



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

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

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Iranian Canadian Congress

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Ottawa, Ontario

--- The hearing begins Wednesday, September 18, 2024 at 9:45 a.m.

THE REGISTRAR: Order, please.

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

The time is 9:45 a.m.

COMMISSAIRE HOGUE: Good morning, everyone. A great day but we have to spend it here inside.

Maître Chaudhury, you will begin this morning?

Me SHANTONA CHAUDHURY: I would like to table summaries.

So as in Stage 1, the Government of Canada has produced to the Commission a number of unclassified topical summaries of Government of Canada intelligence holdings that will be introduced in evidence over the course of the Commission's proceedings. To make this easier, we're just going to enter them all now by reading out the doc IDs after I say a few words.

First of all, the Government of Canada has appended a lengthy caveat to these summaries which all parties, participants, members of the media and members of the public should take the time to read carefully. I'll just give you the highlights here.

First, the summaries may be incomplete.
Second, the summary does not indicate the time of collection

1 and these, I should specify, are summaries of intelligence
2 and classified information generally that the Government of
3 Canada holds.

4 The summary may contain information that is
5 single sourced. The summary may contain information of
6 unknown and varying degrees of reliability or information
7 that may have been provided to influence as much as to
8 inform.

9 The summary does not indicate the source of
10 the information. The summary does not indicate corroboration
11 or lack thereof, and the summary does not analyze
12 information.

13 The Commission has been provided with the
14 relevant intelligence and assessments which do indicate this
15 information on reliability and corroboration.

16 I would add that these summaries contain
17 some, but not all, of the available information on each
18 subject. They're a useful synthesis, but they should not be
19 taken as comprehensive. Parties should continue to review
20 the relevant documents for each topic.

21 Subject to the rules and the Commissioner's
22 discretion to direct the hearings in accordance with the
23 guiding principles, counsel may refer to these topical
24 summaries in cross-examination after they have been entered
25 into evidence today, but counsel must frame their questions
26 in a way that makes clear to the witness that the information
27 in the topical summaries reflects a summary of Government of
28 Canada intelligence holdings, not proven fact.

1 So I'll just read the document IDs. Ms.
2 Clerk, there's no need to actually bring up the documents.
3 It'll go faster if I just read the document IDs.

4 So first CAN.SUM.17, PRC Interest in Michael
5 Chong.

6 **--- EXHIBIT NO. CAN.SUM.000017:**

7 PRC Interest in Michael Chong

8 **MS. SHANTONA CHAUDHURY:** Second, CAN.SUM.18,
9 Targeting parliamentarians.

10 **--- EXHIBIT NO. CAN.SUM.000018:**

11 Targeting parliamentarians

12 **MS. SHANTONA CHAUDHURY:** Third, CAN.SUM.27,
13 Email Operations Against parliamentarians.

14 **--- EXHIBIT NO. CAN.SUM.000027:**

15 Email Operations Against
16 parliamentarians

17 **MS. SHANTONA CHAUDHURY:** CAN.SUM.27.1, Tab A
18 to PRC Email Operations Chronology Events, Email Tracking
19 Link Campaign Targeting Canadian parliamentarians.

20 **--- EXHIBIT NO. CAN.SUM.000027.001:**

21 Tab A to PRC Email Operations
22 Chronology Events, Email Tracking
23 Link Campaign Targeting Canadian
24 parliamentarians

25 **MS. SHANTONA CHAUDHURY:** CAN.SUM.28, CSIS
26 Threat Reduction Measures.

27 **--- EXHIBIT NO. CAN.SUM.000028:**

28 CSIS Threat Reduction Measures

1 **MS. SHANTONA CHAUDHURY:** CAN.SUM.29, CSIS
2 Warrant Application Process.

3 **--- EXHIBIT NO. CAN.SUM.000029:**

4 CSIS Warrant Application Process

5 **MS. SHANTONA CHAUDHURY:** CAN.SUM.30, Country
6 Summaries, People's Republic of China, Russia, India, Iran
7 and Pakistan.

8 **--- EXHIBIT NO. CAN.SUM.000030:**

9 Country Summaries, People's Republic
10 of China, Russia, India, Iran and
11 Pakistan

12 **MS. SHANTONA CHAUDHURY:** So you'll note that
13 that's one country summary with all of them included, which
14 is a difference from Stage 1.

15 Thank you.

16 **COMMISSIONER HOGUE:** Thank you.

17 So we'll start with the first witness. It's
18 you, Ms. Rodriguez, who will be conducting the examination,
19 and the witness is Mr. Chong.

20 Good morning, Mr. Chong. Welcome.

21 **MS. NATALIA RODRIGUEZ:** Good morning, Madam
22 Commissioner. It's Natalia Rodriguez, Commission counsel.
23 And as you know, the witness before you is Michael Chong, and
24 I would ask that he be sworn in.

25 **THE REGISTRAR:** So Mr. Chong, for the record,
26 could you please state your full name and spell your last
27 name?

28 **MR. MICHAEL CHONG:** Michael David Chong, C-h-

1 o-n-g.

2 **--- MR. MICHAEL CHONG, Affirmed:**

3 **THE REGISTRAR:** Counsel, you may proceed.

4 **--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:**

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

6 So we'll start with some preliminary matters
7 this morning, Mr. Chong.

8 On July 15, 2024, you had an interview with
9 Commission counsel. Is that right?

10 **MR. MICHAEL CHONG:** That's correct.

11 **MS. NATALIA RODRIGUEZ:** And an interview
12 summary was generated from that interview; correct?

13 **MR. MICHAEL CHONG:** That's correct.

14 **MS. NATALIA RODRIGUEZ:** And so I would now
15 ask the court operator to call up WIT 92.EN.

16 Sorry. It should be 92.EN.

17 Thank you.

18 And this is the summary that was generated
19 from your interview; correct?

20 **MR. MICHAEL CHONG:** Correct.

21 **MS. NATALIA RODRIGUEZ:** And you've had a
22 chance to review it for accuracy?

23 **MR. MICHAEL CHONG:** I did.

24 **MS. NATALIA RODRIGUEZ:** And do you have any
25 corrections, additions or otherwise modifications to make to
26 this additional -- to this interview summary?

27 **MR. MICHAEL CHONG:** I do not.

28 **MS. NATALIA RODRIGUEZ:** And do you adopt the

1 contents of this witness summary as part of your evidence
2 before the Commission today?

3 MR. MICHAEL CHONG: I do.

4 MS. NATALIA RODRIGUEZ: Right. So we'll have
5 that entered in as the next exhibit.

6 **--- EXHIBIT NO. WIT0000092.EN:**

7 FINAL Interview Summary - Michael
8 Chong (Stage 2)

9 MS. NATALIA RODRIGUEZ: And for the record,
10 the French translation is at WIT 92.FR, and that will also go
11 in as an exhibit. There is no need to call up that document.

12 **--- EXHIBIT NO. WIT0000092.FR:**

13 Résumé de l'entrevue FINALE - Michael
14 Chong (étape 2).pdf

15 MS. NATALIA RODRIGUEZ: And do you also
16 recall being interviewed by the Commission on February 15,
17 2024 as part of Stage 1 of the Commission's work?

18 MR. MICHAEL CHONG: Yes.

19 MS. NATALIA RODRIGUEZ: And in the course of
20 that interview, we covered certain topics that were relevant
21 to Stage 2 of the Commission's mandate; correct?

22 MR. MICHAEL CHONG: Correct.

23 MS. NATALIA RODRIGUEZ: And an addendum to
24 that Stage 1 interview was prepared covering the topics that
25 were relevant to Stage 2. And I'm now going to call it up,
26 WIT18.1.EN.

27 **--- EXHIBIT NO. WIT0000018.001.EN:**

28 Interview Summary - Michael

1 Chong (Stage 1 Addendum)

2 MS. NATALIA RODRIGUEZ: And have you had a
3 chance to review this addendum?

4 MR. MICHAEL CHONG: I have.

5 MS. NATALIA RODRIGUEZ: And do you have any
6 corrections, additions, deletions or other modifications to
7 make to this addendum today?

8 MR. MICHAEL CHONG: I do not.

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

12 MR. MICHAEL CHONG: I do.

13 MS. NATALIA RODRIGUEZ: Thank you. And for
14 the record, the French translation is WIT18.1.FR, and it will
15 also go in as an exhibit.

16 --- EXHIBIT NO. WIT0000018.001.FR:

17 Interview Summary - Michael

18 Chong (Stage 1 Addendum)

19 MS. NATALIA RODRIGUEZ: So I want to start
20 with some topics that were briefly covered in your Stage 1
21 evidence, the advocacy efforts and your stances on some PRC-
22 related issues as Shadow Minister.

23 I understand you were named Foreign Affairs
24 Shadow Minister in September of 2020, is that right?

25 MR. MICHAEL CHONG: That's right.

26 MS. NATALIA RODRIGUEZ: And can you tell us a
27 little bit about the two opposition motions that you
28 sponsored, shortly after becoming Shadow Minister, with

1 respect to the PRC?

2 **MR. MICHAEL CHONG:** So in the fall of 2020, I
3 introduced a motion in the House of Commons, which the House
4 adopted, calling on the government to ban Huawei from our
5 national telecommunications core infrastructure, and to
6 produce a plan, an action plan, by December of that year to
7 counter foreign interference.

8 We had been hearing from experts that foreign
9 interference is becoming an increasing problem. We had not
10 seen any significant action from the government on countering
11 foreign interference, and so the second part of the motion
12 called for that action plan to be delivered to the -- to be
13 tabled in the House of Commons December that year, of 2020.

14 Subsequent to that, because of increasing
15 evidence that a genocide was taking place, there were a
16 number of reputable think tanks that had come to that
17 conclusion; there was reputable news organizations, like the
18 Wall Street Journal and Associated Press, that had come to
19 that conclusion; and two U.S. administrations had come to
20 that conclusion, including Secretary of the Treasury, Janet
21 Yellen, and Secretary of State, Anthony Blinken, that a
22 genocide was taking place against the Uyghur population.

23 We felt that it was important for Parliament
24 to take a position on this, and so I introduced, subsequently
25 in early 2021, a motion recognizing that a genocide was
26 taking place against the Turkic Muslim minority in Xinjiang
27 Province, a motion that was adopted by the House.

28 The motion also called on the Government of

1 Canada to fulfil its obligations to prevent genocide under
2 the *1948 Genocide Convention*.

3 So those were the two motions I introduced on
4 the floor of the House of Commons.

5 **MS. NATALIA RODRIGUEZ:** And aside from these
6 motions, you were otherwise also vocal in advocating on
7 certain PRC-related issues; for example, the detention of the
8 two Michaels and other similar issues. Is that right?

9 **MR. MICHAEL CHONG:** That's correct. We had,
10 by 2020, started to see an alarming pattern of violations of
11 international and domestic law by the PRC. It begins in 2016
12 when we -- when the Court in the Hague ruled that China was
13 violating the *Convention on the Law of the Sea* in South
14 China Sea. It continues with increasing reports about gross
15 human rights abuses in Xinjiang Province; it continues with
16 the crackdown in violation of an international treaty, the
17 Sino-British Joint Declaration in Hong Kong; and, you know,
18 the detention of the two Michaels subsequently; the detention
19 of Canadian journalists in the PRC, and, you know,
20 increasingly bellicose rhetoric from the PRC.

21 And so this all culminates by the time I
22 become Shadow Foreign Minister in 2020, to the point where we
23 feel that we needed to start taking positions on these things
24 in order to counter these threats to Canada.

25 **MS. NATALIA RODRIGUEZ:** And in your Stage 1
26 interview summary addendum, you indicate that you were
27 counter-sanctioned by the PRC. Can you maybe just lead us
28 through the events that led up to that?

1 **MR. MICHAEL CHONG:** Yes. So that's a very
2 interesting question. So in response to the second motion I
3 introduced, which was adopted by the House of Commons,
4 condemning the genocide and calling on the Government of
5 Canada to fulfil its obligations under international law, the
6 Government of Canada, in concert with the United States, the
7 United Kingdom, sanctioned a -- four individuals and one
8 entity for gross human rights abuses against the Uyghur
9 minority.

10 And subsequent to that, the government of the
11 PRC sanctioned me for the government sanctions. And I note
12 that what's so interesting about all of that is that I'm not
13 part of the government. And, secondly, the government
14 abstained from the vote on the genocide. So they abstained
15 from the vote on the genocide, refusing to recognize the
16 genocide, but did take some action to counter what was going
17 on in Xinjiang.

18 **MS. NATALIA RODRIGUEZ:** But your
19 understanding is that you were sanctioned personally because
20 you had been the sponsor of that motion, is that right?

21 **MR. MICHAEL CHONG:** No. My understanding is
22 that I was sanctioned because the Government of Canada had
23 placed sanctions on four individuals and one entity in
24 Xinjiang.

25 **MS. NATALIA RODRIGUEZ:** But the
26 countermeasures that the PRC took against you, the counter-
27 sanctions against you personally, why would they target you
28 personally as an individual, given the fact that, as you

1 point out, you are not part of the government?

2 MR. MICHAEL CHONG: My assumption is that
3 they felt that I -- the motion that had been adopted by the
4 House was -- had spurred the government to take some action
5 to uphold their obligations.

6 MS. NATALIA RODRIGUEZ: And how did you learn
7 that you had been sanctioned by the PRC?

8 MR. MICHAEL CHONG: I learned about it on --
9 from a phone call from a journalist on a Saturday morning,
10 early, who was in Asia; obviously earlier than us, and who
11 told me that this had been posted on the PRC's Ministry of
12 Foreign Affairs.

13 MS. NATALIA RODRIGUEZ: And that was the
14 first time that you learned of it?

15 MR. MICHAEL CHONG: That's correct.

16 MS. NATALIA RODRIGUEZ: And subsequent to
17 that, did the Government of Canada, including any security
18 intelligence agencies or Global Affairs Canada, reach out to
19 you to inform you that you had been sanctioned by the PRC?

20 MR. MICHAEL CHONG: My recollection is that
21 the Foreign Affairs Committee of the House of Commons had a
22 briefing on the sanction to understand what it fully meant.

23 MS. NATALIA RODRIGUEZ: Was there a meeting
24 with you personally?

25 MR. MICHAEL CHONG: To my recollection, no.

26 MS. NATALIA RODRIGUEZ: Okay. And what is
27 your understanding of the scope of the sanctions? What do
28 they prevent you from doing, or what is the import of those

1 sanctions?

2 **MR. MICHAEL CHONG:** Essentially two things;
3 they prevent me from travelling to the People's Republic of
4 China, and secondly, the language is somewhat vague, but they
5 prohibit anybody who is a PRC national or any entity in the
6 PRC from doing business with me. And so those are the two
7 elements of the sanction.

8 **MS. NATALIA RODRIGUEZ:** And has anybody
9 within the Government of Canada, any government official,
10 including anyone from any department or agency, given you any
11 guidance as to how to navigate those sanctions; what it might
12 mean; what situations it may or may not apply to; what you
13 should or shouldn't do? Anything to that -- of that nature?

14 **MR. MICHAEL CHONG:** No, but in my situation I
15 have no business dealings with any individuals or entities
16 within the PRC, and secondly, the second element of the
17 sanction which is not to travel to the PRC is pretty
18 clearcut.

19 **MS. NATALIA RODRIGUEZ:** Okay. And how has
20 being sanctioned been impacted, if at all, your work as a
21 member of Parliament?

22 **MR. MICHAEL CHONG:** It hasn't impacted --
23 well, it hasn't negatively impacted my work. In fact, it's
24 only emboldened it because it confirmed, in our view, that
25 our work in opposition was being effective, to the point
26 where the government of the PRC felt that it had to counter
27 our work by sanctioning me. So it only confirmed, in our
28 view, that we were being effective in the work that we were

1 doing.

