 camera hearing and the interview that you would -- that a
3 warrant application would be presented to the Minister when
4 it was ready. And by ready, you explained that meant once
5 the paperwork was in line and the logistics sorted. Is that
6 a fair summary?

7 **MS. ZITA ASTRAVAS:** I think that's fair.
8 There were, on some occasions, when a warrant application was
9 presented to our office, it would not be complete because it
10 wasn't dated or there would be a signature missing from some
11 of the other parties. More of an administrative perspective.
12 But we would work with prioritization with the Service on how
13 to best spend the Minister's time.

14 **MS. ERIN DANN:** All right. You testified
15 that the briefings and the questions you asked were for your
16 own information, your own interest, and that you did not
17 provide or discuss the information received in those
18 briefings with Minister Blair perhaps until the day 54.
19 Given the Minister's duty, statutory duty to review warrant
20 applications and his expectation that we expect him to
21 testify to that the warrant applications be dealt with
22 promptly, was there any consideration given to prioritizing
23 the Minister's briefing over the briefings to you on day 13
24 or the Vanweenen briefing?

25 **MS. ZITA ASTRAVAS:** So the Director of the
26 Service, I had a very close relationship, a strong working
27 relationship with the Director, and the Director was very
28 clear when he required time to speak to the Minister, and

1 that was always coordinated immediately, as soon as we could
2 get the schedules to align, but certainly there have been
3 some occasions where we turned around a phone call between
4 the Director and the Minister within hours, as indicated by
5 the Director. And at no time, and I believe this is
6 consistent with testimony, both from the Deputy Minister and
7 the Director, that they were not concerned around the
8 timeline.

9 **MS. ERIN DANN:** All right. During your in
10 camera examination, you were referred to an internal CSIS
11 email from the affiant that expressed concern about the
12 perceived delay in obtaining the Minister's approval. In
13 your summary, it indicates that the affiant identified
14 concerns, which included a concern that the longer the
15 application is delayed, the more dated the information in the
16 application becomes, and that if asked by the Federal Court
17 about the delay in approval by the Minister of the warrant
18 application, the affiant would describe the delay as unusual.

19 Do you -- I'll ask first, do you view the
20 delay in this case, in the time taken for the Minister to
21 approve the warrant application, as unusual?

22 **MS. ZITA ASTRAVAS:** I relied on the Public
23 Service to identify what was urgent and of a priority. Both
24 had indicated through their testimony that they were not
25 concerned with the time that had elapsed.

26 I would also note that once Minister Blair's
27 signature was affixed, it took three weeks for the Federal
28 Court to hear that case. I have seen warrants, following the

1 Minister's signature, go to the Court within hours or days,
2 and in this case, I believe it took up to three weeks.

3 **MS. ERIN DANN:** All right. We heard evidence
4 from Ms. Tessier that CSIS employees at the operational level
5 were very frustrated by what they perceived as delay in
6 obtaining the Minister's approval. I think you've already
7 spoken to this, but can you confirm whether those concerns
8 were conveyed to you?

9 **MS. ZITA ASTRAVAS:** They were not.

10 **MS. ERIN DANN:** Did you intentionally sit on
11 or delay putting this warrant before the Minister for his
12 approval?

13 **MS. ZITA ASTRAVAS:** No.

14 **MS. ERIN DANN:** Why then did it take until
15 day 54 for the Minister to become aware that this warrant was
16 awaiting his approval?

17 **MS. ZITA ASTRAVAS:** There are -- as I've
18 testified, we worked on prioritizing items for the Minister's
19 consideration with CSIS. CSIS would identify an agenda item
20 that they wanted to discuss with the Minister, and as soon as
21 the Director had indicated that he would like to put this
22 warrant on the agenda, it was arranged within days.

23 **MS. ERIN DANN:** So was that the case for all
24 warrants? That they would only be put before the Minister
25 when the director himself indicated that he wished to have
26 this on the agenda?

27 **MS. ZITA ASTRAVAS:** The Director would
28 indicate matters of priority and we would work with the

1 Director and his team in order to make those arrangements.

2 I would note that in this period of time,
3 there were a number of touch points between the Director, the
4 Minister, the Deputy Minister, all together and separate, and
5 at no point was it raised as a matter of urgency.

6 To give you some context, at that time, in
7 working with the service, we had just made public, prior to
8 this time period, an update to the terror listings and an
9 additional list of organizations and individuals to be listed
10 as terrorist organizations was under discussion between, and
11 under consideration, between the Director and the Minister in
12 the Public Service.

13 In addition to that, as part of the mandate,
14 there were items like 5G and -- 5G and other issues that
15 involved the Service, Ministerial Security, intelligence
16 priorities that were in front of the Minister, which were
17 CSIS leads in discussion with the Minister.

18 And so there were several opportunities that
19 the Minister and the Director and the Deputy Minister could
20 have raised and directed his attention to this matter. It
21 was certainly afforded to them, and it was not raised.

22 **MS. ERIN DANN:** And setting aside what they
23 raised or did not raise, we expect to hear evidence that
24 despite the other important issues that Public Safety and the
25 Minister were dealing with at the relevant time, and the
26 logistical challenges posed by COVID, that Minister Blair,
27 during the same time frame as this warrant, approved two
28 other warrants for which a turnaround time for the approval

1 was between four and eight days. Was there something
2 specific about this warrant that set it apart or prevented a
3 turnaround within a shorter time frame?

4 **MS. ZITA ASTRAVAS:** I do not have a
5 recollection of which other warrants you're alluding to.
6 However, generally speaking, if a warrant was a renewal, that
7 a previous Minister or Minister Blair himself had authorized,
8 then he was comfortable with that material, because he had
9 seen it before, so that would usually mean a quicker
10 signature being affixed.

11 Certainly I think one of the other
12 considerations was there would be more thorough briefings to
13 the Minister and to the team regarding new or novel warrants.

14 I remind everybody that this was following
15 the *En Banc* decision, where the Federal Court was very
16 frustrated with CSIS on their duty -- or their lack of duty -
17 - or their -- them not fulfilling their obligations of duty
18 of candor to the Court. And so it was very important that we
19 worked diligently through the Minister with the Service in
20 order to rebuild that trust between the Court and the Service
21 following that decision.

22 I would also just say if it was novel, then
23 we would always ensure with any warrant that the Director had
24 an opportunity with the Minister, should the Minister have
25 any questions. So it was practice in my office that we would
26 arrange for a briefing or that the Director be available to
27 the Minister should there be any questions that the Minister
28 wanted to ask of the Director and of the Service.

1 **MS. ERIN DANN:** I appreciate that. And in
2 this case, it appears that there were not. Our understanding
3 or expected evidence of Minister Blair is that he first
4 became aware of the warrant on day 54, reviewed it for a
5 number of hours, and signed off on the same day. That
6 suggests that he did not require additional briefings from
7 the Director. Would you agree?

8 **MS. ZITA ASTRAVAS:** He was -- there was a
9 briefing the day, day 54, of -- provided to the Minister and
10 he affixed his signature that day.

11 **MS. ERIN DANN:** All right. I suppose what
12 I'm asking is, was there -- were there briefings to the
13 Minister that needed to occur prior to day 54?

14 **MS. ZITA ASTRAVAS:** Oh, I see.

15 **MS. ERIN DANN:** Was that a reason for --
16 you've mentioned that where there's a novel warrant, for
17 example, that there may need to be additional briefings. As
18 far as the Commission has heard thus far, there were no such
19 briefings in this case?

20 **MS. ZITA ASTRAVAS:** That is accurate.

21 **MS. ERIN DANN:** All right. I'll turn in my
22 remaining moments to information flow relating to some
23 intelligence in respect of MP Michael Chong.

24 In 2021, as Chief of Staff, I understand you
25 did not have access to a CTSN, Top Secret Network account,
26 and that you relied on paper documents being provided to you
27 through a departmental liaison officer from Public Safety.
28 Is that right?

1 **MS. ZITA ASTRAVAS:** That is correct.

2 **MS. ERIN DANN:** During your in camera
3 examination, you testified that there was a shift in
4 intelligence flow to you and the Minister following COVID.
5 Before COVID, I understand that physical binders, reading
6 binders, would have been provided to you, to the Minister's
7 Office, and for the Minister. Were those provided directly
8 to you or to someone on your staff?

9 **MS. ZITA ASTRAVAS:** They would have been
10 provided either to myself or a member of my staff who was
11 appropriately cleared by the Department.

12 **MS. ERIN DANN:** And after COVID, you
13 testified that the binders stopped coming and they did not
14 resume during your tenure as Chief of Staff. Is that right?

15 **MS. ZITA ASTRAVAS:** That is correct.

16 **MS. ERIN DANN:** Okay. And ---

17 **MS. ZITA ASTRAVAS:** At the ---

18 **MS. ERIN DANN:** Oh, sorry.

19 **MS. ZITA ASTRAVAS:** At the beginning, they
20 arrived as a physical binder with many different briefs in
21 there every week, and once the pandemic happened, the binders
22 were no longer produced or delivered to our office.

23 There was a continuation of intelligence
24 provided to our office significantly truncated to a less --
25 there was a smaller volume that would arrive, and it would
26 not be on a weekly basis. And all of that intelligence was
27 always provided in full to Minister Blair.

28 **MS. ERIN DANN:** Yesterday we heard some

1 evidence from Mr. Stewart, which -- that Public Safety did
2 continue to produce physical reading binders and provided
3 them to the Minister's Office during COVID. Does that accord
4 with your recollection or do you have any response to that
5 evidence?

6 **MS. ZITA ASTRAVAS:** With the deepest of
7 respect to the Deputy Minister, that was not the experience
8 of our office.

9 **MS. ERIN DANN:** Is it possible that you may
10 have received binders, but were unaware of them because you
11 were not in the office?

12 **MS. ZITA ASTRAVAS:** I was notified whenever
13 there was classified information that was to be delivered to
14 myself or Minister Blair because we had to make arrangements
15 to come into the office and review that material. I was
16 provided with the material that I reviewed, and it was not in
17 a binder format, or to the same volume or detail as it had
18 been delivered prior to the pandemic.