2 **MS. NATALIA RODRIGUEZ:** But what about you as
3 a -- individually, personally, has it had an effect on you
4 personally?

5 **MR. MICHAEL CHONG:** Well, I worry about my
6 extended family in the PRC. But, you know, that's not going
7 to detract me from my obligations as an MP.

8 **MS. NATALIA RODRIGUEZ:** And at paragraph 44
9 of your Stage 2 interview summary, you indicate that the
10 PRC's tactics have had a chilling effect on MPs, given the
11 electoral consequences of speaking out against the PRC
12 government. And now we're just talking about tactics at
13 large, not necessarily sanctions.

14 **MR. MICHAEL CHONG:** Sure.

15 **MS. NATALIA RODRIGUEZ:** But I just wanted you
16 to maybe expand on that thought.

17 **MR. MICHAEL CHONG:** Yeah, I think there are
18 some MPs who feel pressure from these kinds of tactics
19 because of the electoral considerations. I think that does
20 impact their work.

21 **COMMISSIONER HOGUE:** Sorry, Mr. Chong. Can
22 you tell me when you are saying about these tactics, what are
23 you referring to in terms of tactics? Not the sanctions
24 themselves?

25 **MR. MICHAEL CHONG:** I'm talking more broadly
26 than just the sanctions. I'm talking about things such as,
27 you know, phone calls from the mission -- the PRC missions
28 here to MPs when they make statements, or when they take

1 certain actions in the House of Commons or its committees.

2 You know, for example, I recall an incident
3 several parliaments ago where a committee was -- had decided
4 to undertake a study of a particular issue around the PRC,
5 and got a very angry series of phone calls from the PRC
6 mission here. Now, for most MPs that's not going to impact
7 the way they work. But for some MPs, it could -- it does
8 have an impact, particularly if they feel electoral pressure
9 within their riding from certain parts of the diaspora
10 communities.

11 **MS. NATALIA RODRIGUEZ:** And just going back
12 to the sanction for a minute. If there were members of
13 parliament with business interests in China, that could
14 impact perhaps their willingness to engage in these types of
15 issues?

16 **MR. MICHAEL CHONG:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** And to your
18 knowledge, has a threat of sanctions or the risk of other PRC
19 tactics in fact impacted the willingness of fellow MPs to
20 engage in these issues?

21 **MR. MICHAEL CHONG:** I think it's -- I think
22 there is two answers to that question. One is some MPs wear
23 the sanctions as a badge of pride, and view it as, you know,
24 an indication that their work is effective. Other MPs, and
25 this is a much narrower group, I think, feel the negative
26 pressure that comes from not just the sanctions, but from --
27 or potential sanctions -- but from other actions of the PRC.

28 **MS. NATALIA RODRIGUEZ:** Thank you for that.

Now, I want to take you to one of the topical summaries that was introduced into evidence this morning. And it's at CAN.SUM000017. It's entitled "PRC Interest in Michael Chong".

And again, as we heard earlier this morning, this is an unclassified document summarizing some classified intelligence held by security and intelligence agencies and departments on the PRC's interest in you, and the flow of information regarding that interest. And it was prepared at the request of Commission counsel.

And as we can see on that first page, if we just scroll down that first page, we can see that there is a long page of caveats, and so we will keep those caveats in mind as we go through this document.

If we go to page number 2? Yeah, that first paragraph there. Yeah. And it seems to be discussing your sponsoring of the opposition motion regarding the Uyghur genocide, as we discussed earlier this morning, and the PRC sanctions against you and the members of the House of Commons subcommittee on March 27, 2021.

And if we just go down to the second paragraph -- yeah, there we go. And very crudely, the second paragraph states that the PRC sanctions did not extend to your family members. It's a bit more detail than that, but I'm just summarizing for the sake of time.

And the third paragraph, if we go down, and I will read this one, states:

"In May 2021 a CSIS Issues Management

1 Brief was disseminated to a
2 restricted distribution list which
3 included the Minister of Public
4 Safety Canada (PS), the Chief of
5 Staff (CoS) to the Minister of
6 P[ublic] S[afety], the Deputy
7 Minister of P[ublic] S[afety], and
8 the National Security Intelligence
9 Advisor to the Prime Minister (NSIA).
10 This brief provided information that
11 MP Chong was of active interest to
12 the PRC Mission in Canada. Document
13 tracking procedures in place at the
14 time could not confirm in every case
15 that the intended recipient(s) had
16 received or read the material."

17 And I understand you have had a chance to
18 review this document before today; is that right?

19 **MR. MICHAEL CHONG:** That's correct.

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

21 So this issues management brief that is
22 referenced in the third paragraph, the last sentence there
23 says that the tracking procedures could not confirm that
24 every intended recipient had received or read that material,
25 which is the issues management brief. And we expect that the
26 then Minister of Public Safety, Bill Blair, who is on this
27 distribution list, as we can see in this third paragraph, did
28 not in fact see or read this issues management brief at the

1 time it was disseminated. So I wanted to just give you an
2 opportunity to respond to that expected evidence.

3 **MR. MICHAEL CHONG:** I find that concerning
4 and disturbing. Issues management notes, or IMUs, issues
5 management briefs, are specific intelligence products
6 produced by CISIS to flag issues of concern to Ministers and
7 exempt political staff.

8 This is a government, all governments, but
9 this government in particular, is a government that runs
10 almost exclusively on issues management. The issues of the
11 day drive the government's agenda, and not the other way
12 around. This is a particular characteristic of modern
13 governments in Canada, but particularly this Trudeau
14 government.

15 And so, for an issues management note
16 flagging an issue of concern from CSIS to a Minister and
17 their political staff, not to be read or seen is to me,
18 inconsistent with how this government operates.

19 **MS. NATALIA RODRIGUEZ:** Now, if you go to the
20 fourth paragraph it says:

21 "Three CSIS intelligence reports
22 referencing this matter were sent to
23 restricted distribution lists at
24 relevant Government of Canada
25 departments and agencies prior to May
26 2021. The reports were disseminated
27 by secure email to individuals and
28 departmental contacts for

1 distribution to appropriate
2 recipients."

3 And it doesn't specify there the agencies or
4 departments, but in paragraph 5 there's a bit more
5 information:

6 "The named recipients list for the
7 reports included the Deputy Minister
8 of P[ublic] S[afety] and the Minister
9 of P[ublic] S[afety]. In accordance
10 with document tracking procedures in
11 place at the time, two copies of the
12 reports were delivered to the Deputy
13 Minister's office: one for the Deputy
14 Minister of P[ublic] S[afety], and
15 one for onwards transmittal to the
16 Minister."

17 Now, we expect Minister Blair's evidence to
18 be that he also did not see these three prior intelligence
19 products that are referenced at paragraph 4 of this summary.
20 And again, just wanted to give you a chance to respond to
21 that expected evidence.

22 **MR. MICHAEL CHONG:** Well, to me it seems that
23 it's either one of two things. It's inconsistent with the
24 practice of this government, or alternatively, it's alarming
25 incompetence not to be reading and actioning intelligence
26 that is being sent up the chain to the highest levels.

27 These three paragraphs highlight that there
28 were a total of five intelligence products, including the

1 July 2021 intelligence assessment, that were sent to the most
2 senior levels of the government on five separate occasions.
3 And for all five products to have ended up in the ether with
4 not a single person having read or recall reading one of
5 these products is astounding and makes me actually, quite
6 concerned and worried about our national security.

7 If products like this are not being read, you
8 know, it's highly concerning. You know, that's my reaction.
9 That it's either inconsistent with the practices of this
10 government, or alternatively it's a gross negligence in
11 failing to read important national security documents and act
12 on them.

13 **MS. NATALIA RODRIGUEZ:** And just for
14 completeness, I'll take you to CAN008242.

15 **--- EXHIBIT NO. CAN008242:**

16 MD on Accountability

17 **THE REGISTRAR:** One moment, please.

18 **MS. NATALIA RODRIGUEZ:** Thank you. And this
19 document is entitled *MD on Accountability*. We understand
20 that to mean Ministerial Directive on Accountability. And it
21 appears to be a CSIS produced document outlining CSIS' view
22 that it provided the required documents to the appropriate
23 people on the issue relating to the PRC's interest in you.

24 And I just want to take you to the second
25 page, the third bullet point, just because it provides a
26 little bit more information there.

27 Third bullet. Yes. Sorry, go down a little
28 bit more. Yeah, where it says "Prior to May..." We just want

1 to see that full bullet. Yeah.

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

8 And I just want you to keep scrolling down so
9 we can see the list. Okay. There we go.

10 So we have:

11 "The Clerk of the Privy Council, the
12 National Security and Intelligence
13 Advisor and others at the Privy
14 Council Office;
15 Deputy Minister of Foreign Affairs
16 and others at Global Affairs Canada,
17 the Deputy Minister of National
18 Defence and others at the Department
19 of National Defence;
20 The Chief of the Communications
21 Security Establishment and others at
22 the Communications Security
23 Establishment;
24 The Minister and Deputy Minister of
25 Public Safety, and others at Public
26 Safety Canada."

27 So this document seems to have some more
28 information about who received intelligence products pre-May

1 of 2021 related to the PRC's interest in you. And I just
2 wanted to get your comments on this list?

3 **MR. MICHAEL CHONG:** It's a large list. My
4 count is that it's at least 10 individuals. So there are
5 five individual enumerated and then there are others who are
6 unenumerated, and so if you count that up, it's at least 10
7 people who would have received these intelligence products
8 prior to May of 2021.

9 Again, this was widely disseminated by CSIS
10 within the Government of Canada. As I understand how CSIS
11 operates, it produces intelligence and it disseminates to
12 nodes within the Government of Canada for their action. And
13 so it seems to me that CSIS did its job in conveying that
14 intelligence and those intelligence products to the
15 appropriate parts of the Government of Canada, the most
16 senior parts, the central agencies, you know, the senior
17 departments responsible for security, and nothing happened.

18 **MS. NATALIA RODRIGUEZ:** So we'll get to that.
19 I just want to take you back to CAN.SUM17, which is the
20 Topical Summary, and I want to take you to the sixth
21 paragraph.

22 Just the numbered six. I think it's on the
23 second or third page. Yeah, there we go.

24 "On June 25th, 2021, at the first
25 meeting with MP Chong, CSIS provided
26 him an unclassified security briefing
27 to sensitize him to threat activities
28 of concern, and to provide advice

1 regarding best security awareness
2 practices. MP Chong met with CSIS a
3 number of times following this
4 briefing."

5 So I understand this is in reference to an
6 unclassified briefing that you had in June of 2021, ahead of
7 the 2021 General Election. Is that right?

8 **MR. MICHAEL CHONG:** That's correct.

9 **MS. NATALIA RODRIGUEZ:** Okay. And before we
10 look at that unclassified briefing, I just wanted to ask you
11 about the last sentence there:

12 "MP Chong met with CSIS a number of
13 times following this briefing."

14 Do you recall meeting with CSIS several times
15 between June of 2021 and May of 2023?

16 **MR. MICHAEL CHONG:** I do.

17 **MS. NATALIA RODRIGUEZ:** Okay. So I'm going
18 to ask the Court Operator to pull up a document which lists
19 Mr. Chong's meetings with CSIS.

20 And just for the parties' awareness, this
21 document is not currently in the party database, but it will
22 be made available, and the document ID will be indicated at
23 that time.

24 Thank you.

25 So can you tell me who prepared this
26 document?

27 **MR. MICHAEL CHONG:** I did.

28 **MS. NATALIA RODRIGUEZ:** Okay. And when did

1 you prepare this document?

2 **MR. MICHAEL CHONG:** In May of 2023.

3 **MS. NATALIA RODRIGUEZ:** Okay. And it's
4 entitled *Records of MP Michael Chong's Meetings with CSIS*.
5 And as you noted, it's dated May 17, 2023.

6 And why did you put this document together?

7 **MR. MICHAEL CHONG:** Just to refresh my
8 memory. So I'm -- I was -- I just wanted to get my dates and
9 facts straight, so we went through our calendars and notes
10 and enumerated the four meetings that I had with CSIS. All -
11 - the first meeting was the meeting that you just referenced,
12 which was CSIS providing me a briefing of general application
13 about foreign interference threats, what they were all about,
14 and how MPs could protect themselves. I was the first MP to
15 get briefed in June of 2021. They then asked me at the end
16 of the briefing if I thought it was a good idea to do this.
17 I indicated it was. I thought it was a very good idea. They
18 indicated they were going to start briefing other MPs as
19 well.

20 **MS. NATALIA RODRIGUEZ:** I'm just going to
21 stop you right there just for a second.

22 If we could go down a little bit on the
23 document? I just want to see more of it. Thank you.

24 And before you go on, were any of these
25 meetings, to your understanding, classified meetings?

26 **MR. MICHAEL CHONG:** No, they were not.

27 **MS. NATALIA RODRIGUEZ:** Okay. Were ---

28 **MR. MICHAEL CHONG:** At the end of the first

1 meeting, CSIS officials indicated to me that they would like
2 to keep the channels of communication open. I agreed. And
3 then subsequent to that, they reached out to me three teams,
4 in meeting two, three, and four, asking to meet, and I
5 agreed, and we met.

6 MS. NATALIA RODRIGUEZ: So is it correct that
7 these meetings were at their initiative?

8 MR. MICHAEL CHONG: That's correct.

9 MS. NATALIA RODRIGUEZ: Okay.

10 MR. MICHAEL CHONG: And they were soliciting
11 information from me, if I had -- you know, asking me
12 questions that are outlined here.

13 MS. NATALIA RODRIGUEZ: Okay. And at any
14 point, did they convey to you any classified information?

15 MR. MICHAEL CHONG: No.

16 MS. NATALIA RODRIGUEZ: No. And none of
17 these took place in a classified setting?

18 MR. MICHAEL CHONG: No. They took place in a
19 coffee shop and in my constituency office.

20 MS. NATALIA RODRIGUEZ: Okay. Thank you.
21 And you said that the purpose appeared to be them soliciting
22 information from you? Is that right?

23 MR. MICHAEL CHONG: That's right.

24 MS. NATALIA RODRIGUEZ: And were you given
25 any information in these meetings?

26 MR. MICHAEL CHONG: No, I was asked
27 questions.

28 MS. NATALIA RODRIGUEZ: Okay. So fair to say

1 that in none of these meetings you were told that you were of
2 PRC interest or your family was of interest to the PRC?

3 **MR. MICHAEL CHONG:** No.

4 **MS. NATALIA RODRIGUEZ:** Okay. And so you
5 testified at Stage 1 that you did not have any further
6 briefings with CSIS between June of 2021 and May of 2023?

7 **MR. MICHAEL CHONG:** That's correct.

8 **MS. NATALIA RODRIGUEZ:** Okay. And you don't
9 consider these meetings to be briefings?

10 **MR. MICHAEL CHONG:** I consider the first
11 meeting, meeting one on Thursday, June 24th, to be a
12 briefing, ---

13 **MS. NATALIA RODRIGUEZ:** Right.

14 **MR. MICHAEL CHONG:** --- but not the other
15 three.

16 **MS. NATALIA RODRIGUEZ:** Okay. And I would
17 just note a difference between the date that you have on your
18 document and the Topical Summary, which indicates the meeting
19 took place on June 25th. I don't think anything turns on it,
20 but I'm just wondering how certain you are that it was on the
21 24th?

22 **MR. MICHAEL CHONG:** I'm very certain it was
23 on the 24th because on the 25th in the afternoon I was I think
24 picking up my son from high school or something like that.
25 So I couldn't have been both at home and in downtown Toronto
26 at the same time.