19 I did support Minister Mendicino in his
20 transition as Minister to Public Safety following the Cabinet
21 shuffle of 2021. At that time, to Minister Mendicino, as his
22 transition staff, I advised him that we -- the Minister's
23 Office used to receive an intelligence binder and that I
24 strongly recommended that Minister Mendicino ask for that to
25 be resumed.

26 **MS. ERIN DANN:** We've heard about three
27 intelligence products relating to Michael Chong that were
28 disseminated by CSIS in advance of an Issues Management Note

1 in May of 2021. Did you receive any of these intelligence
2 products? Were they among the materials that you did receive
3 during that period?

4 **MS. ZITA ASTRAVAS:** I understand that I did
5 discuss this in my in camera testimony, ---

6 **MS. ERIN DANN:** You did. And I believe, if
7 it assists, paragraph 47. You did -- you indicated that you
8 do not believe that you received these products.

9 **MS. ZITA ASTRAVAS:** No, I did not.

10 **MS. ERIN DANN:** All right. In the NSIRA
11 report, and I'm happy to pull it up, but I'll just read one
12 portion of it to you. It indicates at paragraph 103 that at
13 least one piece of CSIS intelligence, one product, related to
14 the PRC targeting of an MP, was provided to Minister Blair,
15 likely as part of a weekly reading package in 2021.

16 Do you have -- what's your response to that
17 finding in the NSIRA -- or that report in the NSIRA report?

18 **MS. ZITA ASTRAVAS:** Could you pull up that
19 section ---

20 **MS. ERIN DANN:** Yes.

21 **MS. ZITA ASTRAVAS:** --- if you don't mind?

22 **MS. ERIN DANN:** It's COM -- Commissioner, if
23 I could just have a few moments. I know we're very tight on
24 time. Just a few moments' indulgence ---

25 **COMMISSIONER HOGUE:** Yes, just to cover ---

26 **MS. ERIN DANN:** --- to finish this.

27 **COMMISSIONER HOGUE:** --- this issue.

28 **MS. ERIN DANN:** Thank you.

1 It's COM364, page -- PDF page 35.

2 If we scroll down to paragraph 103, it

3 states:

4 "As noted above, Public Safety stated
5 that at least one piece of CSIS
6 intelligence was provided to the
7 Minister of Public Safety, likely as
8 part of a weekly reading package, in
9 2021. This would have preceded by
10 several months both the issues
11 management note and the intelligence
12 assessment of July 2021. There is no
13 indication that was provided to the
14 Minister despite the fact that he was
15 a named recipient on the distribution
16 list." (As read)

17 **MS. ZITA ASTRAVAS:** Any intelligence that our
18 office receives that was destined for Minister Blair was
19 delivered in full. The department or the service would make
20 a determination on what pieces of intelligence should be
21 brought to the Minister's attention and I provided those
22 packages or I made arrangements for those packages to be
23 reviewed by the Minister in full.

24 **MS. ERIN DANN:** And did you ever curate or
25 limit the intelligence products that were sent on to Minister
26 Blair?

27 **MS. ZITA ASTRAVAS:** No.

28 **MS. ERIN DANN:** And just to confirm, your

1 evidence in camera was that you did not receive the issues
2 management note of May of 2021?

3 **MS. ZITA ASTRAVAS:** No, I did not.

4 **MS. ERIN DANN:** All right. And we have seen
5 that you were listed on the distribution list for that issues
6 management note. When did you first become aware of that
7 note?

8 **MS. ZITA ASTRAVAS:** I became aware of that
9 note after I had left Public Safety. I was at Emergency
10 Preparedness, and it was either through public reporting or
11 the ISR's work in that case.

12 **MS. ERIN DANN:** All right. And you indicated
13 in your interview that had you seen it, you would have had a
14 strong reaction. Why is that?

15 **MS. ZITA ASTRAVAS:** Certainly if there -- if
16 a parliamentarian was named and Minister Blair had been very
17 clear on pieces of intelligence were -- or concerns around
18 parliamentarians, he would have undertaken or I would have
19 asked the service what are they doing to follow up in that
20 respect.

21 Minister Blair felt very strongly around the
22 protection of parliamentarians. I'd remind you of the note
23 and the letter that he had written to all parliamentarians
24 around foreign interference, and that was certainly
25 consistent on his approach throughout the time that I worked
26 for him.

27 **MS. ERIN DANN:** My last question, you
28 indicated that after becoming aware that -- of this issues

1 management note that you took steps to try to determine
2 whether or not you had received it. And I understand that
3 you were not able to determine or no one was able to tell you
4 whether or not you had received that document. Is that
5 right?

6 **MS. ZITA ASTRAVAS:** It is correct that public
7 servants were not able to confirm that it was delivered to
8 myself or Minister Blair at that time.

9 **MS. ERIN DANN:** And did you take any steps to
10 determine whether there was any other information or
11 intelligence that was intended to be distributed to you or
12 the Minister that did not reach you?

13 **MS. ZITA ASTRAVAS:** Through the ISR process,
14 we learned of a number of pieces of intelligence that were
15 never delivered to myself or the Minister.

16 **MS. ERIN DANN:** Thank you, Commissioner.

17 **COMMISSIONER HOGUE:** Thank you.

18 Counsel for Michael Chong.

19 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

20 **MR. GIB van ERT:** Thank you.

21 Ms. Astravas, just before I start asking my
22 questions, one of the topics I will be covering, as Ms. Dann
23 did, is the warrant, but I do want to say just from the
24 outset so that there's no uncertainty about it that I will
25 not be asking you to confirm or deny the identity of the
26 subject of that warrant.

27 The Government of Canada recently sent a
28 letter to the Commissioner, and she shared it with the

1 parties, where the government explains that it takes the
2 position that the government has not confirmed nor denied the
3 identity of the subject of the warrant and that to do so
4 would be injurious to national security.

5 So I expect your counsel have told you this
6 already, but just to be perfectly clear, I am not, in the
7 questions that I'm going to be asking you, going to be
8 inviting you to confirm or deny who the warrant was about.

9 **MS. ZITA ASTRAVAS:** Understood.

10 **MR. GIB van ERT:** Thank you.

11 Starting with this issue of the flow of
12 information, there is a dispute, it seems, about this.

13 And I'll ask the Court Operator to go to
14 WIT158. This is one of your witness statements, Madam.

15 If you'll go to paragraph 47, please.

16 And Ms. Dann has alluded to this. It's this
17 issue about the binders.

18 I wonder if you could blow it up. Thank you.

19 About five lines down, you say, "Once the
20 pandemic hit, the binders stopped coming." The Deputy
21 Minister advised you that "it was not possible to continue
22 producing binders at the time given the circumstances".

23 As Ms. Dann indicated, Mr. Stewart and also
24 his colleague, Mr. Rochon, were both here yesterday, and they
25 both refuted that statement and the rest of your evidence
26 here at paragraph 47 in its entirety. In particular, Mr.
27 Stewart was specifically asked whether he had told you that
28 the binders couldn't continue given the circumstances, and he

1 said that he disagreed that he had ever told you that.

2 He furthermore said that the binders, in
3 fact, continued to be produced and to be sent to the
4 Minister's office throughout the pandemic. He said there's a
5 safe in the Minister's office where these things are kept,
6 and they kept going there.

7 And he said, furthermore -- I'm just giving
8 you all this so that you can respond.

9 He said furthermore, that in any case, the
10 Minister could always access top secret intelligence products
11 of the kind that would end up in the binders by either having
12 them printed in the CSIS Toronto offices because Mr. Blair
13 was in Toronto during the pandemic, for the most part, or,
14 indeed, Mr. Stewart said that intelligence products would be
15 delivered by CSIS to the Minister's home when he needed them.

16 And so my first question for you on all of
17 this is simply, do you say that Mr. Stewart and Mr. Rochon
18 when they came here and gave that evidence under oath were
19 not telling the truth?

20 **MS. ZITA ASTRAVAS:** I can speak to my
21 experience while I was Chief of Staff in that office. And I
22 -- as I have testified, that we did not receive intelligence
23 on a weekly basis in a binder format and, as I have
24 testified, it was *ad hoc*. A smaller volume was delivered to
25 our office not at a regular basis.

26 And I would say to your point where you said
27 that the Minister could access products, those pieces of
28 intelligence were determined by the public service. They

1 determined which documents needed to be presented to the
2 Minister, so unless they had indicated their desire to have
3 the Minister see a document, there was no way for the
4 Minister to access those documents.

5 They would have to be provided in paper
6 format and delivered to him, and so we relied -- like as his
7 Chief of Staff, I relied on the public service in order to
8 provide those materials, to notify my office that there were
9 materials that were -- that were for the Minister to see or
10 for myself to see. And those documents were provided in full
11 to the Minister when they did arrive.

12 **MR. GIB van ERT:** Let me ask you this. When
13 the Deputy Minister told you it wasn't possible to continue
14 producing the binders, surely you said to him words to the
15 effect of, "Well, we need the intelligence in any case.
16 What's your plan B?".

17 **MS. ZITA ASTRAVAS:** It's my understanding
18 that a number of the individuals at Public Safety whose
19 responsibility was to produce those binders were reassigned
20 during the pandemic to other areas of importance like
21 Canadian extremist travellers, Haiti, other items. That was
22 a determination made by the department on that reallocation.
23 And that they said that, you know, important pieces of
24 intelligence would continue to be flagged.

25 As I've testified, it was not of any of the
26 same volume as had been previously delivered prior to the
27 pandemic, and it was ad hoc, and all of those documents that
28 were provided to us were provided to Minister Blair in full,

1 and that in my transition between Minister Blair and Minister
2 Mendicino, I recommended that Minister Mendicino ask that
3 this be resumed.

4 **MR. GIB van ERT:** How soon did you notice
5 that the volume of intelligence products that you were
6 getting, due to this shift from binders to no binders, had
7 decreased? And once you did notice that did you raise that
8 with the Deputy?

9 **MS. ZITA ASTRAVAS:** My team certainly raised
10 it with public servants, and we were told that there's the
11 reality of the situation and constraints with work from home
12 and the immense amount of work that Public Safety was doing,
13 that this was not possible at this time.

14 I do want to say at Public Safety at this
15 time they were in charge of order, closures, a number of
16 priorities, and so we were very much understanding of their
17 justification saying "We can't do this at that time";
18 however, we relied on the Deputy Minister or the Director of
19 CSIS to flag intelligence they felt the Minister should see.
20 And we were entirely reliant on them.

21 **MR. GIB van ERT:** Madam, here's the other
22 thing about the binder story that I want to suggest is
23 implausible. Even if the Deputy Minister were to tell you --
24 and he says he didn't -- that binders were no longer
25 possible, I put it to you that he would have said, "We can't
26 do binders anymore, but this Minister is still the Minister
27 of Public Safety, Top Secret national security matters still
28 need to go to him. And so here's what we're going to do

1 instead." But you haven't, anywhere in your evidence,
2 suggested that the Deputy offered any sort of plan B at all.
3 That's why I'm struggling to believe this story.

4 **MS. ZITA ASTRAVAS:** As I've testified, there
5 was still pieces of intelligence that were delivered to the
6 Minister. And I'm -- I respect the Deputy Minister
7 immensely, but he's mistaken.

8 **MR. GIB van ERT:** All right. Mr. Blair says
9 that he didn't know about the concerns that the Service was
10 trying to raise in the three intelligence products that Ms.
11 Dann was telling you about, and later the IMU. The concerns
12 about targeting of Mr. Chong and his family, but also in the
13 IMU Kenny Chiu as well.

14 Mr. Blair's evidence -- in fact, he's already
15 said this in evidence he has given in the spring, and we
16 understand he will be giving this evidence again on Friday --
17 is that he didn't see the intelligence. He says that he just
18 didn't receive the products even though they were addressed
19 to him, and also to you as Chief of Staff.

20 Mr. Stewart's evidence, again, is that those
21 products were all available to you and the Minister both,
22 whether in the binders or through the Toronto process that
23 I've described. I take it that you say that that's not true?

24 **MS. ZITA ASTRAVAS:** I had no mechanism to
25 query a system and pull intelligence. I was 100 percent
26 reliant, as was the Minister, that the Public Service would
27 indicate that there were documents ready for our review, our
28 consideration, and at which point we would make arrangements

1 for those documents to be delivered to Minister Blair.

2 This was a point of significant discussion
3 with the ISR on information flow to our office, and that
4 those documents were not delivered; again, as I have
5 testified, that all pieces of intelligence that were provided
6 to me were provided to Minister Blair.

7 **MR. GIB van ERT:** All right. So you're
8 blaming the Public Service, the Department of Public Safety
9 in particular for this, if I've understood you correctly,
10 because you're saying that when CSIS addresses a document to
11 the Minister and to you, it in fact goes to Public Safety, and
12 if they don't get it to you, you won't see it. Right?

13 **MS. ZITA ASTRAVAS:** As I have testified, I
14 was 100 percent reliant on the Public Service to provide us
15 with hard copies of intelligence. There was no other
16 mechanism for intelligence of a classified nature to be
17 shared with my office.

18 **MR. GIB van ERT:** And in respect of these
19 four products you say the Public Service didn't do that and
20 so you and the Minister didn't find out?

21 **MS. ZITA ASTRAVAS:** They were not provided to
22 us.

23 **MR. GIB van ERT:** And so you never found out
24 about them?

25 **MS. ZITA ASTRAVAS:** In that time, no.

26 **MR. GIB van ERT:** All right.

27 Let's go on to the warrant. This is another
28 document that comes to your attention, of course, but doesn't

1 come to Minister Blair's attention for some time. So to
2 start with, we've already had Mr. Blair here, and he was
3 quite emphatic about this. On the 10th of April he said he
4 signed that warrant on the 11th of May, three hours after
5 seeing it for the first time. But you seem to dispute that,
6 and I want to take you to your witness statement again,
7 starting at paragraph 16, please.

8 All right, thank you.

9 So it's about six lines down in that
10 paragraph 16:

11 "She said [that's you, madam] that
12 the Director and the Minister had
13 discussed issues related to the
14 warrant a number of times before the
15 warrant application arrived."

16 When you say, "Arrived" you mean before it
17 was actually submitted to Public Safety?

18 **MS. ZITA ASTRAVAS:** Yes.

19 **MR. GIB van ERT:** All right. So before Day
20 Zero in that timeline that Ms. Dann was showing you?

21 **MS. ZITA ASTRAVAS:** As a matter -- as an
22 issue, generally speaking, that matter had been previously
23 discussed outside of the context of a warrant application.

24 **MR. GIB van ERT:** I see. So when it says,
25 "...the Director and the Minister had discussed issues
26 related to the warrant," it wasn't with reference to a
27 warrant; it was just the issues that ended up being the
28 subject matter of the warrant; is that fair?

1 **MS. ZITA ASTRAVAS:** There were issues
2 relating to the larger subset that -- there were issues
3 related to similar issues contained in the warrant.

4 **MR. GIB van ERT:** Related to foreign ---

5 **MS. ZITA ASTRAVAS:** I've testified at length
6 with the Commission in camera on this matter.

7 **MR. GIB van ERT:** I expect you have, and I
8 haven't heard any of it and I never will. But about foreign
9 interference generally, let's put it that way, issues about
10 foreign interference had been vetted between the Director and
11 the Minister, but I think what you're saying here -- and I'm
12 just trying to get your evidence straight -- is that it's not
13 that the Director and the Minister had discussed this warrant
14 before it was submitted; the Minister hadn't actually heard
15 about the warrant before it was submitted. That's what he
16 told us on the 10th of April. Are you disagreeing with the
17 Minister about that?

18 **MS. ZITA ASTRAVAS:** Similar issues related to
19 the warrant had been discussed a number of times, and I've
20 discussed this with the Commission in camera.

21 **MR. GIB van ERT:** But the warrant itself had
22 not been brought to the Minister's attention until Day 54,
23 right?

24 **MS. ZITA ASTRAVAS:** It was brought to a
25 warrant, as I have testified, and constrained by security
26 considerations, was discussed between Day 13 and 54.

27 **MR. GIB van ERT:** Discussed with the
28 Minister?

1 **MS. ZITA ASTRAVAS:** As I've testified, that
2 there was a document destined for the Minister, or a document
3 incoming, but we were constrained in not being able to talk
4 about the subject matter in an unclassified setting.

5 **MR. GIB van ERT:** Did you tell the Minister
6 before Day 54 that there was a warrant concerning this
7 particular subject, whoever that was?

8 **MS. ZITA ASTRAVAS:** I've testified in camera
9 on this matter.

10 **MR. GIB van ERT:** Yes, I know but you need to
11 answer me now.

12 **MS. ZITA ASTRAVAS:** What is your question?

13 **MR. GIB van ERT:** The question is, before Day
14 54, did you ever tell the Minister who the subject matter of
15 the warrant was?

16 **MS. ZITA ASTRAVAS:** Again, we were
17 constrained by an unclassified situation.

18 **MR. GIB van ERT:** And, therefore, did you or
19 didn't you?

20 **MS. ZITA ASTRAVAS:** I was not able to discuss
21 the subject matter of a warrant in an unclassified situation.

22 **MR. GIB van ERT:** So did you or didn't you
23 talk to the Minister about the subject matter of the warrant
24 before Day 54?

25 **MS. ZITA ASTRAVAS:** There was an awareness,
26 as you see in my statements, around issues relating to that
27 warrant, having been discussed with -- between the Director
28 and the Minister. Bu the first time the Minister had seen

1 the warrant itself was Day 54.

2 **MR. GIB van ERT:** Yes, I understand the first
3 time he saw it was Day 54.

4 Commissioner, this question matters because
5 it goes to the credibility of Mr. Blair. He was quite
6 emphatic that he hadn't seen the warrant, and in fact,...

7 In fact, why don't I go ahead and show this
8 to you? This may clarify matters. So if we can go to
9 WIT156, please.

10 This is Mr. Blair's anticipated evidence. At
11 paragraph 11. Thank you.

12 "Minister Blair testified that he
13 first became aware of the warrant
14 application on the date he recalls
15 signing it. He did not know that it
16 had been received by his office
17 before that date. He was not aware
18 of the date his office received it
19 and no one showed him the earlier
20 dates on the documents."

21 So you can tell me if I'm misunderstanding
22 him here, but it seems to me that what he is saying is that
23 the first he learned of the warrant, and I believe that
24 includes the first that he ever knew who the subject was, was
25 on day 54?

26 **MS. ZITA ASTRAVAS:** As I've testified, there
27 would have been an awareness of a warrant within our office
28 at some point between day 13 and day 54, but the first time

1 he saw that document is accurate in his statement.

2 **MR. GIB van ERT:** When you say there would
3 have been an awareness within your office, do you include the
4 Minister as being within your office?

5 **MS. ZITA ASTRAVAS:** Yes.

6 **MR. GIB van ERT:** All right. So I think what
7 you're telling the Commission is that the Minister in fact
8 did know before day 54 that there was a warrant coming or
9 that there was a warrant in preparation concerning this
10 subject?

11 **MS. ZITA ASTRAVAS:** He was aware of a warrant
12 entering.

13 **MR. GIB van ERT:** In respect of this subject,
14 whoever that may be?

15 **MS. ZITA ASTRAVAS:** He was aware of a
16 warrant, but I do not have specific recollection if the name
17 was included in that.

18 **MR. GIB van ERT:** You don't remember whether
19 or not he knew who the target of the warrant was?

20 **MS. ZITA ASTRAVAS:** As, again, I would refer
21 you to my previous statement made in my summary, this is
22 something I've spoken at length to with the Commission in
23 camera.

24 **MR. GIB van ERT:** Yes, but as I say, ---

25 **MR. BARNEY BRUCKER:** Well perhaps we should -
26 - my friend should take this up with Minister Blair, who will
27 be on Friday, and then we can ask him what he knew, instead
28 of asking Ms. Astravas what he knew.

1 **MR. GIB van ERT:** I'm sure I will, but I do
2 want to understand what this witness' evidence is about this
3 matter, but why don't I go ahead and move on.

4 You've testified to Ms. Dann that you didn't
5 tell anyone at the Prime Minister's Office about the subject
6 matter of the warrant, or the target of the warrant, or the
7 warrant itself. Have I got that right?

8 **MS. ZITA ASTRAVAS:** Yes.

9 **MR. GIB van ERT:** You didn't tell anyone at
10 the Prime Minister's Office about that?

11 **MS. ZITA ASTRAVAS:** No, I did not tell anyone
12 there.