27 **MS. NATALIA RODRIGUEZ:** Fair enough. So just
28 to go back then to this first briefing, June 24th, 2021, this

1 was the first briefing that you had had with CSIS; correct?

2 MR. MICHAEL CHONG: That's correct.

3 MS. NATALIA RODRIGUEZ: And what did you
4 understand the purpose of the briefing to be?

5 MR. MICHAEL CHONG: The purpose of the
6 briefing was to begin briefing all MPs about the nature of
7 foreign interference threat activities and how they could
8 protect themselves against foreign interference threat
9 activities.

10 MS. NATALIA RODRIGUEZ: And in your evidence
11 in Stage 1, you referred to it as a briefing of general
12 application?

13 MR. MICHAEL CHONG: That's right.

14 MS. NATALIA RODRIGUEZ: Is that right? Okay.
15 And was there anything conveyed to you that was actionable?
16 Anything you could take away and implement in your life to
17 try and protect yourself?

18 MR. MICHAEL CHONG: Yeah, there were general
19 -- I can't recall the specifics, but there was general advice
20 on how to protect oneself, how to identify, you know,
21 generally, foreign interference threat activities. I can't
22 recall exactly what the specific advice was, though. It was
23 a PowerPoint presentation, as I recall.

24 MS. NATALIA RODRIGUEZ: Okay. Fair enough.

25 And was it conveyed to you in that briefing
26 in 2021 that you were of PRC interest, that your family was
27 of PRC interest, anything of that nature relating to you
28 specifically?

1 **MR. MICHAEL CHONG:** I was not told that there
2 were PRC individuals in Canada targeting me or my family, no.

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

4 Now, I want to understand whether, in your
5 view, CSIS should have conveyed that information to you in
6 that June briefing.

7 **MR. MICHAEL CHONG:** No, I think -- I think
8 that's a separate and distinct issue. This briefing that
9 took place on June 24th, 2021 was a briefing intended to
10 brief all MPs about the nature of foreign interference
11 activities and how in general they could identify them, their
12 characteristics and how they could protect themselves in
13 general.

14 I think the specific threats about -- that
15 were directed toward me by the PRC Consular official in
16 Toronto is a separate and distinct issue, and I think I
17 should have been informed of that separately. This briefing
18 that began on -- these briefings of MPs that began on June
19 24th, that's a whole separate initiative that CSIS had gotten
20 approval for, you know, in order to strengthen generally
21 Parliament against these threats. I think specific threat
22 against me I should have been informed about through a
23 separate process.

24 **MS. NATALIA RODRIGUEZ:** Okay. And so we know
25 that by this time, June of 2021, there is the issues
26 management brief and there's three other pre-May of 2021
27 intelligence products which seem to indicate that you are of
28 PRC interest and your family as well.

1 In your view, then, whose responsibility was
2 it to brief you on that at that time?

3 **MR. MICHAEL CHONG:** I think the ultimate
4 responsibility was the Prime Minister's. I think the Prime
5 Minister should have approved -- either the Prime Minister
6 himself or through his designates through his approval should
7 have granted authorization to CSIS or to someone else within
8 the Government of Canada to brief me.

9 You know, I note that, you know, by -- in
10 2018, the Prime Minister was informed several times of the
11 existential threat that the PRC's foreign interference threat
12 activities presented to Parliament. The words of CSIS, if I
13 recall correctly, was "existential". That's a very strong
14 word for an intelligence agency to use.

15 He was also informed at the time clearly
16 through NSICOP and through other government reports that the
17 measures that had been put in place by the Government of
18 Canada at that time such as SITE, such as the task force,
19 such as the protocol, were insufficient to protect against
20 this existential threat, and that additional measures needed
21 to be put in place.

22 And so subsequent to that, in December 2019,
23 the Clerk of the Privy Council went to the Prime Minister
24 seeking approval for a broader action plan to protect
25 Parliament against -- and other parts of our democracy
26 against this existential threat. The Prime Minister withheld
27 his approval.

28 Subsequent to that, a year later, the NSIA

1 revisited that initiative and, in December 2020, went to the
2 Prime Minister seeking approval for that action plan. Again,
3 approval was withheld. And my understanding is that one of
4 the elements of that action plan was to provide a briefing of
5 general application to all MPs, so that was one element that
6 proceeded after December 2020 and, obviously, I was the first
7 MP to be briefed in June of that subsequent year.

8 However, the NSIA resurrected that overall
9 action plan in February of 2022 for a third time just over a
10 year later, and again, no approval was granted.

11 So I just note that because this alone wasn't
12 sufficient, and clearly the most senior echelons of the
13 public service understood that as well, which is why they
14 sought broader approval for a broader action plan, which was
15 not granted.

16 **MS. NATALIA RODRIGUEZ:** And now you mentioned
17 several reports. I just want to ask your source of that
18 information that you say is contained in the NSICOP report
19 and the NSIRA report. Your sources is the report themselves.
20 Is that ---

21 **MR. MICHAEL CHONG:** That's right.

22 **MS. NATALIA RODRIGUEZ:** --- correct?

23 **MR. MICHAEL CHONG:** That's correct.

24 **MS. NATALIA RODRIGUEZ:** So you're basing it
25 on what is in those reports.

26 **MR. MICHAEL CHONG:** Yeah, I'm basing it on
27 the findings of fact in those reports.

28 **MS. NATALIA RODRIGUEZ:** So we know that in

1 May of 2023 you did have a classified briefing in which
2 information was conveyed to you. I just wanted to just be
3 clear.

4 In these meetings, you did not -- you were
5 not conveyed that information, the ones that are listed in
6 this document. At any time between your unclassified
7 briefing in June of 2021 and your classified briefing on May
8 2nd, 2023, were you told by any government official,
9 including anyone from our security and intelligence agencies
10 or departments, that you were of -- a target of PRC interest
11 and your family as well?

12 **MR. MICHAEL CHONG:** I was not.

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

14 And we can take the document down. Thank
15 you.

16 Yeah, we can take that one down as well.
17 Thanks.

18 Okay. So I want to take you now to May 1st,
19 2023. And you indicate in your Stage 1 interview summary
20 addendum at paragraph 7 that, on that day, May 1st, 2023, you
21 read reporting in The Globe and Mail that a diplomat working
22 from the PRC Consulate in Toronto had been gathering
23 information about you since 2020 to further target you and
24 your extended family in Hong Kong.

25 Was this reporting the first time that you
26 had heard this information?

27 **MR. MICHAEL CHONG:** Yes, it was the first
28 time.

1 **MS. NATALIA RODRIGUEZ:** And what was your
2 reaction upon learning this?

3 **MR. MICHAEL CHONG:** I was disappointed that I
4 had to read about this on the front page of The Globe and
5 Mail and I was -- you know, I feared for my country that our
6 institutions, our state capacity was unable to inform me
7 about this threat in a proper manner rather than having to
8 read it on the front page of The Globe and Mail.

9 **MS. NATALIA RODRIGUEZ:** Now, I understand the
10 next day, on May 2nd, you had a classified briefing. Is that
11 correct?

12 **MR. MICHAEL CHONG:** That is correct.

13 **MS. NATALIA RODRIGUEZ:** And can you walk us
14 through the events from your perspective of how that
15 unfolded, how -- what led to that and how it all kind of came
16 about from your standpoint?

17 **MR. MICHAEL CHONG:** Well, again, as I said
18 earlier, this is a government that's driven by issues
19 management, and so I got that briefing because the issue of
20 the day was that The Globe and Mail had published this story
21 on its front page.

22 **MS. NATALIA RODRIGUEZ:** So ---

23 **MR. MICHAEL CHONG:** And that's what spurred
24 the government to provide me with that briefing.

25 **MS. NATALIA RODRIGUEZ:** So how did you -- who
26 organized it, how did it come together?

27 **MR. MICHAEL CHONG:** I was contacted -- I was
28 contacted earlier that day and asked if I could be willing to

1 meet with the Prime Minister. I indicated I was willing to
2 meet with him. I did not know -- I assumed it was tied to
3 The Globe and Mail report, but I did not know that.

4 So I went to the meeting. That meeting -- in
5 that meeting, the Prime Minister was present, some of his
6 political staff were present, and the National Security and
7 Intelligence Advisor, Jody Thomas, was present, as was the
8 CSIS Director, David Vigneault.

9 MS. NATALIA RODRIGUEZ: Okay. And in the
10 addendum to your Stage 1 summary, you indicate that the
11 briefing confirmed the information reported in The Global and
12 Mail. Is that correct?

13 MR. MICHAEL CHONG: That is -- that is
14 correct.

15 MS. NATALIA RODRIGUEZ: And you also indicate
16 that CSIS Director David Vigneault provided additional
17 details in that briefing than what had been reported.

18 MR. MICHAEL CHONG: That is correct. He,
19 under threat reduction measures, under law, declassified
20 certain parts of the July 2021 intelligence assessment and
21 read them to me at that time.

22 MS. NATALIA RODRIGUEZ: And by "declassify" -
23 - I just want to make sure that we're clear with the
24 terminology -- he provided you with classified information.
25 Is that what you mean?

26 MR. MICHAEL CHONG: That's right. Under
27 threat reduction measures.

28 MS. NATALIA RODRIGUEZ: Thank you.

And I'm going to take you to CAN.DOC.21. And this is a document that was previously put into evidence in Stage 1 of our hearings. It is a summary of the information provided to you on May 2023. It's a summary of the publicly disclosable information that was provided to you on that day, and it was prepared by the Government of Canada at the request of the Commission.

And so if we go down, it is again subject to many caveats as we go down.

Thank you.

And the second paragraph there:

"Following a brief discussion that included the Prime Minister, NSIA, CSIS Director, and Mr. Chong, the Prime Minister and four PMO staffers exited the room. Director Vigneault then informed Mr. Chong that, given the parameters of the CSIS Act, the information he would be sharing would fall under section 12.1, threat reduction measures, and emphasized what was being shared next was classified information. CSIS' Director proceeded to verbally share key elements of CSIS Intelligence Assessment 2021-22/31 titled 'PRC Foreign Interference in Canada: A Critical National Security Threat'

1 with Mr. Chong. Director Vigneault
2 also raised the defensive briefing
3 Mr. Chong had previously received.
4 Mr. Chong indicated he appreciated
5 the brief, noting that the content
6 was general."

7 So in your Stage 2 interview summary, you
8 indicate that Mr. Vigneault read two paragraphs of the report
9 that is referenced here, PRC Foreign Interference in Canada:
10 A Critical National Security Threat. Is that right?

11 **MR. MICHAEL CHONG:** That's correct.

12 **MS. NATALIA RODRIGUEZ:** And he also raised
13 the defensive briefing that you had previously received.
14 This is in reference to the June 2021 unclassified briefing.
15 Is that right?

16 **MR. MICHAEL CHONG:** That's correct.

17 **MS. NATALIA RODRIGUEZ:** And if we go to the
18 next paragraph, it says:

19 "Director Vigneault sought to clarify
20 and articulate the accurate
21 interpretation of the word 'target'
22 in the CSIS Intelligence Assessment
23 Report and to correct the mistaken
24 narrative referenced in media
25 articles with reference to Mr. Chong.
26 Director Vigneault also emphasized
27 CSIS intelligence did not reflect
28 direct physical threats to him or

1 members of his family. CSIS had no
2 intelligence of PRC intent to cause
3 physical harm."

4 So after this briefing, you did not
5 understand the term "target" to mean any intent to do
6 physical harm to you or to your extended family. Is that
7 correct?

8 **MR. MICHAEL CHONG:** It's more nuanced than
9 that. This is correct.

10 What Mr. Vigneault indicated was that ---

11 **MS. NATALIA RODRIGUEZ:** And I'm just going to
12 make sure that we -- I probably should have told you this
13 before. We are not looking to elicit any classified
14 information, so just -- I'm just going to ask you to be
15 careful about what it is that you're going to tell us, and
16 moving forward in the rest of the examination as well.

17 **MR. MICHAEL CHONG:** Sure.

18 What Mr. Vigneault indicated was that the PRC
19 was gathering covertly information about me and my family in
20 order to potentially target them in the future rather than
21 the PRC was targeting me and my family presently.

22 **MS. NATALIA RODRIGUEZ:** Okay. So gathering
23 information from you presently in order to ---

24 **MR. MICHAEL CHONG:** About me.

25 **MS. NATALIA RODRIGUEZ:** About you ---

26 **MR. MICHAEL CHONG:** About me ---

27 **MS. NATALIA RODRIGUEZ:** --- right.

28 **MR. MICHAEL CHONG:** --- and my family

1 presently in -- for future potential targeting. That's the
2 nuance he wanted to clarify about The Globe and Mail report.

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

4 And in brief, we will also look at another
5 topical summary which was entered into evidence today in
6 which -- and I'll take you to it in a second, but the GOC in
7 that summary -- the Government of Canada, sorry. I speak in
8 acronyms now.

9 The Government of Canada explains that
10 "target" means a heightened interest in an individual for the
11 purpose of influence activities.

12 Does that accord with your understanding of
13 the PRC's targeting of you and your family?

14 And I can read it again. It's heightened
15 interest -- so "targeting" means heightened interest in an
16 individual for the purpose of influence activities.

17 **MR. MICHAEL CHONG:** I think it's much broader
18 than that.

19 **MS. NATALIA RODRIGUEZ:** Okay. So you
20 understood that the targeting to you and your family was
21 broader than what is defined in CAN.SUM.18 ---

22 **MR. MICHAEL CHONG:** Yes.

23 **MS. NATALIA RODRIGUEZ:** --- that we'll see in
24 a second.

25 **MR. MICHAEL CHONG:** Yes.

26 **MS. NATALIA RODRIGUEZ:** So in your Stage 2
27 interview summary, you indicate that the May 2nd classified
28 briefing that you received was occurring pursuant to an

1 emergency and under exigent circumstances and that it did not
2 appear to be a controlled way to release information.

3 I just wanted you to expand on that notion.

4 **MR. MICHAEL CHONG:** Well, it -- the
5 government that day was in full panic mode because of The
6 Globe and Mail report, and so, you know, the Prime Minister
7 rearranged his schedule, called in two of the most senior
8 intelligence officials within the Government of Canada to
9 meet with me to provide me with this classified briefing.

10 I don't think that this is the way in which
11 classified information should be briefed to members of
12 Parliament who have been directly -- you know, who are the
13 subjects of foreign interference threat activities.

14 **MS. NATALIA RODRIGUEZ:** So your understanding
15 was this was not a pre-planned meeting that was scheduled a
16 long time ago, it was going to happen in any event.

17 **MR. MICHAEL CHONG:** No, quite the opposite.

18 **MS. NATALIA RODRIGUEZ:** Okay. And in your
19 view, was this briefing effective in the sense that it gave
20 you information that you could then action and to use to
21 better protect yourself?

22 **MR. MICHAEL CHONG:** Yes, the briefing was
23 effective and I would have preferred that I would -- that I
24 had received it two years earlier rather than in May of 2023.

25 **MS. NATALIA RODRIGUEZ:** And did you, in fact,
26 take any specific steps to then protect yourself or your
27 family without necessarily saying what steps you took? But
28 did you then action some ---

1 **MR. MICHAEL CHONG:** Yes.

2 **MS. NATALIA RODRIGUEZ:** --- of that?

3 Okay. Thank you.

4 Now, as someone who was the target of foreign
5 interference as was disclosed to you in this briefing, do you
6 think this type of information should be disclosed to the
7 public at large? And this is kind of a greater question
8 relating to how much intelligence should be shared with the
9 public.

10 **MR. MICHAEL CHONG:** Yes, I do. I think one
11 of the best practices that has emerged in the last several
12 years in peer democracies to counter this new and increasing
13 threat of foreign interference threat activities from
14 authoritarian states is sunlight and transparency.