13 **MR. GIB van ERT:** All right. Did you not
14 have a duty to inform the Prime Minister's Office of this
15 warrant, given its nature?

16 **MS. ZITA ASTRAVAS:** It is a matter for the
17 Service. As you can appreciate, the security clearances
18 required for this warrant are constrained, or any warrant,
19 are constrained. This is extremely highly sensitive
20 information.

21 As Chief of Staff, I took my responsibilities
22 in dealing with classified material, and specifically highly
23 sensitive classified material, extremely seriously, and that
24 those discussions were only undertaken with the people who
25 are appropriately cleared, which included my office, the
26 Service, and Public Safety.

27 **MR. GIB van ERT:** The Prime Minister has
28 clearance to see anything in the Government of Canada; don't

1 you agree?

2 **MS. ZITA ASTRAVAS:** That would be a
3 determination to be made by the Director of the Service.

4 **MR. GIB van ERT:** No, it isn't. The Prime
5 Minister has full authority, as leader of the government, to
6 see anything he wants to see. Is that not something you're
7 aware of, Ms. Astravas?

8 **MS. ZITA ASTRAVAS:** I would say that the
9 compartments and the classification of this document were
10 highly sensitive and that it would not be my responsibility
11 to share information to individuals who were not -- who did
12 not have the appropriate clearance.

13 **MR. GIB van ERT:** Is it your evidence that
14 this warrant was so highly classified that the Prime Minister
15 himself was not allowed to see it?

16 **MS. ZITA ASTRAVAS:** No, I don't agree with
17 you from that -- the premise of your question. What I would
18 say is that I was -- I took my responsibilities under law
19 very seriously, in that I would only speak to individuals who
20 were appropriately cleared by the Service on this matter or
21 the matter of any warrant, and it would be for the Director
22 to discuss this highly classified information with people he
23 deemed appropriate to discuss with, and on a need-to-know
24 basis.

25 **MR. GIB van ERT:** To your knowledge, did the
26 Director take this up with anyone in the PMO?

27 **MS. ZITA ASTRAVAS:** I do not have a
28 recollection on the discussions that the Director undertook

1 following the approval of the warrant. Certainly I ---

2 **MR. GIB van ERT:** I don't mean after the
3 approval. I meant before.

4 **MS. ZITA ASTRAVAS:** Before, did I share that
5 information?

6 **MR. GIB van ERT:** No, the question I asked
7 was, do you know whether or not CSIS advised the PMO of this
8 warrant before it was ---

9 **MS. ZITA ASTRAVAS:** I don't have any
10 knowledge.

11 **MR. GIB van ERT:** All right. The reason why
12 I'm -- and I think other people may find it surprising to
13 hear you say that this wasn't something that you informed the
14 Prime Minister's Office about, is that this warrant was
15 remarkable. It was clearly a warrant involving PRC foreign
16 interference, which is remarkable enough, and it came at a
17 time in this country when, just to remind you what was going
18 on in early 2021, the Commons had just passed the Uyghur
19 genocide motion. Mr. Vigneault, on the 9th of February, had
20 given a public speech warning the country about the
21 significant threat to the integrity of our democratic
22 institutions posed by foreign interference. Meanwhile, as we
23 were talking about, CSIS is trying to get the attention of
24 PCO, the NSIA, Deputy Ministers all around town about the
25 targeting. And of course, hanging over us all at that point
26 is the continued arbitrary detention of the Two Michaels by
27 PRC.

28 So given all of that, this warrant comes into

1 your office, and you say you didn't tell PMO about it, and
2 I'm expressing some surprise about that.

3 **MR. BARNEY BRUCKER:** Well it seems to me my
4 friend was talking about we're not going to get into the
5 subject matter of the warrant, and yet we just heard quite an
6 exposition about what supposedly the warrant is about. So
7 I'm not understanding the conflict between his opening
8 statement and the question.

9 **MR. GIB van ERT:** I don't think I said
10 anything about the -- what the warrant was about, but let me
11 go ahead and move on.

12 When I cross-examined Ms. Tessier for the
13 Service, I asked her whether she had told you that you must
14 not speak to anyone outside of the Minister's Office about
15 the warrant, and she said no. She said she wouldn't do that;
16 it wasn't her place to tell you essentially how to do your
17 job. I'm paraphrasing, all right.

18 And she also told me that she had reached out
19 to you ahead of the warrant actually being submitted, so
20 before day zero, to let you know that it was coming, and she
21 also said that she told you who the subject of the warrant
22 would be when it came. Do you recall all that? Do you agree
23 that all that happened?

24 **MS. ZITA ASTRAVAS:** I've spoken to the
25 Commission in camera on a number of these matters. However,
26 I would say that the culture within my office and the culture
27 that -- and the relationship that I had on any matters of
28 intelligence with Director Vigneault was that it was a need-

1 to-know basis. One of the questions I'd have rudimentarily
2 asked Mr. Vigneault would be, "Who may I speak to about this
3 warrant?" Because of course -- or any matter of
4 intelligence, because of course different individuals are
5 indoctrinated into different programs and I would never want
6 to inadvertently disclose information to an individual that
7 was inappropriately cleared.

8 That had been a discussion that David and I
9 had had at the onset. It was something even in my previous
10 roles, the culture of need-to-know was something very much
11 understood and respected by me. I took that responsibility
12 extremely seriously. And any discussions undertaken on
13 matters of intelligence would be the Director Vigneault's
14 discretion on who would be appropriately cleared to have
15 those discussions.

16 **MR. GIB van ERT:** Do you accept Madam
17 Tessier's evidence to the Commission that she let you know
18 before the warrant was submitted that it was coming and who
19 it was about?

20 **MS. ZITA ASTRAVAS:** I believe I've spoken to
21 the Commission in camera about these matters and I'm not able
22 to talk about that in this forum.

23 **MR. GIB van ERT:** Well Ms. Tessier didn't
24 have any concerns and your Attorney General's counsel didn't
25 raise any objection. So I don't -- unless there's a national
26 security objection that my learned friends want to make, I
27 think I am entitled to the answer.

28 **COMMISSIONER HOGUE:** Yeah, but the witness

1 herself has the right to raise it ---

2 **MR. GIB van ERT:** So you're declining to
3 answer ---

4 **COMMISSIONER HOGUE:** --- if she feels that --
5 -

6 **MR. GIB van ERT:** Pardon me.

7 **COMMISSIONER HOGUE:** If she feels that by
8 providing the answer, she may violate her obligations. I
9 think she's entitled to raise it.

10 **MR. GIB van ERT:** All right. Thank you,
11 Commissioner.

12 I cannot see, Madam, in the witness
13 statements that you've provided, any concrete explanation for
14 why it took 54 days. I just don't see any explanation.

15 A moment ago you were telling Ms. Dann -- you
16 cited various factors. And we know there was a lot going on
17 in early 2021. One of the factors you cited was the duty of
18 candor, which didn't come up in the witness statements. I
19 can't see how that could possibly have had anything to do
20 with it. I put it to you, Madam, that the reason for the
21 delay was simply this.

22 Looking at the warrant, looking at the
23 Vanweenen list, you saw in it that it was deeply concerned
24 with the operations of your Party and your government, and
25 having seen how deeply involved this warrant would bring CSIS
26 with the affairs of your Party and your government, you
27 didn't want it to go ahead and if it had to go ahead, you
28 wanted to slow walk it. What do you say to that?

1 **MS. ZITA ASTRAVAS:** Again, I cannot talk
2 about the specifics of any warrant, but I can tell you that
3 your assumptions are categorically false.

4 **MR. GIB van ERT:** Madam, the warrant
5 concerned high-ranking members of your Party and also people
6 you had known for years, and that's why you didn't want to
7 see it go ahead.

8 **MS. ZITA ASTRAVAS:** Again, that is false.
9 And let me remind you that Minister Blair has approved every
10 warrant that has been put in front of him.

11 **MR. GIB van ERT:** Yes, he did approve it.
12 There's no question that he approved it. He approved it
13 three hours after he got it. But he didn't get it for 54
14 days, and that was down to you.

15 **MS. ZITA ASTRAVAS:** Again, I would say the
16 accusation you're making is false.

17 **MR. GIB van ERT:** So what is the explanation
18 for the delay, Madam? This is your chance.

19 **MS. ZITA ASTRAVAS:** I have answered this in
20 previous testimony.

21 **MR. GIB van ERT:** Thank you. Those are my
22 questions.

23 **COMMISSIONER HOGUE:** Thank you.

24 Next one is counsel for Jenny Kwan.

25 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

26 **MR. SUJIT CHOUDHRY:** Thank you, Commissioner.

27 Ms. Astravas, good afternoon. For the
28 record, my name is Sujit Choudhry. I'm counsel to Jenny

1 Kwan.

2 So I want to begin -- I want to proceed
3 chronologically, and so I'll begin with the issue of the
4 advance discussion which I know you've declined to answer
5 questions about on the issue of national security. There is
6 one question I'd like to get on the record without going over
7 the same terrain as my colleague, Mr. van Ert, which is that
8 -- this.

9 I believe you've been asked and you've
10 answered that after the warrant application arrived in the
11 Minister's office, you did not speak -- or in the Ministry,
12 you did not speak with anyone in the Prime Minister's Office.
13 But my question is a bit different.

14 There was a time gap between this initial
15 pre-meeting and the arrival of the application in the
16 Minister's office. After you had that meeting, before the
17 warrant arrived, did you speak with anyone in the Prime
18 Minister's Office about this warrant?

19 **MS. ZITA ASTRAVAS:** No.

20 **MR. SUJIT CHOUDHRY:** Did you speak with
21 anyone outside the government about this warrant?

22 **MS. ZITA ASTRAVAS:** No.

23 **MR. SUJIT CHOUDHRY:** So I'd like to go to the
24 initial briefing, which took place about 13 days in, give or
25 take.

26 **COMMISSIONER HOGUE:** Can we have the ---

27 **MR. SUJIT CHOUDHRY:** The timeline?

28 **COMMISSIONER HOGUE:** --- the timeline that we

1 ---

2 **MR. SUJIT CHOUDHRY:** Good idea.

3 I don't have the doc ID, I'm afraid. That
4 was Ms. Dann's document.

5 The timeline, Ms. Dann.

6 **MS. ERIN DANN:** Apologies. It's COM615.