15 The -- we are seeing increasingly in other
16 democracies intelligence being publicly released as a way to
17 insulate and protect the public from threats. We've seen
18 that south of the border in the United States. We've also
19 seen it in the United Kingdom. We've seen it in Europe where
20 intelligence officials release classified information in
21 order to harden their institutions against foreign
22 interference threat activities.

23 I think, for example, in the United Kingdom
24 Parliament just a couple of years ago, a PRC agent had
25 infiltrated the House of Commons and MI-5 decided to publicly
26 release her name through the Speaker's Office in order to
27 inform not just the 600 or so members of Parliament, but the
28 entire country, that this individual was a threat.

1 I thought that unfolded in a very controlled
2 and responsible manner. Individual MPs who were being
3 targeted by this individual took measures to protect
4 themselves and the integrity of the institution was
5 strengthened in that way. And I think those are -- that's an
6 example of the best practice that I think we should be
7 adopting here.

8 **MS. NATALIA RODRIGUEZ:** Now, in your
9 interview summary you also referred to a culture of secrecy
10 in Ottawa, by which I assume you're referring to the
11 Government of Canada or the federal government.

12 Can you explain what you mean by this culture
13 of secrecy?

14 **MR. MICHAEL CHONG:** Well, I -- we get little
15 information from the government in Parliament when we ask for
16 it. The public gets very little information about what is
17 going on.

18 There are countless examples of where we
19 learn about classified information from abroad rather than
20 from our own government. There are countless examples of
21 this in the last decade where, you know, American news
22 sources or British news sources will report on information
23 that they have learned via their intelligence community that
24 originated in Canada that even our news organizations and our
25 public and our Parliament is not yet made aware of.

26 So you know, I think we're in a new era of
27 information and I think the problem with keeping information
28 secret is that you're going to end up with leaks and rumours

1 that only undermine our institutions. And so I think the
2 government needs to release a lot more information in a
3 controlled manner in order not only to harden our
4 institutions against these threats, but also to pre-empt
5 rumour and leaks from happening, which are inevitable in an
6 information age.

7 **MS. NATALIA RODRIGUEZ:** And how do you
8 respond to the concern that there is an inherent risk in
9 releasing information that could potentially identify human
10 sources, or compromise assets, or otherwise be injurious to
11 the county?

12 **MR. MICHAEL CHONG:** Well I would say two
13 things. First, intelligence is not meant to be produced and
14 then locked up in a black box for nobody else to ever see or
15 read about or action. That's not the purpose of
16 intelligence. We don't collect intelligence -- the
17 Government of Canada doesn't collect intelligence for
18 collecting intelligence's sake. They collect it in order for
19 it to be used.

20 And the second part to the answer is that in
21 this day and age, I think we have been an example of what
22 happens when you don't release intelligence. Arguably, our
23 national security has been more damaged in the last 36 months
24 because of the government's inability to release intelligence
25 in a controlled and thoughtful manner than it would have been
26 if they had released classified information in a controlled
27 and thoughtful manner.

28 And so I think there's been tremendous damage

1 done to national security in the last several years because
2 of the way classified information has been released in this
3 uncontrolled manner.

4 So I think the solution is to release it in a
5 controlled manner, much more than what has been as practiced.

6 **MS. NATALIA RODRIGUEZ:** And have you had any
7 further briefings, whether classified or unclassified, since
8 May of 2023?

9 **MR. MICHAEL CHONG:** No.

10 **MS. NATALIA RODRIGUEZ:** And have you received
11 any additional information directly from Government of Canada
12 officials, security intelligence agencies, relating to the
13 PRC's targeting of you since May of 2023?

14 **MR. MICHAEL CHONG:** Well I had an incident
15 where I sought information, but I was unable to obtain it.

16 **MS. NATALIA RODRIGUEZ:** Okay.

17 **MR. MICHAEL CHONG:** Do you want me to speak
18 to that? This is the incident where I was approached by an
19 individual who had been ---

20 **MS. NATALIA RODRIGUEZ:** Sure. Okay. So you
21 can share that with us.

22 **MR. MICHAEL CHONG:** Sure. So about a year
23 ago, I was approached by an individual here in Ottawa that I
24 faintly recognized, and after -- who offered to provide
25 assistance, politically, political support and assistance.

26 **MS. NATALIA RODRIGUEZ:** Do you know what kind
27 of political support and assistance?

28 **MR. MICHAEL CHONG:** Help with elections, help

1 with political advice here on the Hill, just general
2 political support, ---

3 **MS. NATALIA RODRIGUEZ:** Okay.

4 **MR. MICHAEL CHONG:** --- as a volunteer. And
5 subsequent to that meeting, I had a faint recollection that I
6 recognized this individual, and I looked this individual up
7 and it turned out that they were previously employed by the
8 Privy Council Office and they had been terminated for cause
9 20 years ago for being a threat to the security of Canada,
10 and for disloyalty to Canada, and for being an agent of the
11 People's Republic of China.

12 I sought information from CSIS and from the
13 NSIA about whether or not this individual still constituted a
14 threat to the security of Canada and I did not receive an
15 answer.

16 Subsequent to that, I re-inquired and I was
17 informed that all the documents for this individual had been
18 destroyed and they had no information on this individual.

19 **MS. NATALIA RODRIGUEZ:** Okay. And who
20 provided that response to you?

21 **MR. MICHAEL CHONG:** That response to me was
22 provided by the NSIA.

23 **MS. NATALIA RODRIGUEZ:** And who was that at
24 the time?

25 **MR. MICHAEL CHONG:** Jody Thomas.

26 **MS. NATALIA RODRIGUEZ:** Jody Thomas. Thank
27 you. I want to take you to Can.Sum.18. And this is -- I
28 referenced this document earlier without pulling it up. It's

1 a Topical Summary which was entered into evidence earlier
2 this morning. It's entitled *Targeting of parliamentarians*.
3 And as with the other Topical Summary, it is also subject to
4 a page of caveats.

5 And if we can keep going past the caveats? I
6 just want to look at the second -- if we keep going down,
7 please? Thank you. No, go up now. Just between paragraphs
8 2 and 5. Just so we can see that. Yes. Thank you.

9 So paragraph 3 says:

10 "Some federal MPs have been targeted
11 by the PRC in relation to their
12 positions on a number of issues of
13 relevance to the PRC. This is mainly
14 through overt influence activities,
15 but CSIS assesses that some have also
16 been targeted through clandestine,
17 deceptive, and/or coercive activity."

18 and paragraph four reads:

19 "As one example, the PRC took initial
20 steps to try to influence MPs to vote
21 against a February 2021 motion in the
22 House of Commons recognizing the PRC
23 treatment of Uyghur and other Turkic
24 Muslims as a genocide. This included
25 diplomatic activities with the intent
26 to influence MPs to vote against the
27 motion. The motion passed 266-0."

28 So I just wanted to ask you, you've had a

1 chance to review this document as well? Is that right?

2 MR. MICHAEL CHONG: That's correct.

3 MS. NATALIA RODRIGUEZ: And I wanted to ask
4 you whether you were aware of any PRC attempts of overt
5 influence in relation to the Uyghur genocide motion as is
6 laid out in paragraph 4?

7 MR. MICHAEL CHONG: Not at the time, no.

8 MS. NATALIA RODRIGUEZ: Are you aware of any
9 attempts to influence today, looking back?

10 MR. MICHAEL CHONG: I can't recall.

11 MS. NATALIA RODRIGUEZ: Okay. Thank you.
12 I'm going to take you to CAN.12593_R01.

13 --- EXHIBIT NO. CAN012593 R01:

14 Threat Reduction Measure: PRC

15 [redacted] members of Parliament

16 MS. NATALIA RODRIGUEZ: And this is a
17 memorandum to the Minister, and this is a CSIS document. And
18 it is a memorandum from David Vigneault, Director of CSIS, to
19 the Minister of Public Safety. And the summary has some
20 redactions in it.

21 If we keep going down? Yeah, so keep going
22 down. It talks about the background that led to this memo.
23 If you keep going down, I think there might be a blank page.
24 Yeah. Okay. Keep going. So we'll just stop right there.
25 And go up to the blue portion. Thank you.

26 And this appears to be -- this document
27 appears to be a memorandum from the Director of CSIS to the
28 Minister of Public Safety, as I mentioned, requesting

1 approval for briefings to affected parliamentarians under the
2 threat reduction measures.

3 And if we go just down to the very bottom,
4 actually, of the memo itself? Keep going down. Just looking
5 for the signature line. Keep going up. I think it might be
6 on top. There we go.

7 And so we see that it is signed by Marco
8 Mendicino, who is the Minister of Public Safety. And it is
9 dated 2023-05-18, so May 18 of 2023.

10 So I understand that this document approved
11 the threat reduction measures meeting that you had with CSIS
12 on May 2nd, 2023. Does this generally accord -- we see that
13 it was actually signed on the 18th of May. Does that
14 generally accord with your evidence that it appeared that the
15 meeting on the 2nd was not a controlled release of
16 information?

17 **MR. MICHAEL CHONG:** That's correct.

18 **MS. NATALIA RODRIGUEZ:** And we can take that
19 document down now.

20 Now, my understanding is that on May 2nd,
21 2023, so six days after your briefing, seven days after the
22 Globe and Mail article, a PRC consular official, Wei Zhao, a
23 persona non grata. Do you have any comments about the timing
24 of this expulsion of the PRC consular?

25 **MR. MICHAEL CHONG:** Yeah, the individual was
26 expelled on the Government of Canada's own public statement
27 it issued on the Global Affairs Canada website for engaging
28 in foreign interference threat activities here on Canadian

1 soil, which was the gathering covertly of information about
2 me and my family. And so, my understanding is that he was
3 expelled because the covert collection of information by
4 accredited diplomats and consular officials runs contrary to
5 the principles of the Vienna Convention, and he was declared
6 *persona non grata* on that basis.

7 The covert collection of intelligence is --
8 runs counter to the principles of the Vienna Convention.
9 That is a conclusion that the Government of Canada's own
10 NSIRA report concluded about the global security reporting
11 program. That report was released late last year. And the
12 Government of Canada has said that it accepts all the
13 findings and recommendations of that report.

14 So it's not just actioning information
15 collected, it's the process of collecting information
16 covertly that runs contrary to the principles of the Vienna
17 Convention.

18 **MS. NATALIA RODRIGUEZ:** And do you have any
19 awareness of how it came about that this individual was
20 declared a *persona non grata*?

21 **MR. MICHAEL CHONG:** Well, I think again, it
22 all stems from the issues management approach of this
23 government. The *Globe and Mail* reported this on May 1st, the
24 government then scrambles to provide me a TRIM briefing the
25 following day. And then subsequently, several days later on
26 May 8th, I believe it was they declare this consular
27 official, Mr. Wei Zhao, *persona non grata* because of what the
28 *Globe* had reported and because of what I had been informed

1 about.

2 **MS. NATALIA RODRIGUEZ:** Now, moving on to the
3 impact that this has had on you. If we go to paragraph 13 of
4 your Stage 1 interview addendum, and I don't need to take you
5 specifically to it. But at that paragraph you indicated that
6 you would have taken certain actions had you been aware of
7 the PRC interest in you earlier.

8 So what impact has the delay in this
9 information reaching you had on you, and what would you have
10 done differently had you known?

11 **MR. MICHAEL CHONG:** Well, I would have
12 informed my family members in Canada earlier that they were
13 potentially being -- that information about them was
14 potentially being gathered. I would have been much more
15 alert, situationally aware of when I took meetings at St.
16 George and Bloor Street in Toronto as I often do when I meet
17 with people at the University of Toronto, which is several
18 blocks down from not only the PRC consulate on St. George
19 Street, but also the economic and trade development office of
20 the Hong Kong Special Administrative Region.

21 I would have probably pressed record on the
22 Zoom call during the Puslinch all-candidates debate, and a
23 number of other things that I can't recall right -- I can't
24 think of right now. But I would have been much more
25 situationally aware of -- that this more intense gathering of
26 information about me was going on.

27 **MS. NATALIA RODRIGUEZ:** So do you think if
28 there are intelligence products identifying certain

1 parliamentarians as being the target of foreign interference,
2 that those parliamentarians should be informed?

3 **MR. MICHAEL CHONG:** Absolutely.

4 **MS. NATALIA RODRIGUEZ:** Okay. And whose
5 responsibility -- you had mentioned the Prime Minister. In
6 your case do you believe as a general practice that should be
7 the case, or there is another entity or individual that
8 should be responsible for that?

9 **MR. MICHAEL CHONG:** I think the
10 responsibility is the Prime Minister's or somebody he
11 designates. The government's founding governing document,
12 which is found on the privy council's website, is open and
13 accountable government. In that document it clearly states
14 that the Prime Minister has a unique responsibility for three
15 things. For the conduct of federal provincial affairs, for
16 the conduct of international relations, and for national
17 security.

18 He has a unique responsibility for national
19 security. And so ultimately, it is his responsibility to
20 ensure that classified information regarding MPs being the
21 subject of foreign interference threat activities gets to
22 those MPs. Obviously, he can designate somebody to do that,
23 but ultimately either he or somebody he designates is his
24 responsibility.

25 **MS. NATALIA RODRIGUEZ:** And you also describe
26 in your interview summary that the current approach amounts
27 to killing the result with process. So can you expand on
28 what you mean by that?

1 **MR. MICHAEL CHONG:** Yeah. This should have
2 been dealt with in parliament. First off, this should have
3 been dealt with -- this should never have come to this point.
4 The Prime Minister should have -- the Prime Minister is
5 uniquely responsible for the machinery of government. He not
6 only has a special responsibility for national security, he
7 also is uniquely responsible for the structure of the
8 Government of Canada, how things flow between departments and
9 agencies, and he has a responsibility to ensure that the
10 machinery is set up in a way that national security
11 information flows to the appropriate people.

12 He obviously did not do that job, despite
13 being requested to do so through the seeking of approval on
14 several occasions post-2018, when he was told that measures
15 in place were not sufficient to protect parliament against
16 these existential threats. And so, he needs to ensure that
17 that machinery is in place.

18 He needs to -- the -- but the fact that he
19 didn't then should have led to something else, which did not
20 happen. Which is that this matter should have been
21 adjudicated and dealt with on the floor of the House of
22 Commons in its committees. And that was initially the
23 approach when all this foreign interference information
24 started to leak out into the public realm in November of
25 2022. The Prime Minister committed at the time that he had
26 instructed officials within the Government of Canada to
27 ensure that all documents that could be released would be
28 released to the Procedure and House Affairs Committee that

1 was starting to look into what had happened and get to the
2 bottom of this. Well, that never happened.

3 We got very little information at the
4 Procedure and House Affairs Committee, and at other
5 committees. Pages of redactions in documents that led us to
6 nowhere. It wasn't only -- it wasn't until further leaks in
7 the media started to -- that continued in early 2023, that in
8 March, I believe it was March 6th, of 2023, that the Prime
9 Minister finally, under much public pressure decided to
10 undertake three initiatives. Refer the matter to NSIRA,
11 refer the matter to NSICOP, and to appoint a Special
12 Rapporteur.

13 Well, here we are a year and a half later and
14 we still haven't gotten to the bottom of this. This process
15 is still continuing. The Special Rapporteur eventually led
16 to this process, but the other two processes are complete,
17 the NSICOP and NSIRA report. But again, there's many
18 redactions in those reports and we don't have the information
19 we need to take action, you know, with respect to MPs that
20 wittingly and knowingly participated in foreign interference
21 activities.

22 And so here we are again, the Prime Minister
23 has -- and the Minister LeBlanc has referred the NSICOP's
24 findings about these unnamed MPs to the Commission, which has
25 decided not to release the names. And so again, we're buried
26 in a mountain of process two years after these revelations
27 have come to light, with no end in sight.

28 This is not how our institutions should

1 function. This is not how parliament should work, and this
2 is not how the Government of Canada should treat threats to
3 our national security. And that's what I meant when I said
4 we're buried under a mountain of process. This should have
5 been dealt with a long time ago through institutions that
6 could action this and deal with it, instead of drawing this
7 out over many, many years.

8 **MS. NATALIA RODRIGUEZ:** And you also mention
9 in your summary that the government should flood the zone
10 with information. So can you expand on that notion and is
11 there a chance of overflowing, to continue the analogy?

12 **MR. MICHAEL CHONG:** Yeah. Obviously, there
13 is a chance of overflowing. But we err -- the government
14 has too often erred in the opposite direction of not
15 releasing any information. And so, we need to release -- the
16 government needs to release information in a controlled and
17 thoughtful manner, much more than it has been doing. And I
18 would submit to the Commission that that would be -- that
19 would reduce the injury to national security that we have
20 witnessed over the last several years because of the
21 government's inability to release classified information in a
22 controlled and thoughtful manner.

23 **MS. NATALIA RODRIGUEZ:** So I'm going to take
24 you to CAN.18796. CAN.18796.

25 **--- EXHIBIT NO. CAN018796:**

26 Defensive briefings to two members of
27 Parliament regarding PRC foreign
28 interference activity

1 **MS. NATALIA RODRIGUEZ:** And if we go down a
2 little bit we have -- it's dated May 31st, 2021 and there's a
3 list of email recipients that emails have been redacted. If
4 we go down a little bit more, we can see that the big table
5 in that document says: "CSIS issues management brief."

6 Now, I understand this to be the issues
7 management brief or issues management note, sometimes
8 acronymed [*sic*] as IMU, that we have been discussing with
9 respect to the PRC's interest in you.

10 If we keep going down to the second page,
11 under where it says "Background", it says:

12 "The PRC maintains an active interest
13 in MPs CHONG and CHIU."

14 And my understanding is that this refers to
15 Kenny Chiu.

16 "CSIS assesses that both are
17 [redacted] targets of PRC Foreign
18 Interference (FI) threat actors."

19 And if we go further down, where it has the
20 writing in blue, and this looks to be sanitized information,
21 meaning it's a summary of what's underneath the redactions,
22 the parts in blue are:

23 "the PRC's interest in Chong includes
24 interest in Chong's relatives who may
25 be in the PRC."

26 Now, this document is now a public exhibit in
27 these hearings with redactions and with the sanitization of
28 information.

1 Do you have any comments about whether
2 security intelligence agencies, at the behest of the Prime
3 Minister, or with appropriate permissions to do so, should be
4 providing me this level of information that we're seeing here
5 in this document to affected parliamentarians in the future?

6 **MR. MICHAEL CHONG:** Yes, I think they should
7 be providing this information because it will allow those
8 parliamentarians to take actions to protect themselves, to be
9 situationally aware. I think that's so important. This is
10 the best practice that we've seen in other jurisdictions.
11 That's not -- that wasn't in place in Canada. And I think
12 it's the reason why we've become a playground for foreign
13 interference threat activities.

14 We have to remember that Canada is a member
15 of the most senior multilateral organizations in the world.
16 We are a member of NATO. We are a member of many important
17 organizations like the World Bank, the IMF. We are one of
18 the closest allies to the United States. We're a member of
19 the G7.

20 And because of all of that, our -- the
21 government's inability to protect our national security
22 against these foreign interference threat activities has made
23 us a soft target for these kinds of activities from
24 authoritarian states.

25 And I think that's why hardening our system,
26 our institutions, against these threats by conveying more
27 information to MPs about their -- the threats targeting them
28 is so important. And it's best practice in other Five Eyes

1 jurisdictions. We've seen it time and time again.

2 MS. NATALIA RODRIGUEZ: And what is your view
3 as to whether this level of information that we're seeing
4 here, redactions and sanitization, should also be provided to
5 the public at large? Is that part of the flooding the zone
6 of information in your view?

7 MR. MICHAEL CHONG: Yes, I believe it should
8 be provided to the public.

9 MS. NATALIA RODRIGUEZ: Okay.

10 MR. MICHAEL CHONG: I think MPs should be
11 informed first, and then the information should be made
12 public as well.

13 MS. NATALIA RODRIGUEZ: Okay. But you agree
14 that certain information must still be protected by way of
15 redactions, or sanitization, or in the way that we see, for
16 example, in this document?

17 MR. MICHAEL CHONG: Yes, I do.

18 MS. NATALIA RODRIGUEZ: You accept that that
19 has to be the case for national security reasons?

20 MR. MICHAEL CHONG: Absolutely. I think, you
21 know, the vast majority of national -- the vast majority of
22 intelligence should be kept classified and from the public
23 realm, but I think a portion of it should be released to
24 individuals that are the target of these threat activities.
25 A portion should be released -- a lesser portion should be
26 released to the general public.

27 MS. NATALIA RODRIGUEZ: Okay. Thank you. I
28 want to take you to MMC21. Can you tell us what this

1 document is?

2 **--- EXHIBIT NO. MMC0000021:**

3 117-2023-231 (CSIS) - release - D

4 (CSIS resp Q-1507)

5 **MR. MICHAEL CHONG:** I believe it's a response
6 to an Order Paper question that I put in the House of
7 Commons.

8 **MS. NATALIA RODRIGUEZ:** And so maybe you can
9 just explain what an Order Paper question is for people who
10 may not know?

11 **MR. MICHAEL CHONG:** So the House of Commons'
12 primary responsibility is to hold the Government of Canada
13 and the Ministry accountable. There are various rubrics in
14 the House of Commons through which we uphold that
15 constitutional responsibility. There's a question period
16 where we ask questions to the government, which is probably
17 the most high-profile way that Canadians see us holding the
18 government accountable. But another rubric is to submit a
19 question on the Order Paper, which the government then has an
20 obligation to respond to.

21 Often, though as you've probably seen in this
22 document, we don't get any substantive responses.

23 **MS. NATALIA RODRIGUEZ:** Okay.

24 **MR. MICHAEL CHONG:** So I put this question
25 because after my classified briefing ---

26 **MS. NATALIA RODRIGUEZ:** And sorry, I just
27 want to go down in the document so we can see the question.
28 It is dated May 5th, 2023, so we see the date. Yeah, just

1 where it says "Question" and then "Response". Yeah, thank
2 you.

3 Sorry. Go ahead.

4 **MR. MICHAEL CHONG:** So again, this document
5 demonstrates what I was talking about earlier, that this --
6 these matters should have been dealt with in Parliament a
7 long time ago.

8 **MS. NATALIA RODRIGUEZ:** So maybe you can just
9 explain what it is that you asked?

10 **MR. MICHAEL CHONG:** So I asked -- so
11 subsequent to my May briefing, classified briefing last year,
12 where I was informed by David Vigneault of the information
13 contained in the July 2021 intelligence assessment, I was --
14 I asked who had received this July 2021 intelligence
15 assessment and nobody could give me a straight answer. So I
16 decided to use this tool, this rubric in the House of
17 Commons, to submit an order paper question to give the
18 Government of Canada an opportunity to formally respond after
19 a period of time. They're given quite a bit of time to
20 respond to these Order Paper questions so they can go and do
21 their research and gather the information. And so I wanted
22 to know who got the July 2021 intelligence assessment.

23 And as you can see in this answer, I did not
24 get a response. And so here we are, you know, a year and
25 almost a half later and, you know, we're still trying to get
26 to the bottom of who got these intelligence products.

27 **MS. NATALIA RODRIGUEZ:** So the response
28 indicates that the report was disseminated to Global Affairs

1 Canada, Public Safety Canada, and the Privy Council Office on
2 July 20, 2021, but you're saying that you were not satisfied
3 with that answer?

4 **MR. MICHAEL CHONG:** No, I want to know which
5 individuals got the report.

6 **MS. NATALIA RODRIGUEZ:** Understood. I want
7 to take you to CAN21931.

8 **--- EXHIBIT NO. CAN021931:**

9 Ministerial Direction on Threats to
10 the Security of Canada Directed at
11 Parliament and parliamentarians

12 **MS. NATALIA RODRIGUEZ:** And it's entitled
13 *Ministerial Direction on Threats to the Security of Canada*
14 *Directed at Parliament and parliamentarians.* And my
15 understanding is this is a Ministerial Direction which allows
16 CSIS to provide parliamentarians with information in certain
17 circumstances.

18 Are you aware of what prompted this
19 Ministerial Direction?

20 **MR. MICHAEL CHONG:** I am not. Is this the
21 Ministerial Direction that was given in September of 2021?

22 **MS. NATALIA RODRIGUEZ:** This is May 16, 2021.

23 **MR. MICHAEL CHONG:** May 16th, 2021?

24 **MS. NATALIA RODRIGUEZ:** Yes. Oh, sorry,
25 2023. Yeah, I have it right here in my notes, but I ---

26 **MR. MICHAEL CHONG:** Sorry.

27 **MS. NATALIA RODRIGUEZ:** --- read it
28 incorrectly.

1 **MR. MICHAEL CHONG:** What is the date of it?

2 **MS. NATALIA RODRIGUEZ:** May 16, 2023.

3 **MR. MICHAEL CHONG:** I don't know ---

4 **MS. NATALIA RODRIGUEZ:** Okay.

5 **MR. MICHAEL CHONG:** --- what prompted it, but
6 I assume it was coming out of the events ---

7 **MS. NATALIA RODRIGUEZ:** Okay.

8 **MR. MICHAEL CHONG:** --- of May 1st with the
9 report in the Globe and Mail.

10 **MS. NATALIA RODRIGUEZ:** Okay. And are you
11 aware whether there was another procedure or policy for
12 informing and notifying parliamentarians of foreign
13 interference threats against them prior to this Ministerial
14 Directive?

15 **MR. MICHAEL CHONG:** No, I'm not aware of
16 that. But my understanding is that in previous governments,
17 Ministers actioned the intelligence that they received from
18 CSIS.

19 **MS. NATALIA RODRIGUEZ:** Okay.

20 **MR. MICHAEL CHONG:** So that -- in talking to
21 previous Ministers of Public Safety in previous governments
22 that when intelligence was sent to the Public Safety
23 Minister's Office that that -- and that involved MPs being
24 the subject of foreign interference that those Ministers and
25 their staff would action that intelligence. That's my
26 understanding of how the system worked previously.

27 **COMMISSIONER HOGUE:** Do you have any example
28 of that without divulging any classified information? Do you

1 have any specific examples in mind?

2 **MR. MICHAEL CHONG:** I was told of two or
3 three cases of this happening when Minister Blainey was
4 Public Safety Minister and Andrew House was his Chief of
5 Staff, but they did not -- in my discussions with Mr. House,
6 they did not divulge -- he did not divulge the name of the
7 MPs that were the subject of the intelligence.

8 **COMMISSIONER HOGUE:** Okay. But you were told
9 that the MPs were informed.

10 **MR. MICHAEL CHONG:** Yes. That -- well, I was
11 told that action was taken based on the intelligence that the
12 Minister's Office had received.

13 **COMMISSIONER HOGUE:** Without getting details
14 as to what happened.

15 **MR. MICHAEL CHONG:** That's right. Right.

16 And I was told that -- because when this --
17 when the story first broke about -- in May of 2023 about --
18 in The Globe and Mail, I called a number of former Chiefs of
19 Staff and asked, you know, what is the process. And they
20 said to me, "It's astounding that the intelligence wasn't
21 acted upon when we" -- you know, they indicated to me that
22 when they were in government and they received this
23 intelligence and it involved an MP, it went right up to the
24 top right away, including the Prime Minister's Office, and
25 action was taken depending on what the intelligence was.

26 **COMMISSIONER HOGUE:** Thank you.

27 **MS. NATALIA RODRIGUEZ:** Have you noticed a
28 change in the way that information is flowing since this

1 Ministerial direction? Do you have any insight into that?

2 **MR. MICHAEL CHONG:** Yeah, I have noticed a
3 change. It's early days, but it's -- I've noticed that -- my
4 understanding is that CSIS has conveyed information to the
5 administration of the House of Commons via the Speaker's
6 authority such as the Sergeant at Arms and the House of
7 Commons administration.

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

9 We can take the document down.

10 I want to take you to a specific incident
11 that you were informed of in June of 2023 relating to a
12 disinformation campaign. And it was publicly reported that
13 you were the target of a PRC-led online disinformation
14 campaign that was detected in May of 2023, or it happened in
15 May ---

16 **MR. MICHAEL CHONG:** Yeah.

17 **MS. NATALIA RODRIGUEZ:** --- of 2023.

18 Can you please describe to us your
19 understanding of this incident?

20 **MR. MICHAEL CHONG:** So the -- I think this
21 highlights my view of why we've become -- this is an example
22 of how we have become a foreign interference playground.

23 So literally a day or two after -- two days
24 after The Globe and Mail reports that the PRC diplomat in
25 Toronto who was still accredited by the Government of Canada
26 has been gathering information covertly about me and my
27 family, the PRC decided to launch a massive disinformation
28 campaign against me on WeChat, the Chinese-language social

1 media platform that ended up reaching a million Canadians.
2 And so this shows how brazen they are and how they feel they
3 can act with impunity.

4 And so this campaign took place in the week
5 following The Globe and Mail revelation. Global Affairs
6 Canada first detected this disinformation campaign in June, a
7 month later, and then did some research and analysis on it
8 and informed me in early August of that summer.

9 My view is that that was a good outcome, it
10 was a good process. They informed me about it. They made
11 the information public. And I think they built resilience
12 both with -- for me personally in understanding that this was
13 taking place out there and among the general public that it's
14 now aware of these disinformation operations.

15 So I think that's an example of how things
16 should be made public and I commend Cindy Termorshuizen and
17 her team for briefing me on this and for making that
18 information public.

19 My only suggestion is that timeframes could
20 be shortened a bit. The disinformation campaign took place
21 in early May, but the Department didn't detect it till June
22 and didn't issue its public conclusions till, you know, late
23 -- it didn't come to its conclusions till late July, so
24 perhaps, you know, the turnaround time could be a bit
25 quicker, but other than that, I think that's an example of
26 how the system should work.

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

28 And I'll take you to CAN47019. CAN47019_1.

1 And I'll just say that number again, CAN47019
2 -- oh, there it is -- underscore 1.

3 **--- EXHIBIT NO. CAN047019 0001:**

4 WeChat Report - Script for MP
5 briefing

6 **MS. NATALIA RODRIGUEZ:** And it's entitled
7 "WeChat Report Script for MP Briefing" and it's dated August
8 8, 2023. And under Introduction, the first bullet reads:

9 "The purpose of this briefing is to
10 alert you that Global Affairs Canada
11 has detected an information operation
12 targeting you."

13 Does this accord with your recollection of
14 the information that was conveyed to you?

15 And we can scroll down so we can see a little
16 bit more.

17 So it gives the context. Keep going down.
18 It talks about the activity.

19 It talks about -- if we just go up a little
20 bit more and just stop at the top of that page -- examples of
21 "the false narratives that were spread about you", and then
22 the indented bullets some examples of that.

23 If we go down, it talks about the network,
24 the WeChat network, and what the indicators of the
25 information manipulation were. And if we go down, it talks
26 about state attribution and how it is that they've determined
27 -- sorry. Can we just go back up a little bit?

28 It says:

1 "While China's role in the
2 information operation is highly
3 probable, unequivocal proof that
4 China ordered and directed the
5 operation is not possible to
6 determine due to the covert nature of
7 how social media networks are
8 leveraged in this type of information
9 campaign."