7 **COMMISSIONER HOGUE:** I think it will be
8 useful to have it on the screen.

9 **MR. SUJIT CHOUDHRY:** Of course.

10 Thank you, Commissioner. That's good.

11 Can you read that, Ms. Astravas?

12 **MS. ZITA ASTRAVAS:** I can. Thank you.

13 **MR. SUJIT CHOUDHRY:** Okay. You're welcome.

14 So I just want to discuss this timeline a
15 bit, and so -- and some of the issues here. So with respect
16 to the initial briefing, your evidence in -- and I'll give
17 the reference, but it's in WIT158, paragraph 20; we can pull
18 it up if you'd like -- is as follows.

19 You stated you reviewed all warrant
20 application materials to ensure you were aware of what the
21 Minister was signing, to ensure all necessary clerical
22 procedures had been complied with. You asked questions for
23 your own understanding, but you understood that intelligence
24 and operational issues were for the service. That's your
25 evidence; correct?

26 **MS. ZITA ASTRAVAS:** Warrants were an
27 operational briefing, so yes.

28 **MR. SUJIT CHOUDHRY:** Okay. And so I

1 anticipate that when Minister Blair testifies this week, he
2 will say that questions of the legal threshold are for the
3 Federal Court; correct? And you agree with him?

4 **MS. ZITA ASTRAVAS:** Yes, the Federal Court
5 makes the determination on whether or not the threshold has
6 been met.

7 **MR. SUJIT CHOUDHRY:** But he also -- but I
8 anticipate Minister Blair's evidence will be that when he was
9 informed that you might have asked questions about the legal
10 threshold, his reaction was, "Well, that's a matter for the
11 Federal Court", as in it's not a question -- it's not a
12 matter for staff to raise with the service.

13 **MS. ZITA ASTRAVAS:** So my questions were
14 based on me gaining an understanding, not questioning what
15 the service had put forward.

16 **MR. SUJIT CHOUDHRY:** I see. So it wasn't --
17 so it wasn't -- you said your questions weren't substantive.

18 **MS. ZITA ASTRAVAS:** My questions were -- the
19 purpose of my questions were to inform myself and not to
20 question what the service felt was appropriate to put into a
21 document.

22 **MR. SUJIT CHOUDHRY:** But it seems to me, Ms.
23 Astravas, that that type of questioning which a CSIS email
24 did flag as flagging a concern that the warrant might not be
25 approved might have veered and crossed the line into
26 substantive questioning.

27 **MS. ZITA ASTRAVAS:** As I -- as I have
28 testified, at no point did I indicate that the warrant would

1 not move forward to approval. I do know that everyone at the
2 service does really important work to keep Canada safe, and
3 that was -- my job is not to question the merits of their
4 argument. It was for me to understand an operational piece
5 that they had put forward.

6 **MR. SUJIT CHOUDHRY:** But you agree that it's
7 possible to ask probing deep substantive questions without
8 actually stating that the Minister might not approve of the
9 warrant.

10 **MS. ZITA ASTRAVAS:** I've never stated that
11 the Minister might not approve the warrant.

12 **MR. SUJIT CHOUDHRY:** No, I didn't say you
13 could. But it might -- but it's nonetheless possible to ask
14 deep proving substantive questions without any way signalling
15 that the Minister might not approve the warrant.

16 **MS. ZITA ASTRAVAS:** Could you ask the
17 question ---

18 **MR. SUJIT CHOUDHRY:** Sure.

19 **MS. ZITA ASTRAVAS:** I'm not trying to be
20 difficult.

21 **MR. SUJIT CHOUDHRY:** No, of course. I'll
22 rephrase it.

23 So -- but isn't it possible that your
24 questions regarding the legal threshold were seen by the
25 service as not simply meant to inform yourself, but as
26 crossing the line into second-guessing the service's
27 judgment?

28 **MS. ZITA ASTRAVAS:** I can only speak to, you

1 know, my intention in asking questions, which was to inform
2 myself. I would -- you know, if there was any concerns
3 around the questions that I were asking, I'm sure that I
4 would have heard from the Director or senior personnel at the
5 service, and no indications were raised to me of concerns.

6 **MR. SUJIT CHOUDHRY:** So let's shift now to
7 the Vanweenen list briefing, which is not on this timeline,
8 but I believe you said it was some time between Day 13 and
9 Day 54. Is that right?

10 **MS. ZITA ASTRAVAS:** That is my recollection.

11 **MR. SUJIT CHOUDHRY:** Okay. And so you asked
12 for that briefing, did you not?

13 **MS. ZITA ASTRAVAS:** I did to inform myself on
14 what a Vanweenen list is.

15 **MR. SUJIT CHOUDHRY:** Had you never seen one
16 before?

17 **MS. ZITA ASTRAVAS:** I had never -- I have not
18 been familiar with a Vanweenen list in -- prior to my time at
19 Public Safety, and so I asked for there -- for there to be
20 information provided to me on what a Vanweenen list is and
21 how it -- how -- what is its place within a warrant. But at
22 no point was it around individuals on that list.

23 **MR. SUJIT CHOUDHRY:** Had you seen a warrant
24 before this one?

25 **MS. ZITA ASTRAVAS:** I don't have the list of
26 warrants that had been approved in that timeline.

27 **MR. SUJIT CHOUDHRY:** So yes or no? Is this
28 is the first warrant you had seen in your role for Minister

1 Blair?

2 **MS. ZITA ASTRAVAS:** No.

3 **MR. SUJIT CHOUDHRY:** No. And did those other
4 warrants not also have Vanweenen lists attached to them?

5 **MS. ZITA ASTRAVAS:** I would presume so.

6 **MR. SUJIT CHOUDHRY:** They probably did.

7 And so it's in the nature of warrant that it
8 captures conversations or communications with individuals who
9 aren't the subject of that warrant.

10 So this wouldn't have been the first time you
11 saw a warrant with such a list, would it have?

12 **MS. ZITA ASTRAVAS:** As I've testified,
13 whenever there was a new warrant that would come into our
14 office, again not speaking about a specific warrant, we would
15 trigger a briefing to my office and I had questions around a
16 Vanweenen list.

17 **MR. SUJIT CHOUDHRY:** Sure. But I think that
18 wasn't my question.

19 My question is, you saw other warrants
20 before. Those warrants would have had lists like this. You
21 never asked about those lists, but some reason, for this
22 warrant, you asked about that list.

23 **MS. ZITA ASTRAVAS:** I -- as I have testified,
24 I had asked questions around this -- like around a Vanweenen
25 list in this time period.

26 **MR. SUJIT CHOUDHRY:** For this warrant.

27 **MS. ZITA ASTRAVAS:** I had asked for briefing
28 on the Vanweenen list in this time period.

1 **MR. SUJIT CHOUDHRY:** For this warrant?

2 **MS. ZITA ASTRAVAS:** Yes.

3 **MR. SUJIT CHOUDHRY:** Okay. Thank you.

4 And so now, did you recognize any of the
5 names on that list?

6 **MS. ZITA ASTRAVAS:** As you can appreciate, I
7 cannot discuss the contents of a Vanweenen list, or a
8 specific warrant in this forum, and I have spoken to the
9 Commission about this.

10 **MR. SUJIT CHOUDHRY:** And I believe in your
11 evidence to the Commission you said you were interested in
12 the impact on the individuals on that list of being caught up
13 in a warrant. Is that not correct?

14 **MS. ZITA ASTRAVAS:** Could you point to that?

15 **MR. SUJIT CHOUDHRY:** It's -- I believe the
16 reference is WIT158, paragraph 29, and forgive me if it's the
17 wrong reference.

18 So if you look at paragraph 30, if you look
19 at about five lines down it says:

20 "The briefing was to help her
21 understand what a Vanweenen list was,
22 how it came to be, and what impact
23 the warrant would have on the
24 individuals listed."

25 So you were interested in the impact on the
26 individuals listed in the warrant?

27 **MS. ZITA ASTRAVAS:** I would read that to mean
28 that I had questions around what that list was and what --

1 how that list is treated, but not with any specific
2 individual on any list, on any warrant. It's an operational
3 document coming from the service, and it is not our place to
4 provide operational reflections to the service.

5 **MR. SUJIT CHOUDHRY:** But I have to point you
6 to the sentence again. It says three things. You are
7 interested in what such a list was, and as we had
8 established, this wasn't the first warrant you've seen. How
9 it came to be. And then the third point is what on the
10 individuals listed. That is your evidence, is it not?

11 **MS. ZITA ASTRAVAS:** That is what paragraph 30
12 says.

13 **MR. SUJIT CHOUDHRY:** And that is your
14 evidence, is it not?

15 **MS. ZITA ASTRAVAS:** It is. However, I think
16 it is to be read what impact the warrant would have on
17 individuals listed as a whole, on what a Vanweenen list is,
18 and not a specific individual on a list, on a specific
19 warrant.

20 **MR. SUJIT CHOUDHRY:** Well ---

21 **MR. BARNEY BRUCKER:** Just a minute. Just to
22 be clear, it is a summary of what can be said publicly.
23 That's what this -- that what this is.

24 **MR. SUJIT CHOUDHRY:** So let's move on.

25 I'd like to now look at the issue of why this
26 certain -- this warrant took 54 days, although we've had
27 evidence that the warrants took on average between four and
28 usually around 10 days. So I'd like to take you to witness -

1 - your witness statement 157, paragraph 33 -- pardon me,
2 witness document 157, paragraph 33.

3 So it says here:

4 "In the interval between the two
5 afore-mentioned briefings, Ms.
6 Astravas had spoken by phone with the
7 Director...She believed but she may
8 have been waiting for answers from
9 CSIS on matters she had asked about
10 during the Initial Briefing."

11 But then, Ms. Astravas, if we could go to
12 WIT158, paragraph 25 ---

13 **MS. ZITA ASTRAVAS:** Sorry, could I just ---

14 **MR. SUJIT CHOUDHRY:** Sure.

15 **MS. ZITA ASTRAVAS:** --- read this paragraph?

16 **MR. SUJIT CHOUDHRY:** Of course, please,
17 forgive me.

18 **MS. ZITA ASTRAVAS:** Okay, thank you.