10 And can you keep going down?

11 Keep going down to the next heading, Scale.

12 So it talks about how many -- the reach and the scale of the
13 disinformation campaign, how many people would have
14 potentially viewed this globally. And then at the bottom, it
15 says, "What is the government doing about it?". There's a
16 section there.

17 And if we can keep going down, the last
18 bullet before the resources says -- oh, sorry. Keep going
19 down.

20 Keep going down.

21 Then it says:

22 "This concludes the briefing. If you
23 have any additional questions,
24 including any technical ones, we will
25 be happy to answer them."

26 So generally, is this the information that
27 was conveyed to you in that briefing?

28 **MR. MICHAEL CHONG:** Yes, it was.

1 **MS. NATALIA RODRIGUEZ:** And were all of these
2 points read to you or is this some of these points were
3 conveyed but not necessarily all of them?

4 **MR. MICHAEL CHONG:** The briefing was over the
5 telephone, so.

6 **MS. NATALIA RODRIGUEZ:** Okay. Was it a long
7 briefing?

8 **MR. MICHAEL CHONG:** It was a significant
9 briefing and all the points outlined here I was told about,
10 yes.

11 **MS. NATALIA RODRIGUEZ:** Okay. And at page --
12 if we go back to page 3 of that document under "What is the
13 government doing about it?", the third point says:

14 "We will also be conducting
15 diplomatic engagement with PRC
16 representatives in Canada today to
17 convey our serious concerns with the
18 activity observed on WeChat. We want
19 it to be clear that the direct or
20 indirect support by the PRC in
21 dissemination of disinformation
22 related to Members of Canadian
23 Parliament and within Canada more
24 broadly [this must be a typo] is
25 totally unacceptable."

26 It says "it", but it must be "is".

27 Was it conveyed to you that Global Affairs
28 Canada was going to speak to their counterparts -- diplomatic

1 counterparts about this disinformation campaign against you?

2 **MR. MICHAEL CHONG:** Yes.

3 **MS. NATALIA RODRIGUEZ:** Okay. Was this
4 briefing helpful to you?

5 **MR. MICHAEL CHONG:** Yes, it was.

6 **MS. NATALIA RODRIGUEZ:** And you were content
7 with the level of information provided.

8 **MR. MICHAEL CHONG:** Yes, I was.

9 **MS. NATALIA RODRIGUEZ:** Okay. And just one
10 last document to take you to, as I see we are running out of
11 time. I want to take you to CAN24019.

12 And this looks to be the public press release
13 related to the disinformation campaign from RRM Canada.

14 **--- EXHIBIT NO. CAN024019:**

15 WeChat account activity targeting
16 Canadian parliamentarian suggests
17 likely foreign state involvement

18 **MS. NATALIA RODRIGUEZ:** Were you aware that
19 Global Affairs Canada was going to put out a public release
20 about the disinformation campaign against you?

21 **MR. MICHAEL CHONG:** Yes, I was.

22 **MS. NATALIA RODRIGUEZ:** And were you
23 consulted in any way on the content of this release?

24 **MR. MICHAEL CHONG:** I don't believe I was,
25 no.

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

27 **MR. MICHAEL CHONG:** I believe I was told it
28 would be more general in nature than the briefing they had

1 provided me.

2 **MS. NATALIA RODRIGUEZ:** Okay. And were
3 content when you saw -- presumably you saw this press
4 release. Were you content with the level of information that
5 was provided to the public about the disinformation campaign
6 against you?

7 **MR. MICHAEL CHONG:** Yes, I was.

8 **MS. NATALIA RODRIGUEZ:** Okay. And I just
9 have one more document, CAN24038.

10 **--- EXHIBIT NO. CAN024038:**

11 Summary of Report

12 **MS. NATALIA RODRIGUEZ:** Now, this appears to
13 be a report regarding the meeting with the PRC Ambassador to
14 Canada that took place on August 9, 2023, to convey the
15 Government of Canada's deep concern -- and that's in that
16 first paragraph -- about a disinformation campaign targeting
17 you. So were you aware that it was the Ambassador to -- the
18 Chinese Ambassador to Canada that was going to be spoken to
19 about this disinformation campaign against you?

20 **MR. MICHAEL CHONG:** That was my
21 understanding, yes.

22 **MS. NATALIA RODRIGUEZ:** Okay. And do you
23 think -- what thoughts do you have about whether targets of
24 these types of campaigns should be aware of the steps that
25 the government is taking in response?

26 **MR. MICHAEL CHONG:** I think it's a good idea
27 to let the targets know what actions the Government of Canada
28 will be taking, and I also would note that this is an example

1 of translating intelligence into evidence, okay? The
2 standard is not always a criminal one. There are many other
3 tools the Government of Canada has to take -- to action
4 intelligence. And that is not simply a criminal standard;
5 there are diplomatic standards, such as what is unfolding
6 here in this document -- what unfolded here in this document.
7 There are actions that can be taken on the floor of the House
8 of Commons and its committees; there are actions such as
9 releasing information using sunlight and transparency to
10 insulate the public. Because often the government's excuse
11 is that it's difficult to translate intelligence into action
12 because the evidentiary standard for criminal prosecution is
13 so high. My contention is that that's not the only way to
14 action intelligence. There's many different ways that
15 intelligence can be actioned in a non-criminal way that will
16 -- non-criminal procedure way that will allow us to take
17 action to counter these kinds of threats, and this is an
18 example of taking intelligence and actioning it in a way that
19 doesn't involve a criminal court procedure.

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

21 Now, before we conclude, is there anything
22 else that you've not had a chance to say that you would like
23 to tell the Commissioner about any issue within Stage 2 of
24 our mandate?

25 **MR. MICHAEL CHONG:** I would say that we
26 should have never gotten to this place in the first place.
27 That the Prime Minister should have heeded the requests of
28 the senior public service back in 2019, 2020, and again in

1 2022 to harden our system against foreign interference-type
2 activities. When that -- when the executive branch of our
3 system fails in its responsibilities and breaks down, the
4 next line of defence is the floor of the House of Commons,
5 which is constitutionally supposed to hold the government
6 accountable for its failures. And the fact that the
7 government refused to cooperate with House of Commons
8 committees to get to the bottom of this matter, and instead,
9 referred it to extra parliamentary procedures, such as NSIRA
10 and NSICOP, Special Rapporteur, and then a public inquiry, I
11 think, is an example of it failing to uphold its
12 constitutional responsibility to Parliament.

13 And so I hope the Commission gets to the
14 bottom of these matters and holds people accountable for what
15 I consider gross negligence to protect our national security
16 and recommends other policy changes that will ensure that
17 these kinds of things, at the end of the day, never happen.

18 But I'll finish by saying this: At the end
19 of the day no amount of process is going to fix a system
20 where Ministers and the Prime Minister are unwilling to
21 uphold their responsibilities. You can put in place all
22 sorts of new processes and all sorts of new policies, but at
23 the end of the day, if Ministers and their staff, and the
24 Prime Minister and his staff are not willing to uphold their
25 responsibilities to protect the security of this country,
26 then no amount of process or no amount of new policy is going
27 to change that abdication of their responsibility.

28 **MS. NATALIA RODRIGUEZ:** Thank you, Mr. Chong,

1 for answering my questions.

2 Those are all my questions for the witness
3 today.

4 **THE COMMISSIONER:** Thank you.

5 We'll take a 20-minute break, and we will
6 resume at 10 to 12:00. Thank you; 11:50.

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

8 This sitting of the Commission is now in
9 recess until 11:50 a.m.

10 --- Upon recessing at 11:27 a.m.

11 --- Upon resuming at 11:53 a.m.

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

13 This sitting of the Foreign Interference
14 Commission is now back in session.

15 The time is 11:53 a.m.

16 **COMMISSIONER HOGUE:** So we'll begin the
17 cross-examination with the ADRC, counsel for ADRC?

18 **--- MR. MICHAEL CHONG, Resumed:**

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

20 **MR. GUILLAUME SIROIS:** Good morning, Mr.
21 Chong. I am Guillaume Sirois, counsel for the RCDA, Russian
22 Canadian Democratic Alliance.

23 You will find that my questions today relate
24 to your role as Shadow Foreign Minister and also ask someone
25 who has witnessed the government capacity to respond to
26 disinformation campaigns up close.

27 I would like to ask the Court Reporter to
28 pull RCD0000019, please?

1 --- EXHIBIT NO. RCD0000019:

2 U.S. Indictment Kalashnikov and
3 Afanasyeva

4 **MR. GUILLAUME SIROIS:** You will see earlier
5 this month the U.S. Justice Department unsealed an indictment
6 against two Russian Nationals. That's the document that is
7 being shown right now. Are you familiar with this indictment
8 or media reports about the indictment?

9 **MR. MICHAEL CHONG:** I'm not familiar with the
10 -- I have not read the indictment, but I am familiar about
11 the reports.

12 **MR. GUILLAUME SIROIS:** Okay. As we've heard
13 through media reports, or as the indictment says, the
14 indictment alleges that two employees of RT violated the *U.S.*
15 *Foreign Agents Registration Act* in the U.S. If we can go
16 down to paragraph 10(a) please of that indictment, page 5?
17 Yeah, you just skipped it. Oh, sorry, it's the -- maybe not
18 page 5, but paragraph 10(a). Yes, it's page 5, thank you.
19 Yes, exactly. Thank you.

20 You can go down just to paragraph (a), it's
21 fine. So it reads:

22 "From in or about March 2021 to in or
23 about February 2022, Founder-1
24 created videos, posted social media
25 content, and wrote articles pursuant
26 to a written contract between
27 Founder-1's ('Canadian Company'), and
28 RT's parent organization, ANO TV-

1 Novosti." (As read)

2 So this is -- this encompasses the whole of
3 the 2021 general election, which was held between August and
4 September 2021. And Founder-1 has been identified through
5 media reports as being Lauren Chen, a Canadian influencer.

6 Is this concerning to you that employees RT
7 is paying Canadian influencers write content during a
8 Canadian general election?

9 **MR. MICHAEL CHONG:** Yes, it is very
10 concerning. In fact, we had raised alarm bells about RT
11 during this period of time. In fact, you can look to my
12 social media posts, my statements, numerous statements,
13 numerous interventions in the House of Commons and its
14 committees, calling on the Government of Canada, prior to
15 February 2022, to issue a -- to get the Minister of Canadian
16 Heritage to issue a directive, a ministerial directive of
17 general application that would ensure that no state
18 controlled broadcaster were on the list of services eligible
19 to be broadcast in Canada.

20 What that ministerial directive would have
21 done is it would have taken off the air RT, which is clearly
22 a state controlled broadcaster, and it would have also had
23 the effect of taking off the air CGTN, which is the PRC state
24 controlled broadcaster. The government refused to do that
25 and instead held -- allowed these RT to remain on the air
26 until once again, driven by an issue, which was Russia's
27 invasion of Ukraine in late February of 2022, the Minister
28 finally then in subsequent days issued a directive to the

1 CRTC which led them to take RT off the air.

2 So we had long had concerns about RT and
3 other authoritarian state controlled broadcasters
4 disseminating disinformation through Canada and our public
5 statements are numerous to that effect prior to February of
6 2022.

7 **MR. GUILLAUME SIROIS:** Thank you. If we
8 continue this paragraph, we see that it doesn't seem to be
9 only RT that's like, clearly publishing content, but it seems
10 that the content is being published covertly and that the
11 influencer here is not always declaring or attributing the
12 content that she is producing to RT. Is this something that
13 is encompassed by banning RT from airwaves?

14 **MR. MICHAEL CHONG:** Well, my view is that,
15 you know, we've got to balance the fundamental right to free
16 expression with the need to protect Canadians from
17 disinformation. And in my view the balance there, one part
18 of that balance is to say the Government of Canada is under
19 no obligation to give a licence to access public property,
20 such as a radio licence, or a broadcast licence to
21 authoritarian state-controlled broadcasters.

22 I think the government needs to tread
23 somewhat -- has to tread very carefully in restricting free
24 speech and free expression from individuals on non-government
25 owned properties such as the internet.

26 **MR. GUILLAUME SIROIS:** Does it still
27 constitute free speech when the content is promoted through a
28 contract from a company that's state controlled by Russia for

1 instance? Is it still protected free speech, or should it be
2 regulated more?

3 **MR. MICHAEL CHONG:** Well, as I've testified
4 previously, I think the solution there is sunlight and
5 transparency. That the government reveal intelligence that
6 would tie people who are receiving funds from authoritarian
7 states to disseminate information. I think that is the way
8 to deal with the situation.

9 I note that Bill C-70 has recently been
10 adopted by the Parliament of Canada. One of the elements in
11 that bill makes it a requirement for an individual to declare
12 if they are receiving any money from a foreign state, a
13 foreign government, or an entity controlled by a foreign
14 state or a foreign government. And so, I think that would
15 provide the sunlight and transparency about people receiving
16 funds from authoritarian states or entities controlled by
17 authoritarian states that are disseminating information to
18 the public.

19 **MR. GUILLAUME SIROIS:** Thank you. I believe
20 we can pull the documents down now. Thank you.

21 I'm wondering if it's concerning to you that
22 these allegations were learned through unsealed U.S.
23 Department of Justice indictment rather than from the
24 Canadian government and three years after the fact?

25 **MR. MICHAEL CHONG:** Yeah. It is concerning
26 to me. I think it's part of a broader pattern where we learn
27 of intelligence through sources outside of Canada. We learn,
28 you know, for example, this is not the first unsealed

1 indictment where we've learned about various things taking
2 place in Canada.

3 There was an unsealed indictment in an U.S.
4 Court, I believe in Brooklyn, New York, where it was revealed
5 that an individual in Canada, in Vancouver, had been coerced
6 by the PRC to go back to the PRC. We learned of -- in
7 another unsealed indictment of two Canadian citizens, members
8 of the Hell's Angels, that had been hired by the Islamic
9 Republic of Iran to target individuals in North America for
10 assassination. Again, these are concerning things that we
11 should be learning from our own intelligence services through
12 the Government of Canada, rather than through a foreign
13 entity.

14 **MR. GUILLAUME SIROIS:** I would like to show
15 you some content that was published on the Founder-1 Twitter
16 feed, if possible.

17 It's at RCD.36, if we can pull the document,
18 please?

19 **--- EXHIBIT NO. RCD0000036:**

20 Lauren Chen 2021-08-15 to 2021-09-25

21 **MR. GUILLAUME SIROIS:** I simply want to give
22 you some examples of the sort of content that was being
23 published at that time.

24 It's in reverse chronological order, so we'll
25 have to start from the end of the document, but I have some
26 pages. So we can start at page 27. You can see that's one -
27 - we can zoom out a little bit just to see the replies and
28 interaction with the post below. Yes, that's perfect.

1 So you see that's a post from the
2 Conservative Party of Canada condemning the use of obscene
3 and extreme language against Mr. Trudeau's appearances, and
4 Founder-1's influencer, who is under contract with RT at that
5 time, and who is making posts pursuant to that contract
6 allegedly, according to the indictment, responds to the post
7 from the Conservative Party saying that:

8 "You care more about Trudeau being
9 heckled than you do the rights of
10 Canadians being stripped away.
11 Useless cowards, the lot of you."

12 I want to go up a bit, just one page more,
13 26, please. That was -- it was on August 27th, but now we
14 see on August 29th that same Founder-1, who is under --
15 allegedly under contract with RT, according to the
16 indictment, says:

17 "Putin making Canadian and Australian
18 leaders look like damned fools right
19 now."

20 You can zoom out a little bit to see the
21 interactions with that post as well. So thank you.

22 And I only have one or two more examples.
23 The other one is at page 12.

24 At page 12, Founder-1 hosts a live discussion
25 with PPC leader Maxime Bernier and PPC candidate Viva Frei,
26 also know as David Freiheit. I note that this post was made
27 -- this discussion was held on -- seemingly on September
28 10th, the same day that advance polling was starting for the

1 44th General Election.

2 And finally, on September 18th as well, just
3 to show that it goes -- at page 2, just to show that it goes
4 all the way up to election day, which was September 20th, as
5 we all know, Founder-1 has been identified as Lauren Chen by
6 media reports, says that she wants to support the PPC and
7 Maxime Bernier.

8 I'm wondering, seeing all this, seeing the
9 indictment, do you believe that Canada has the ability to
10 detect, deter, or counter this sort of interference in our
11 democracy?

12 **MR. MICHAEL CHONG:** I don't think we
13 effectively countered disinformation in the 2021 election. I
14 think that's clear through the testimony and conclusions of
15 the initial report from this Commission.

16 I think we could -- I think the Government of
17 Canada could effectively counter disinformation. I think the
18 key to doing that is sunlight and transparency and to reveal,
19 publicly, the connections between individuals who are
20 receiving monies or other consideration from authoritarian
21 states, either directly or indirectly. I think that sunlight
22 and transparency would insulate the public against
23 disinformation campaigns, while at the same time upholding
24 our fundamental belief in free expression.

25 **MR. GUILLAUME SIROIS:** Thank you. Those are
26 all my questions for today.

27 **COMMISSIONER HOGUE:** Thank you.

28 So next one is counsel for the Concern Group.

1 --- CROSS-EXAMINATION BY MR. NEIL CHANTLER:

2 **MR. NEIL CHANTLER:** Good afternoon, MP Chong.
3 My name is Neil Chantler. I'm counsel for the Chinese
4 Canadian Concern Group.

5 I'll start with some questions about your
6 motion in the House of Commons with respect to the Uyghur
7 genocide. What is the significance of the Canadian
8 Parliament recognizing the Uyghur genocide? And more
9 generally, the significance of any government recognizing an
10 ongoing human rights atrocity like what is happening in
11 Xinjiang?

12 **MR. MICHAEL CHONG:** The significance was that
13 we were the first major national legislature to take a
14 position on the genocide against the Uyghur people. That in
15 turn led to similar motions being adopted in the U.K.
16 Parliament, in the Dutch Parliament, and in other national
17 legislatures.

18 And so it was an example of how legislatures
19 can lead the way when it comes to dealing with violations of
20 international law. And so that was the significance of that
21 motion that the House adopted.

22 **MR. NEIL CHANTLER:** And how does such a
23 declaration by the Canadian Parliament benefit Canadians,
24 particularly Uyghur Canadians? And is this an important part
25 of supporting and protecting members of our diaspora groups?

26 **MR. MICHAEL CHONG:** Well I think it
27 reinforced the need to uphold the rules-based international
28 order. We've gone through, you know, since 1945, decades of

1 relative peace and security because of that, the multi-
2 lateral institutions, and the rules around those multi-
3 lateral institutions that were established in the aftermath
4 of, you know, the Second World War.

5 And so upholding that rules-based order, part
6 of which is the 1948 *Genocide Convention*, is incredibly
7 important, because it faces a determined threat from
8 authoritarian states to deconstruct it and replace it with,
9 you know, a world order that is based on brute force and on
10 anything but a common set of international rules.

11 And so, you know, adopting motions like that
12 and reinforcing that rules-based order I think is incredibly
13 important in that context.

14 **MR. NEIL CHANTLER:** And what is at risk if
15 parliamentarians become dissuaded from taking bold actions
16 like that because of foreign interference as a result of
17 threats like you and your family received?

18 **MR. MICHAEL CHONG:** Well we risk diminishing
19 the only democratic institution at the federal level. You
20 know, we only have one democratic institution in Canada.
21 that is the House of Commons. There is no other democratic
22 institution in Canada. It's not the Senate of Canada. It's
23 not the executive branch of government, which is entirely
24 appointed. It's not our judicial system. It's not any part
25 of our federal system. The only part of our system that is
26 democratic, that is a democracy, is the election of 338
27 members to the House of Commons. And if those members are
28 under -- any one of those members is under coercion, under

1 threat, under pressure, you know, that diminishes the only
2 democratic institution we have, which is why countering these
3 foreign interference threats is so important and why the
4 founders of our constitutional order in 1867 well understood
5 that, which is why in section 18 of the *Constitution*, they
6 said that the powers, privileges, and immunities afforded to
7 members of Parliament were to be the same of that of the
8 United Kingdom. And the reason -- and part of those powers,
9 privileges, and immunities is a long-standing principle that
10 members of Parliament should never be threatened in the
11 conduct of their work, never be inappropriately pressured in
12 the conduct of their work, because they understood well what
13 happens if the House of Commons were to come under that
14 inappropriate pressure.

15 **MR. NEIL CHANTLER:** Thank you. I'm going to
16 shift gears now to the recent NSICOP report. If we could
17 please pull up COM.363, page 67, paragraph 164?

18 **--- EXHIBIT NO. COM0000363:**

19 NSICOP special-report-foreign-
20 interference

21 **MR. NEIL CHANTLER:** I'll ask, MP Chong, while
22 we're waiting for the document, you're aware of this
23 document? You've spoken of it already today. I'm sure
24 you've had a chance to review it at some point prior to
25 today?

26 **MR. MICHAEL CHONG:** Yes.

27 **MR. NEIL CHANTLER:** This report has been
28 described as a bombshell for identifying that

1 parliamentarians who are -- there are parliamentarians who
2 are witting participants in the efforts of foreign states to
3 interfere with our democracy. You're aware of those
4 allegations in this report.

5 **MR. MICHAEL CHONG:** I am.

6 **MR. NEIL CHANTLER:** Again, it's page 67,
7 paragraph 164, please.

8 Page 67 of the page numbers, not the Bates
9 numbers.

10 And this paragraph I'm taking you to, sir, is
11 -- really just encapsulates some of the most damning
12 allegations that the committee has found.

13 I'm sure you're aware of these allegations.
14 They include significant concerns about parliamentarians
15 receiving sponsored travel and other benefits from foreign
16 states, including the acceptance of funds or favours.

17 What is your view on parliamentarians
18 receiving sponsored travel, funds or favours from a foreign
19 state? Is this conduct illegal? Is this conduct unethical?

20 **MR. MICHAEL CHONG:** It depends. Foreign
21 interference -- the nature of foreign interference is
22 activities that are covert, coercive and corrupting. And so
23 if a member of Parliament receives consideration, whether
24 it's a payment of a foreign trip or other consideration from
25 a foreign state, and hides that payment, that consideration,
26 that is, I think, inappropriate and wrong and could
27 constitute a type of foreign interference. If, however, the
28 MP publicly declares that their trip is being remunerated by

1 another entity or a foreign state, that's a different matter.

2 Whether that is appropriate, you know, is up
3 to the House and its committees to decide. The rules have
4 changed, had various iterations over the years, but the
5 important thing is that if it's covert and hidden, then I
6 think it's inappropriate and wrong.

7 **MR. NEIL CHANTLER:** And so what impact has
8 this report and these allegations had, in your view, on your
9 constituents and their faith in Canadian politicians,
10 parliamentarians?

11 **MR. MICHAEL CHONG:** It's had a major impact,
12 and many Canadians are now questioning which of the MPs
13 referenced in the report were witting and willing
14 participants in foreign interference threat activities.

15 There are three paragraphs earlier in this
16 report that highlight at least four MPs that were willing
17 participants in foreign interference threat activities, one
18 of which may actually constitute treason. And so it's --
19 I've heard over the summer from many Canadians, including my
20 constituents, that they're very concerned that these
21 individuals have not been named and that they have not been
22 brought before a process in the House of Commons in order to
23 be held accountable for what they did.

24 One of the paragraphs references that there
25 were two or more MPs that willingly participated in foreign
26 interference threat activities that involved the Republic of
27 India. Another paragraph references the fact that there was
28 an MP who willingly participated in a foreign interference

1 threat activity with a foreign state that was brought to the
2 Prime Minister's attention.

3 And most alarmingly, there's a paragraph text
4 box that refers to a former MP that willingly cooperated with
5 a foreign intelligence officer passing along information to
6 that foreign intelligence officer and even seeking to have a
7 meeting with that foreign intelligence officer in a foreign
8 state.

9 I think those individuals, their names need
10 to be made public so that the Procedure and House Affairs
11 Committee of the House of Commons can conduct hearings into
12 this and hear -- find out what happened, afford those MPs an
13 opportunity to defend themselves and then recommend to the
14 House a course of action.

15 MPs have been expelled from caucuses and for
16 the House for far lesser offences than what has been outlined
17 in this particular report, so I think that's something that
18 has to happen. And if we don't do that, then I think we
19 undermine Canadians' confidence in the House of Commons.

20 **MR. NEIL CHANTLER:** Those are my questions.
21 Thank you.

22 **COMMISSIONER HOGUE:** Thank you.

23 Next one is Me Sarah Teich on Zoom, I think,
24 for the Human Rights Coalition.

25 **MS. ERIN DANN:** I'm sorry, Commissioner. I
26 believe it's Mr. Matas today for the ---

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

28 **MS. ERIN DANN:** That was my error, not the

1 Commissioner's. I apologize.

2 COMMISSIONER HOGUE: And you're present,
3 clearly.

4 --- CROSS-EXAMINATION BY MR. DAVID MATAS:

5 MR. DAVID MATAS: Yes, I'm David Matas, Human
6 Rights Coalition.

7 Mr. Chong, I wanted to refer, first of all,
8 to document number WIT 18.001, your interview summary, Stage
9 1. You stated, paragraph 6 -- you talk about the sanctions
10 that were imposed upon you because of this motion you
11 introduced in the House of Commons calling for recognition of
12 the genocide against the Uyghurs and the fact that this
13 motion spurred Government of Canada to impose sanctions
14 against China.

15 Now, in that paragraph, you said that you do
16 not consider the imposition of those sanctions as foreign
17 interference. Is that an accurate reflection of your views?

18 MR. MICHAEL CHONG: That is correct.

19 MR. DAVID MATAS: Now, I would suggest that
20 the imposition of sanctions by a foreign state, depending on
21 the sanctions, the target and the reasons for the sanctions
22 can sometimes amount to foreign interference. Would you
23 disagree with that?

24 MR. MICHAEL CHONG: I would disagree with
25 that. Sanctions can clearly have a deleterious effect on an
26 individual or entity, but I don't consider them to be foreign
27 interference because, in my view, foreign interference has
28 the characteristics of being covert, coercive and corrupting.

1 And I don't believe that sanctions meet -- have those
2 characteristics.

3 **MR. DAVID MATAS:** So if sanctions are
4 corrupt, coercive but not covert, they would not be foreign
5 interference, in your view. Is that correct?

6 **MR. MICHAEL CHONG:** That's correct. Like --
7 that's correct.

8 I -- sanctions, you know, are tools that
9 governments can use to affect their interests, and we may
10 fundamentally disagree with those interests or those tools,
11 but they are widely used tools by governments around the
12 world, and have been for many, many decades. I think it's a
13 different type of category than foreign interference.

14 **MR. DAVID MATAS:** There was sanctions against
15 the Subcommittee on International Human Rights, the Standing
16 Committee on Foreign Affairs that Kenny Chiu talked about in
17 his testimony. The document number for his testimony is
18 TR9.EN. And at page 97 and 98, he talks about those
19 sanctions.

20 And the result of that, he says, is that some
21 Members resigned from the committee, they got substitutes,
22 and then the actual people who resigned show up in
23 substitution for the substitutes, and that's what he talks
24 about.

25 And so is it your view that that, too, is not
26 foreign interference?

27 **MR. MICHAEL CHONG:** Well, my view is that
28 sanctions on members of Parliament overwhelmingly spur -- are

1 seen as a badge of pride for most members of Parliament, but
2 for a certain minority of parliamentarians, they can be --
3 they can have a deleterious effect.

4 But again, while sanctions can have a
5 deleterious effect on MPs, on, you know, Canadians more
6 broadly or on entities within Canada, I don't think it's the
7 same category as foreign interference.

8 **MR. DAVID MATAS:** Okay. And would you say
9 that would be true also for sanctions imposed on members of
10 diaspora communities as opposed to parliamentarians in
11 reaction to expression of views critical of human rights
12 violations in a foreign state and a foreign state imposes
13 sanctions as a result of that?

14 **MR. MICHAEL CHONG:** Yeah. Again, that
15 sanctions can in certain instances have a deleterious effect
16 on members of diaspora communities, on advocates for human
17 rights, but again, I think those are tools that states use
18 and are within the bounds of international law. So, you
19 know, again, I think it can have a negative impact on people
20 who advocate for human rights, people who are members of
21 diaspora communities. It can have a very negative impact.
22 But I don't classify sanctions in the same category of
23 foreign interference threat activities.

24 **MR. DAVID MATAS:** Unless they're, as you say,
25 covert and corrupt?

26 **MR. MICHAEL CHONG:** Well sanctions, by their
27 very nature, are public. And so by that definition, they
28 don't meet the criteria to constitute a foreign

1 interference threat activity.

2 **MR. DAVID MATAS:** Do sanctions always have to
3 be public?

4 **MR. MICHAEL CHONG:** To my knowledge,
5 sanctions have always been made public. Part of the very
6 nature of sanctions is that they're public so that the
7 individuals know they're being sanctioned.

8 **MR. DAVID MATAS:** So the type of repressive
9 activity, let's say barring entry, is a type of sanction
10 which was imposed upon you.

11 **MR. MICHAEL CHONG:** That's right.

12 **MR. DAVID MATAS:** But if -- but -- I mean,
13 barring entry doesn't necessarily have to be public. You
14 could find out just by not being allowed in. And if it was
15 not made public that you were barred entry, you just found
16 out by not being let in, would that be considered foreign
17 interference?

18 **MR. MICHAEL CHONG:** Look, foreign states --
19 states have the right to deny entry to non-citizens. That is
20 their right. It's a long-standing right. And a state
21 denying entry to a non-national I think -- I don't believe
22 constitutes foreign interference.

23 **MR. DAVID MATAS:** And this sanction that was
24 imposed upon you about not doing business, I appreciate you
25 weren't doing business, but a sanction of that sort, in
26 theory, it could be -- can just happen without being made
27 public in advance? The people in the foreign country could
28 be told that, but privately, not publicly. And in that case,

1 if it is private, rather than public, that also would not be
2 foreign interference?

3 MR. MICHAEL CHONG: I can't answer the
4 question because it's so hypothetical, you know, I -- in
5 general, states have used sanctions for many, many years,
6 legally, under international law, to affect their interests.
7 The Government of Canada has done that. Other democracies
8 have done it. So have authoritarian states. I do not view
9 sanctions as a foreign interference threat activity.

10 MR. DAVID MATAS: Okay. Those are my
11 questions.

12 COMMISSIONER HOGUE: Thank you.
13 Mr. De Luca for the Conservative Party.

14 MR. NANDO DE LUCA: No questions.

15 COMMISSIONER HOGUE: No questions.
16 Then next one is AG.

17 --- CROSS-EXAMINATION BY MR. BARNEY BRUCKER:

18 MR. BARNEY BRUCKER: Hello again, Mr. Chong.

19 MR. MICHAEL CHONG: Hello.

20 MR. BARNEY BRUCKER: It hasn't been that
21 long, but it seems like quite a while. You had -- or the
22 Commission had provided us last night with a document that
23 was put up today with respect to meetings that you had had
24 with CSIS, and you had told us, I guess, that this was -- you
25 prepared this document back in May?