19 **MR. SUJIT CHOUDHRY:** Okay. Now, if we could
20 go to WIT158, paragraph 25? If you look at the third line:

21 "If she required information in order
22 to move forward with an application,
23 or take some kind of action, she
24 stated this explicitly to the
25 Director. That did not occur in this
26 case."

27 I think those two statements are
28 inconsistent. In WIT137 you said that the delay might have

1 arisen because of questions you pose. But here in WIT158,
2 your evidence is that you didn't raise any questions. And in
3 fact, I would put to you that both Director Vigneault and Ms.
4 Tessier both gave evidence here that you didn't ask any
5 questions and there was no back and forth after the initial
6 briefing.

7 So I'm trying to understand, were there
8 questions or were there not?

9 **MS. ZITA ASTRAVAS:** As I've stated, I've
10 spoken to the Commission in camera on this matter and as I
11 have testified, that we had always set up a briefing around
12 warrants to be provided to my office. And as you and I have
13 just discussed, I had asked questions around what a Vanweenen
14 list is. And I would also add that in testimony, Mr. Stewart
15 and Mr. Vigneault indicated that they did not raise any
16 concerns around time.

17 **MR. SUJIT CHOUDHRY:** Yes, but that's not my
18 question. I think we're trying to understand your
19 explanations for the delay. And so, one explanation you gave
20 was that you expected there might have been some need to
21 follow up to answer questions you posed. That's what you
22 said in WIT157, but then in WIT158 you said there were no
23 such questions. And both Director Vigneault ---

24 **COMMISSIONER HOGUE:** I'm sorry, in all
25 fairness for the witness ---

26 **MR. SUJIT CHOUDHRY:** Yeah.

27 **COMMISSIONER HOGUE:** --- it's not exactly
28 what it said in 25.

1 **MR. SUJIT CHOUDHRY:** Okay. Well, it says if
2 she required information to move forward or take some kind of
3 action, she explained this, that did not occur in this case.

4 **MR. BARNEY BRUCKER:** Excuse me. I would
5 submit that you can't read paragraph 25 independent of
6 paragraph 24, which talks about a separate briefing.

7 **MR. SUJIT CHOUDHRY:** Sorry. Could you scroll
8 up, please? So those were questions that would have took
9 place at the briefing; correct?

10 **MS. ZITA ASTRAVAS:** You're referring to
11 paragraph ---

12 **MR. SUJIT CHOUDHRY:** Mr. Brucker pointed to
13 paragraph 24. Those questions took place at the initial
14 briefing; correct? She:

15 "...testified that the questions she
16 asked were typical of those she would
17 ask of a warrant application."

18 Those were -- that refers to questions you
19 asked at the initial briefing?

20 **MS. ZITA ASTRAVAS:** Yes.

21 **MR. SUJIT CHOUDHRY:** But that doesn't say
22 there was a back and forth after the initial briefing?

23 **MS. ZITA ASTRAVAS:** I'm reading paragraph 24
24 that I asked those questions of that brief and as you see in
25 paragraph 24, I had a separate conversation about the
26 Vanweenen list.

27 **MR. SUJIT CHOUDHRY:** So let's move on. So I
28 have to say, Mr. Astravas, I don't see in paragraph 24 any

1 evidence about questions subsequent to the initial briefing,
2 except for the separate briefing on the Vanweenen list, that
3 suggests a back and forth that might explain the delay.

4 **MS. ZITA ASTRAVAS:** Again, as I've answered
5 many of these questions in camera with the Commission.

6 **MR. SUJIT CHOUDHRY:** So let's move on to
7 another explanation that you had given as to what the -- why
8 there might have been a delay, is that the -- this was a
9 particularly busy time for Public Safety. And so -- and as
10 Ms. Dann has pointed out, that contemporaneously with this
11 warrant, we anticipate that Minister Blair will provide
12 evidence that two other warrants were arrived, and were
13 processed within four to eight days.

14 And so, this one somehow sticks out as having
15 proceeded much more slowly alongside other warrants. And now
16 your answer to Ms. Dann was, well, the Director didn't flag
17 this one as a priority and those might have been renewals.
18 But so that leads me to two follow up questions. Did the
19 Director flag those other two warrants as priorities?

20 **MS. ZITA ASTRAVAS:** I don't have a
21 recollection of that.

22 **MR. SUJIT CHOUDHRY:** So you don't know. So
23 you don't know if he did or not?

24 **MS. ZITA ASTRAVAS:** I do not recall that.
25 I'm sorry.

26 **MR. SUJIT CHOUDHRY:** And you also speculated
27 that those other two warrants might have been renewals. Do
28 you know for certain that those other two warrants were

1 renewals or not?

2 **MS. ZITA ASTRAVAS:** I do not, and that is why
3 I asked Ms. Dann for clarification, and we were not able to
4 discuss this in this space.

5 **MR. SUJIT CHOUDHRY:** So your evidence is, in
6 this space, that as far as you know, the Director didn't ask
7 those other warrants to be expedited, and for all you know,
8 they were initial warrants just like this one?

9 **MS. ZITA ASTRAVAS:** Again, I do not have a --
10 I'm not a liberty to discuss or seek information of which
11 warrant was progressing at that time, in addition to other
12 warrants. As I have testified that if they were renewals
13 they would progress more quickly, particularly if they were
14 renewals that Minister Blair had approved, and that if they
15 were new and novel -- if they were new warrants or novel
16 warrants, that that would require a briefing and time set
17 aside from -- for a meeting, you know, with the Minister,
18 that the Director would be made available for the Minister.

19 I would also say that my relationship with
20 the Director was quite strong, and that whenever the Director
21 indicated that he required time with the Minister, it was
22 arranged quickly from my office on behalf of the Minister.
23 And as we would work with the Director on prioritization on
24 matters that require the Minister's attention. As soon as
25 the Director had indicated that this would be on an agenda,
26 we scheduled a meeting.

27 **MR. SUJIT CHOUDHRY:** Sure. And again, Ms.
28 Astravas, look, I -- we're almost out of time, so I'd like to

1 move on to another issue, which is the fact that you said you
2 couldn't discuss, let's call it the substance of the warrant,
3 with the Minister because of the constraints imposed by non-
4 classified communication, that you couldn't speak over the
5 phone about it. Is that right?

6 **MS. ZITA ASTRAVAS:** That is correct.

7 **MR. SUJIT CHOUDHRY:** Yeah. But now, Director
8 Stewart -- sorry, Deputy Minister Stewart said that it never
9 took more than two or three weeks, even during COVID, for
10 Minister Blair to access a SCIF in Toronto. So my question
11 is, there was a 54-day period here where the warrant was in
12 the Ministry. Why during that time period did you not try to
13 schedule a SCIF with the Minister to advise him of the
14 substance of the warrant?

15 **MS. ZITA ASTRAVAS:** So in that time period,
16 as I have testified, there were several opportunities that
17 the Minister, the Director, and the Deputy Minister were
18 discussing matters of -- relating to CSIS in a classified
19 space. I provided several examples of that. And at no point
20 did the Director or the Deputy Minister raise this as a
21 matter of priority.

22 **MR. SUJIT CHOUDHRY:** But my question is why
23 you didn't. And so let me just close on this. Right. At
24 paragraph 32 of WIT158, you state that your:

25 "...practice when a warrant application
26 was submitted [...] was to advise the
27 Minister that he needed to attend a
28 SCIF as there were matters that

1 required his attention."

2 Why did you not follow your normal practice?

3 It's paragraph 32.

4 And Commissioner, just with a bit of leave, I
5 know I'm out of time, but I'd like -- this is an important
6 point.

7 So paragraph 32 states the following, that
8 you confirmed -- that you testified that the Minister:

9 "...understood [this] warrant
10 applications required his approval."

11 You've also testified elsewhere that he knew
12 that these had to be dealt with quickly. And then your
13 evidence here is that your:

14 "...general practice, when a warrant
15 was submitted [...] was to advise the
16 Minister that he needed to attend a
17 SCIF..."

18 And so your answer to my question is that the
19 Director didn't raise this issue with the Minister, or that
20 the Deputy Minister didn't, but my question is why you didn't
21 raise it with the Minister by setting up a SCIF yourself, as
22 the Chief of Staff?

23 **MS. ZITA ASTRAVAS:** So as I've testified,
24 that the Director and the Deputy Minister, and the Minister
25 had been in classified conversations several times in that
26 time period, dealing with a number of matters, and that I
27 would refer you to testimony of the Deputy Minister and with
28 Director Vigneault that they did not express concern on

1 timeline.

2 **MR. SUJIT CHOUDHRY:** That wasn't my question.
3 Commissioner, can I have a follow up
4 question? This is quite a crucial point.

5 **COMMISSIONER HOGUE:** Yes.

6 **MR. SUJIT CHOUDHRY:** So Deputy Minister
7 Stewart testified yesterday to two points. he said first
8 that the Chief of Staff would flag an application, a warrant
9 application for the Minister to sign, and second, he
10 testified that the Minister would not know that a warrant was
11 there for him to sign unless the Chief of Staff told him. So
12 it wasn't the Deputy Minister's job, or the CSIS Director's
13 job. It was your job. You're the last stop for the train
14 before it reaches the station. That's the term you used;
15 isn't it?

16 **MS. ZITA ASTRAVAS:** I would say that, you
17 know, there were a number of times that the Director and the
18 Deputy Minister had ---

19 **MR. SUJIT CHOUDHRY:** Ms. Astravas, I'm sorry,
20 that's not my question. Why did you not tell him? It was
21 your job. Why did you not tell him?

22 **MS. ZITA ASTRAVAS:** As I have testified, that
23 between day 13 and 54, there would have been an awareness of
24 a warrant requiring his attention. I would also add that
25 Minister was in contact with the Deputy Minister and Director
26 Vigneault on a regular basis and nothing prevented them to
27 express a desire of priority. They have both testified that
28 they were not concerned about the timeline, nor did they

1 raise it as a matter of priority. As soon as the Director
2 put it on an agenda, time was scheduled with the Minister and
3 it was signed.

4 **MR. SUJIT CHOUDHRY:** Thank you, Ms. Astravas.
5 Thank you, Commissioner.

6 **COMMISSIONER HOGUE:** Counsel for the
7 Conservative Party.

8 **--- CROSS-EXAMINATION BY MR. NOAH LEW:**

9 **MR. NOAH LEW:** Thank you, Commissioner. For
10 the record, my name is Noah Lew and I'm counsel for the
11 Conservative Party of Canada.

12 Ms. Astravas, Commission counsel asked you
13 about the various roles that you've held in the Federal
14 Government, but I want to also ask you about your provincial
15 experience. You held numerous leadership roles under former
16 Liberal Premier of Ontario Kathleen Wynne, including as
17 Director of Media Relations. Is that correct?

18 **MS. ZITA ASTRAVAS:** Yes.

19 **MR. NOAH LEW:** I would ask that EOT0000014 be
20 brought up, please.

21 **--- EXHIBIT No. EOT0000014:**

22 CSIS warned this cabinet minister
23 could be a threat. Ontario disagreed

24 **MR. NOAH LEW:** This is a *Globe and Mail*
25 article from June 16, 2015. Did you have any national
26 security clearances in June 2015?

27 **MS. ZITA ASTRAVAS:** I had an appropriate
28 clearance with the Province. You would have to ask officials

1 of what that was, but nothing like Top Secret or anything
2 like that.

3 **MR. NOAH LEW:** Right. Okay. Thank you. But
4 regardless, you would never have conveyed something you
5 learned through that clearance to a reporter; correct?

6 **MS. ZITA ASTRAVAS:** Never.

7 **MR. NOAH LEW:** I want to ask you about a
8 statement that you're reported as having made to the Globe on
9 the bottom of page 5 of this article, at the paragraph that
10 starts with, "Through a spokeswoman..."

11 So it says there -- there it is:

12 "Through a spokeswoman, Ontario
13 Premier Kathleen Wynne defended Mr.
14 Chan's integrity and expressed full
15 confidence in the minister."

16 The quote attributed to you was that:

17 "Michael Chan is a man of sterling
18 character who has served the people
19 of Markham-Unionville, and all
20 Ontarians, honourably..."

21 Did you make that statement about Mr. Chan
22 while you worked for Premier Wynne?

23 **MS. ZITA ASTRAVAS:** I made that statement to
24 the *Globe and Mail* on behalf of the Premier.

25 **MR. NOAH LEW:** Thank you. And how many years
26 did you work for Premier Wynne?

27 **MS. ZITA ASTRAVAS:** I was her Director of
28 Media Relations I believe for two years, which ended in 2015.

1 **MR. NOAH LEW:** And Mr. Chan was in her
2 Cabinet that entire time; correct?

3 **MS. ZITA ASTRAVAS:** That is what my
4 recollection is.

5 **MR. NOAH LEW:** Thank you. We can take the
6 document down now.

7 **MS. ZITA ASTRAVAS:** Could I add one thing?
8 Is that any statement that I made to the media on behalf of
9 the Premier was written, approved by colleagues in the
10 Premier's Office, and I was acting on the Premier's behalf,
11 and it wasn't my own personal statement. As I'm sure many of
12 you can appreciate, it was on behalf of the Premier. And so
13 there were many steps that went into crafting that statement
14 by colleagues and not my own personal opinion that was
15 expressed at that time.

16 **MR. NOAH LEW:** So that does not reflect your
17 personal opinion?

18 **MS. ZITA ASTRAVAS:** I was the spokesperson
19 for the Premier at the time. I did not express a personal
20 opinion for many years when I was acting as a spokesperson
21 either for the Prime Minister or for the Premier, and if you
22 take a look at that article and how it was attributed, it was
23 on behalf of Premier Kathleen Wynne.

24 **MR. NOAH LEW:** Okay. Thank you. Moving to a
25 different point, according to your examination summary, you
26 were sent a memo from the Deputy Minister of Public Safety
27 addressed to Minister Blair that recommended the approval of
28 a particular CSIS warrant. That memo, as we've seen, was

1 sent four days after the warrant application was received,
2 and the memo requested warrant be approved that day. That's
3 correct; right?

4 **MS. ZITA ASTRAVAS:** Again, I'm relying on
5 documents that have been provided to me, and I don't dispute
6 those documents.

7 **MR. NOAH LEW:** Can you tell us approximately
8 how many days went by before you reviewed that memo?

9 **MS. ZITA ASTRAVAS:** I would refer you to the
10 timeline that has been presented. I have testified in this
11 Commission that I would have to be notified of classified
12 materials that were put to my attention. As I've also
13 testified, that documents, more generally speaking, I'm not
14 saying this about this specific document, that the date that
15 it was stamped that it left the Deputy's Office is not
16 necessarily a reflection of the date that I became aware of
17 it. Again, more broadly speaking, that was my experience in
18 my time in the Federal Government.

19 **MR. NOAH LEW:** So you don't recall how many
20 days went by before you reviewed this particular memo?

21 **MS. ZITA ASTRAVAS:** I don't have a specific
22 recollection, but I would refer to day 13, where I was
23 present to an oral briefing.

24 **MR. NOAH LEW:** Day 13. How many days would
25 you typically wait before reviewing a memo that you received
26 from the Deputy Minister?

27 **MS. ZITA ASTRAVAS:** I would review memos
28 provided to me from the Deputy Minister or members of my team

1 through to me from the Deputy Minister. I mean, it was from
2 the Deputy Minister and therefore it was important, but I
3 don't have a specific recollection of which day that
4 particular memo was reviewed.

5 **MR. NOAH LEW:** So would you say that a delay
6 of over a week before reviewing it was unusual?

7 **MS. ZITA ASTRAVAS:** I would say that, again,
8 with documents of a classified nature, I would have to be
9 notified in order to come into the office and for
10 arrangements to be made to review information of a classified
11 nature.

12 **MR. NOAH LEW:** And just again, would that
13 typically take less than eight days?

14 **MS. ZITA ASTRAVAS:** I don't have a specific
15 recollection of this, with this specific document.

16 **MR. NOAH LEW:** I'm asking generally for
17 documents such as this one, whether ---

18 **MS. ZITA ASTRAVAS:** I mean, documents, as I
19 expressed in my earlier testimony, it depended on the
20 document. It would go to members of my team, including
21 myself, and they would be reviewed, but it would really
22 depend on the subject matter.

23 I also undertook a number of conversations.
24 I would have a weekly meeting with Deputy Stewart in order to
25 deal with matters of priority for him and if he had a view on
26 a particular file that he wanted to draw my attention to, he
27 was definitely not shy in informing me of that.

28 **MR. NOAH LEW:** Okay. Thank you. As noted in

1 your examination summary, again, the average approval time
2 for CSIS warrants is eight days. We've discussed this. And
3 we heard earlier this afternoon that two contemporaneous
4 warrants to the one we're discussing today were approved in
5 four and eight days. The 54 days that it took for this
6 particular warrant to be approved therefore appears vastly
7 outside of the ordinary course. Would you agree with this?

8 **MS. ZITA ASTRAVAS:** I would say that I have
9 spoken to Commission in camera on this matter.

10 **MR. NOAH LEW:** That's not something we're
11 privy to, so do you mind answering that?

12 **MS. ZITA ASTRAVAS:** What was your question?

13 **MR. NOAH LEW:** Do you agree that the 54 days
14 that it took for this particular warrant to be approved
15 appears to be vastly outside of the ordinary course?

16 **MS. ZITA ASTRAVAS:** I would say that as I
17 have testified, warrants, whether they were renewals or new
18 and novel, or a new warrant, would take a different amount of
19 time.

20 **MR. NOAH LEW:** In your time at Public Safety,
21 did any warrant take longer than 54 days to approve?

22 **MS. ZITA ASTRAVAS:** I would -- I don't have a
23 specific recollection of each warrant and the time that was
24 required to approve them and I would refer to the timeline
25 that I have in front of me, and I don't have access to any
26 other documents from that time period.

27 **MR. NOAH LEW:** Did you ever have an occasion
28 to recuse yourself from the review of a warrant application?

1 **MS. ZITA ASTRAVAS:** As I stated in my earlier
2 testimony, I had, and not speaking about this warrant in
3 specific, more broadly speaking, I had a good relationship
4 with the Director and any name that I had come across that I
5 had some familiarity with in the classified space, I would
6 immediately disclose it to the Director, to the Minister, and
7 others in the Public Service. So they could -- if they had a
8 concern, they could voice that concern, should there be one,
9 and I did that -- I had done that with the Director.

10 At an onset, when I saw a name that I had
11 recognized and that -- he appreciated my disclosure and did
12 not raise any other concerns around my involvement in any
13 file.

14 **MR. NOAH LEW:** And then just one final
15 question. There are Canadians that are watching today who
16 believe that you delayed the issuance of a warrant for 54
17 days because you wanted to protect your Liberal friends and
18 colleagues who were implicated by it. Do you have anything
19 to say to those Canadians?

20 **MS. ZITA ASTRAVAS:** That is categorically
21 untrue and I would say that the warrant and all warrants were
22 approved.

23 **MR. NOAH LEW:** Thank you.

24 **COMMISSIONER HOGUE:** Thank you.

25 AG.

26 **--- CROSS-EXAMINATION BY MR. BRENDAN van NIEJENHUIS:**

27 **MR. BRENDAN van NIEJENHUIS:** Good afternoon,
28 Ms. Astravas. Brendan van Niejenhuis for the Government of

1 Canada. Just a few questions arising.

2 First, with respect to the dating of
3 documents, this came up in examination by Commission counsel.
4 Do you recall that?

5 **MS. ZITA ASTRAVAS:** Yes.

6 **MR. BRENDAN van NIEJENHUIS:** And I think your
7 -- I took your evidence to be that dating on documents within
8 the Public Service, and particularly within Public Safety
9 perhaps, were not necessarily accurate or reliable at all
10 times; right?

11 **MS. ZITA ASTRAVAS:** I would agree.

12 **MR. BRENDAN van NIEJENHUIS:** And that would
13 be, at the best of times, you know, in other words, outside
14 of the pandemic, that would be true from time to time;
15 correct?

16 **MS. ZITA ASTRAVAS:** That is true. There
17 would be, on occasion, where a document was due back to the
18 Department that had not yet entered my office for the
19 Minister's concurrence and the Deputy and I had an ongoing
20 discussion around document delivery and the timeliness of
21 those documents. And so the date, as I have testified, that
22 a memo was signed, did not necessarily mean the memo had
23 entered the Minister's Office.

24 **MR. BRENDAN van NIEJENHUIS:** The date may
25 have arisen from a draft, for example, and persist in the
26 document as it took longer than intended for that to be
27 finalized and reach your office? Is that the sort of thing
28 that could happen?

1 **MS. ZITA ASTRAVAS:** Yes.

2 **MR. BRENDAN van NIEJENHUIS:** And was that all
3 the more susceptible to becoming the case during the COVID
4 period of time? Especially the early part of COVID?

5 **MS. ZITA ASTRAVAS:** Absolutely.

6 **MR. BRENDAN van NIEJENHUIS:** Okay. Second
7 area arising in Ms. Dann's examination was a suggestion that
8 Minister Blair, and it may have been a misspeak, but I just
9 want to be clear, but Minister Blair did not even know a
10 warrant was waiting for his review until he showed up at
11 Regional in Toronto on day 54.

12 To be clear, when you booked three hours with
13 the Minister on that occasion, was the Minister made aware
14 that he would be reviewing and approving a warrant?

15 **MS. ZITA ASTRAVAS:** To my recollection, yes.

16 **MR. BRENDAN van NIEJENHUIS:** Okay. Third,
17 this question of binders. Do you recall the questioning
18 raising the apparent discrepancy of recollection between
19 Deputy Stewart and Assistant Deputy Rochon with respect to
20 the production of binders after COVID arose? Just see if you

21 ---

22 **MS. ZITA ASTRAVAS:** Yes.

23 **MR. BRENDAN van NIEJENHUIS:** --- recall that
24 question? Okay.

25 Do you know, during the early period when
26 those binders, on your recollection, were still being
27 produced on a weekly or so basis, do you know whether Deputy
28 Minister Stewart or Associate Deputy Minister Rochon

1 personally printed, and tabbed, and three-hole punched, and
2 prepared, and personally delivered those binders to you?

3 **MS. ZITA ASTRAVAS:** They did not personally
4 deliver those binders to me. No.

5 **MR. BRENDAN van NIEJENHUIS:** Did you, by
6 contrast, both before and during the early months of your
7 tenure at Public Safety, when you did receive them, did you
8 personally receive them, and see, and touch, and feel them?

9 **MS. ZITA ASTRAVAS:** I did.

10 **MR. BRENDAN van NIEJENHUIS:** Yes. And did
11 you personally review their contents?

12 **MS. ZITA ASTRAVAS:** I did.

13 **MR. BRENDAN van NIEJENHUIS:** And so when you
14 said to my friend, Mr. van Ert, that Deputy -- Minister
15 Stewart and Associate Deputy Minister Rochon were mistaken in
16 their belief, is it possible that they were under a
17 misapprehension about what in fact was being produced by
18 others within the Department?

19 **MS. ZITA ASTRAVAS:** Yes.

20 **MR. BRENDAN van NIEJENHUIS:** Okay. Now, Mr.
21 van Ert, in his cross-examination, accused you of what
22 sounded like rather serious corruption in the discharge of
23 your public duties based upon what it seems he has read in
24 the newspapers arising from what is said to be leaked
25 classified information. In other words, slow walking a
26 warrant for political purpose. I think that suggestion was
27 just made again. Do you recall that?

28 **MS. ZITA ASTRAVAS:** I do.

1 **MR. BRENDAN van NIEJENHUIS:** During the
2 interval from day 13 until day 54 on this table or this
3 summary, did you arrange for and participate in time between
4 Minister Blair and Director Vigneault to speak and deal with
5 other matters between them?

6 **MS. ZITA ASTRAVAS:** I did.

7 **MR. BRENDAN van NIEJENHUIS:** And were some of
8 those matters classified, requiring a classified environment
9 to communicate about?

10 **MS. ZITA ASTRAVAS:** Oh, yes.

11 **MR. BRENDAN van NIEJENHUIS:** And during this
12 interval, were those matters where the Minister's time was
13 sought by the Director, or by the Service, to occur in
14 priority ahead of time to being told to you that you're being
15 flagged to set time for the review and approval of this
16 warrant?

17 **MS. ZITA ASTRAVAS:** Yes.

18 **MR. BRENDAN van NIEJENHUIS:** Did you engage
19 in any kind of politically motivated effort to interfere
20 with, call into question, slow down the progress, or
21 otherwise obstruct the Minister's consideration of the
22 requested approval at any time?

23 **MS. ZITA ASTRAVAS:** No.

24 **MR. BRENDAN van NIEJENHUIS:** And then
25 finally, when my friend Mr. Choudhry, raising much the same
26 point, chases the ghosts between the WIT157 document summary
27 of your interview and the WIT158 summary of your in camera
28 transcribed examination, can I ask you this, do these

1 summaries reflect -- constitute a precise reflection of your
2 words on either of those occasions?

3 **MS. ZITA ASTRAVAS:** They are a summary of my
4 in camera testimony with the Commission and with Commission
5 counsel and they are a summary of those words.

6 **MR. BRENDAN van NIEJENHUIS:** They're not the
7 precise reflection of your precise words?

8 **MS. ZITA ASTRAVAS:** They're not direct ---

9 **MR. BRENDAN van NIEJENHUIS:** No.

10 **MS. ZITA ASTRAVAS:** --- quotes. No.

11 **MR. BRENDAN van NIEJENHUIS:** And do you -- do
12 they reveal precisely which documents and preparation were
13 available to you on, respectively, March the 19th, 2024, and
14 then in August 2024, respectively? Do they show that?

15 **MS. ZITA ASTRAVAS:** No.

16 **MR. BRENDAN van NIEJENHUIS:** No. Thank you,
17 Ms. Astravas. Those are my questions.

18 **COMMISSIONER HOGUE:** Thank you.

19 Ms. Dann, any questions in re-examination?

20 **--- RE-EXAMINATION BY MS. ERIN DANN:**

21 **MS. ERIN DANN:** Very briefly.

22 Can I have WIT157 brought up?

23 Ms. Astravas, during Mr. van Ert's cross-
24 examination, he referenced your mention of the duty of candor
25 and I understood him to say that no reference to the duty of
26 candor was made in any of the summaries. I just want to take
27 you to paragraph 33, which is at page 8 of this document.
28 And if we look approximately in the middle of that paragraph,

1 it will take me a moment, a sentence that starts, "She
2 noted..." I'm sorry, this is maybe seven lines down.

3 Thank you, Court Operator.

4 "She noted that, at the time, CSIS
5 was particularly careful regarding
6 all warrant applications, following a
7 Federal Court decision that
8 criticized CSIS with respect to its
9 duty of candour on warrant
10 applications."

11 Is this what you were referencing in your
12 earlier testimony?

13 **MS. ZITA ASTRAVAS:** Yes. And I believe that
14 I had spoken in earlier testimony around the relationship
15 between the Federal Court and CSIS following the *En Banc*
16 decision.

17 **MS. ERIN DANN:** All right. And this is, just
18 sorry, for your reference, this is your interview summary.

19 **MS. ZITA ASTRAVAS:** Yes.

20 **MS. ERIN DANN:** Okay. And how did -- or did
21 the duty of candor or considerations about the duty of candor
22 impact the timeline with which -- in which Minister Blair was
23 presented with the warrant in this case?

24 **MS. ZITA ASTRAVAS:** Certainly I think
25 speaking more generally, that that was in -- we were very
26 much aware of the relationship between the Court and CSIS,
27 given the decision. And so any warrant application, or
28 anything -- any dealings that CSIS had with the Court, it was

1 an expectation that CSIS would be candid with the Court,
2 given the *En Banc* decision.

3 **MS. ERIN DANN:** Perhaps I'll ask more
4 directly. Was there any -- do you have any recollection of
5 that playing a role in the timeline, that zero to 54 day
6 timeline, in this case?

7 **MS. ZITA ASTRAVAS:** Not -- I would say that
8 it was more contextual, that that was the culture, certainly
9 in many discussions with the Service, but not specifically --
10 not specifically on this one in particular, but as a whole.

11 **MS. ERIN DANN:** Thank you. And then finally,
12 I understood in your testimony in questions from the counsel
13 for the Attorney General of Canada, that, and please correct
14 me if I'm wrong, that there were various instances during
15 days 13 to 54 that you would have met with the Director and
16 the Minister in a classified space, where the subject matter
17 of this warrant could have been discussed or could have been
18 raised by the Director. Is that right?

19 **MS. ZITA ASTRAVAS:** Yes.

20 **MS. ERIN DANN:** All right. And on any of
21 those -- did you take any of those occasions as an
22 opportunity to -- did you take any of those as opportunities
23 to advise the Minister of the subject matter of this warrant
24 and that it was awaiting his approval?

25 **MS. ZITA ASTRAVAS:** The topics of the
26 briefings, the Director would indicate what were priorities
27 for him to discuss with the Minister, and as soon as the
28 Director indicated that it was to be put on an agenda, that

1 briefing was organized.

2 **MS. ERIN DANN:** Right. And my question was,
3 did you ever use those as opportunities to advise, separate
4 from the agenda for the -- that the Director had, but did you
5 use those opportunities, I realize that you weren't able to
6 speak with her, I understood your evidence is that you were
7 not able to advise the Minister of the subject matter of this
8 warrant on -- in an unclassified space. Did you take any of
9 the opportunities when you were in a classified space to
10 advise the Minister that this was the subject matter of the
11 warrant and that this was awaiting his approval?

12 **MS. ZITA ASTRAVAS:** I did not, because I was
13 not able to confirm that everyone on that call was
14 appropriately cleared to discuss the matter of this warrant.

15 **MS. ERIN DANN:** Thank you. Those are all my
16 questions, Commissioner.

17 **COMMISSIONER HOGUE:** Thank you. So thank
18 you. Good evening. Tomorrow 9:30.

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

20 This sitting of the Foreign Interference
21 Commission is adjourned until tomorrow, the 10th of October
22 2024 at 9:30 a.m.

23 --- Upon adjourning at 6:30 p.m.

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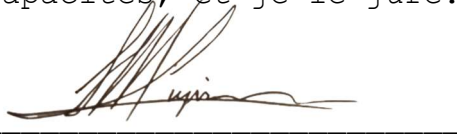
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,
hereby certify the foregoing pages to be an accurate
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