26 MR. MICHAEL CHONG: That's correct.

27 MR. BARNEY BRUCKER: Okay. And ---

28 MR. MICHAEL CHONG: And I gave it to the

1 Commission back in May, ---

2 MR. BARNEY BRUCKER: I see.

3 MR. MICHAEL CHONG: --- I believe.

4 MR. BARNEY BRUCKER: Okay.

5 MR. MICHAEL CHONG: The Commission has had it
6 for many, many months.

7 MR. BARNEY BRUCKER: And was it prepared from
8 -- when you prepared it, did you prepare it from any other
9 records, contemporaneous records?

10 MR. MICHAEL CHONG: Yes.

11 MR. BARNEY BRUCKER: Okay. And did you
12 provide those to the Commission?

13 MR. MICHAEL CHONG: No.

14 MR. BARNEY BRUCKER: What we have here is
15 rather brief, and there may be a reason for that, given --
16 depending on what the meeting was about, but I'm wondering if
17 -- do you still have that material from which you prepared
18 this document?

19 MR. MICHAEL CHONG: I do.

20 MR. BARNEY BRUCKER: Well I'll ask that you
21 produce it to the Commission and that they, along with your
22 counsel, review it and determine whether or not they can
23 provide it to the parties.

24 MR. MICHAEL CHONG: I'm happy to do it. It's
25 -- I can tell you that it's not a lot of material because
26 this -- it's calendar entries in my calendar, which I'm happy
27 to provide, and recollections of my staff.

28 MR. BARNEY BRUCKER: I got the sense from

1 reading it that there was some input from others in what was
2 written here.

3 MR. MICHAEL CHONG: Yeah, from my staff.

4 MR. BARNEY BRUCKER: Sure. You also had some
5 telephone conversations with the Service during this period
6 of time; did you not?

7 MR. MICHAEL CHONG: I can't recall. I can't
8 recall. I may have. I can't recall.

9 MR. BARNEY BRUCKER: Okay. I understood you
10 to say that after the first briefing, these other meetings
11 with the Service that you've captured here in your document
12 consisted of them listening to you?

13 MR. MICHAEL CHONG: That's correct. So the
14 first meeting was at the request of the Service. So there
15 were four meetings. The first meeting was at the request of
16 the Service, where I got a formal unclassified briefing at
17 their office in Toronto. It was, as I mentioned before, a
18 PowerPoint presentation about the general nature of foreign
19 interference threat activities and what MPs could do to
20 counter that.

21 Subsequent to that, I was contacted three
22 times by the Service, who asked to meet with me and who asked
23 me questions, and which I tried to answer to the best of my
24 ability, and that was the end of the meetings.

25 And there were three other meetings -- so
26 there were four meetings in total. The first was a briefing
27 and the three were the Service asking me, you know,
28 questions.

1 **MR. BARNEY BRUCKER:** I wonder if we could
2 pull up document CAN.013134?

3 **MS. ERIN DANN:** Doc ID prefix, please?

4 **MR. BARNEY BRUCKER:** Sorry, it's CAN.013134.
5 If we can't find it, I can move on.

6 **MS. ERIN DANN:** We do have that document.
7 It's CAN.13134, I believe.

8 **--- EXHIBIT NO. CAN013134 0001:**

9 CSIS Engagement with Michael Chong -
10 CPC MP for Wellington-Halton Hills

11 **MR. BARNEY BRUCKER:** Drop the zero.

12 **MS. ERIN DANN:** Mr. Brucker, I think you're
13 referring to a document, *CSIS Engagement with Michael Chong*?

14 **MR. BARNEY BRUCKER:** Yeah. Sorry, ---

15 **MS. ERIN DANN:** Yes.

16 **MR. BARNEY BRUCKER:** --- I added the zero,
17 which was -- I just lost my head for a moment.

18 If you could scroll down, please, to the box?
19 There. That's good.

20 So this document is about four pages long and
21 it's mostly redacted. The only information about these
22 meetings that you had with the Service that we see here is
23 the June 25th, and you've said that was the 24th, ---

24 **MR. MICHAEL CHONG:** That's right.

25 **MR. BARNEY BRUCKER:** --- 2021. But the box
26 there with the blue writing indicates:

27 "Redacted text summarizes discussions
28 the Service has had with MP Chong

1 following the Protective Security
2 Brief, including questions asked by
3 MP Chong and answers provided by the
4 Service."

5 My only point is that would it not be fair to
6 say that this was a dialogue between you and the Service? It
7 wasn't just you sitting there and giving them information and
8 them not saying anything?

9 **MR. MICHAEL CHONG:** No, this was the briefing
10 of June 24th. So I sat there and listened. I listened as
11 they went through their PowerPoint presentation, and then
12 after the PowerPoint presentation, we had a discussion which
13 included questions from me and responses from the Service.

14 **MR. BARNEY BRUCKER:** Okay. I'll move on to
15 just a couple questions about sanctions.

16 You know that our government sanctions
17 persons from other countries from time to time?

18 **MR. MICHAEL CHONG:** Agreed.

19 **MR. BARNEY BRUCKER:** Common practice, is it
20 not?

21 **MR. MICHAEL CHONG:** It is common practice.

22 **MR. BARNEY BRUCKER:** And the sense I got from
23 your evidence is that the sanctions that you found out about
24 through a journalist in Asia did not impede you -- your work
25 as an MP because you weren't going to be travelling to China
26 and you had no business interests there.

27 **MR. MICHAEL CHONG:** Correct.

28 **MR. BARNEY BRUCKER:** Okay. Did you at any

1 time learn that there were any sanctions against any of your
2 family members?

3 **MR. MICHAEL CHONG:** I have not learned that,
4 no.

5 **MR. BARNEY BRUCKER:** You mentioned that there
6 were, I think, five intel products that people that should
7 have saw them didn't see them, and my recollection is that
8 you were talking about three reports that are referred to in
9 the NSIRA report, the information management note, the IMU,
10 and I'm not sure what the fifth one was. Can you help me
11 with that?

12 **MR. MICHAEL CHONG:** Yeah. So the -- what was
13 previously reported was that there were two intelligence
14 products, one an issues management brief from May of 2021,
15 and a second intelligence assessment of July of 2021. What
16 the NSIRA report found was that there were three earlier,
17 much more important intelligence products that were brought
18 to the government's attention about the PRC's target -- PRC's
19 covert collection of information about me and my extended
20 family.

21 The NSIRA report did not indicate what kinds
22 of products these three earlier and more important products
23 were. It didn't indicate if they were intelligence
24 assessments or issues management briefs or other kinds of
25 intelligence products. It simply said that there were three
26 earlier, more relevant intelligence products that had been
27 sent to senior Ministers in the government.

28 **MR. BARNEY BRUCKER:** So the fifth document

1 would be the intelligence assessment that you talked about
2 that, if I understood you correctly, Director Vigneault had
3 read to you or a portion to you in your meeting of May 2nd,
4 2023.

5 **MR. MICHAEL CHONG:** That's correct.

6 **MR. BARNEY BRUCKER:** Okay. And did you --
7 were you given a copy of that document or ---

8 **MR. MICHAEL CHONG:** No, I was not.

9 **MR. BARNEY BRUCKER:** Okay. Can we look at
10 the IMU just for a moment. This is -- I'll be careful to
11 drop the zero -- CAN18796.

12 And while we're waiting, Mr. Chong, just that
13 this is the document that, I think, preceded the first
14 briefing you got from CSIS in June of 2021.

15 And I just -- we have it here now. If you
16 could scroll down, please. A bit more.

17 A bit more on page 2, sorry. I wasn't
18 watching. Keep going. There we go.

19 And this is -- I'm just going to paraphrase
20 this, and my time is short. This is notifying the people
21 that are the recipient of this note that CSIS are going to be
22 conducting defensive briefings to MPs, yourself and Mr. Chiu,
23 concerning FI threats by the People's Republic of China.

24 And if we go further down to the third
25 paragraph, I'm going to start in the -- no, keep going.
26 Sorry. The other way.

27 Chong has also been personally affiliated
28 with many efforts to highlight the PRC's threat activities

1 targeting Canada and Chiu is the MP of a riding of high
2 interest to PRC. CSIS' interest in the two MPs for multiple
3 PRC threat actors including the Ministry of State Security,
4 MSS. And then there's three subheadings there of what the
5 purpose of the briefing is going to be.

6 I suggest to you -- you can agree with me or
7 not -- that CSIS didn't need any authority to conduct these
8 briefings. They didn't need ministerial authority or
9 authority from anybody else. They can conduct a defensive
10 briefing under their own mandate. Do you agree with that?

11 **MR. GIB van ERT:** Sorry, Commissioner. Is
12 that not a legal question that's being asked to Mr. Chong?

13 **MR. BARNEY BRUCKER:** Well, I'm not asking him
14 -- he seems to have quite a bit of knowledge about the way
15 intelligence works and our agencies work, and I'm not
16 intending to ask it as a lawyer. I'm just asking for his
17 understanding as to whether or not he thought or believed
18 that the Minister required authority -- sorry, CSIS required
19 the authority of the Minister to provide these briefings.

20 **COMMISSIONER HOGUE:** With these nuances, I
21 think the question can be answered, yeah.

22 **MR. MICHAEL CHONG:** My understanding is that
23 CSIS had sought -- long sought approval for these defensive
24 briefings from the Prime Minister's Office and that that
25 approval had been denied until the PMO finally relented
26 around this time and allowed CSIS to begin briefing defensive
27 briefings with open information, non-classified information,
28 to MPs, beginning with me, and then subsequently other MPs in

1 the House of Commons.

2 **MR. BARNEY BRUCKER:** Okay. I'm suggesting to
3 you, sir, that all this note does is tell people that -- who
4 are the recipients of it, we're going to conduct some
5 briefings of these two MPs, and this is why, and in fact,
6 they did it.

7 **MR. MICHAEL CHONG:** Well, my understanding is
8 that the Clerk of the Privy Council first went to the Prime
9 Minister in December of 2019 with a broad action plan to
10 protect our democracy, including Parliament, from what CSIS
11 considered an existential threat of foreign interference from
12 the PRC. That approval was withheld.

13 The NSIRA went again in December of 2020
14 seeking approval, and that approval was withheld. But after,
15 from what I understand, a lot of pressure from the service,
16 PMO relented and allowed one element of that action plan to
17 proceed, which was the defensive briefings that began with my
18 briefing on June 24th of 2021.

19 **MR. BARNEY BRUCKER:** We've heard from Mr.
20 Blair here again -- or I expect we're going to hear from him,
21 as my friends indicated, that he did not receive this IMU.
22 But do you have any knowledge as to whether any of the other
23 named recipients on here did not get or did not receive?

24 **MR. MICHAEL CHONG:** I don't have any
25 information. I note that at the same time, there was an
26 application for a national security warrant that was withheld
27 from him for apparently 54 days at the same time. It just
28 seems like a lot of information was not getting to him during

1 that period of the first six months of 2021.

2 **MR. BARNEY BRUCKER:** Okay. I want to turn
3 now to ---

4 **COMMISSIONER HOGUE:** Mr. Brucker, your time
5 is -- you have used all your time, but I'm going to give you
6 a few minutes for asking final questions.

7 **MR. BARNEY BRUCKER:** Thank you. Thank you,
8 Commissioner.

9 I'm not usually this -- I don't usually go on
10 this long, so -- caught up in the excitement, I guess.

11 I'd like to move to the briefing that you
12 received on May 2nd. And counsel drew attention to document
13 12593_R01. This is memo to the Minister by the Director of
14 CSIS, and it was signed by then Public Safety Minister
15 Mendicino on the 18th of May, 2023.

16 And I'm just looking at page 1 when we get
17 it.

18 MS. ERIN DANN: And that's a CANDOC.

19 MR. BARNEY BRUCKER: Sorry, CANDOC.
20 I'll get this right by the time we're
21 through.

22 Okay. It's up there now. Scroll down a
23 little bit, please.

24 That's good.

25 The second bullet, Mr. Chong:

26 "At the direction of the Prime
27 Minister, the Service conducted an
28 exigent threat reduction measure in

1 the form of a classified briefing to
2 member of Parliament M.D. Chong."

3 That was the May 2nd briefing; correct?

4 **MR. MICHAEL CHONG:** That's correct.

5 **MR. BARNEY BRUCKER:** All right. And then if
6 we go down to the next bullet:

7 "I am also seeking your approval to
8 conduct a threat reduction measure to
9 reduce PRC threat by providing threat
10 briefing to other current MPs and
11 former MPs."

12 So it was suggested to you that -- I don't
13 know what it was suggested to you, but the fact that there
14 was on May 18th that this was written, I'm suggesting to you
15 that this is a forward-looking -- it doesn't apply to your
16 briefing. It applies to briefing of people who are coming
17 after you who are getting classified briefings; agreed?

18 **MR. MICHAEL CHONG:** This is not the
19 Ministerial Direction of May 18th, I don't believe.

20 **MR. BARNEY BRUCKER:** No, it is a memo to the
21 Minister that he signed on the 18th.

22 **MR. MICHAEL CHONG:** Oh, okay.

23 **MR. BARNEY BRUCKER:** It talks about, at
24 length, ---

25 **MR. MICHAEL CHONG:** Okay.

26 **MR. BARNEY BRUCKER:** --- about the briefing
27 you had, ---

28 **MR. MICHAEL CHONG:** Yeah.

1 **MR. BARNEY BRUCKER:** --- and the briefings
2 that are going to go to these other ---

3 **MR. MICHAEL CHONG:** Yeah, I -- the Minister
4 issued the Ministerial Directive in the aftermath of the May
5 1st reporting by the Globe and Mail.

6 **MR. BARNEY BRUCKER:** And just I wanted to ask
7 this. The information in the Globe and Mail that you say
8 when you had the briefing by the NSIA and Director Vigneault
9 May 2nd confirmed the information in the Globe and Mail.
10 What was that information? Do you recall?

11 **MR. MICHAEL CHONG:** Yes, two pieces of
12 information that were confirmed, with some nuance, was that
13 first there was a PRC accredited consular official in
14 Toronto, Mr. Wei Zhao, who was gathering -- covertly
15 gathering information about me to -- for future potential
16 targeting of my family, and secondly, that the Ministry of
17 State Security, which I mention because you had it in the
18 previous document on the screen, ---

19 **MR. BARNEY BRUCKER:** Yes.

20 **MR. MICHAEL CHONG:** --- the PRC's Secret
21 Service, had received this information.

22 **MR. BARNEY BRUCKER:** Okay. You have
23 mentioned, and I'm paraphrasing again from your stage two
24 interview summary, and somewhat of what you've said today, if
25 I understand you correctly, this procedure that we're in now
26 would have been better done, and should have been done, on
27 the floor of the House or in one of its committees? Is that
28 fair?

1 **MR. MICHAEL CHONG:** That's correct.

2 **MR. BARNEY BRUCKER:** Okay. And in that
3 milieu, the members of Parliament, whether they sit on
4 committee or in -- or exercising a parliamentary function in
5 the House, have parliamentary privilege, and arguably are not
6 bound by restrictions on classified information? Is that
7 fair?

8 **MR. MICHAEL CHONG:** That's correct.

9 **MR. BARNEY BRUCKER:** All right. And so then
10 ---

11 **COMMISSIONER HOGUE:** Me Brucker, it's going
12 to be ---

13 **MR. BARNEY BRUCKER:** Last question.

14 **COMMISSIONER HOGUE:** --- your last question.

15 **MR. BARNEY BRUCKER:** So then any member of
16 committee or any MP speaking in the House could disclose any
17 kind of information, whether it was classified or not, and by
18 doing so, it would be public?

19 **MR. MICHAEL CHONG:** Yeah, agreed. Such as
20 when the Prime Minister revealed highly classified, highly
21 sensitive information injurious to the conduct of
22 international relations when, in September of last year, in
23 2023, he revealed that the Republic of India was allegedly
24 behind an assassination here on Canadian soil by targeting a
25 Canadian, ---

26 **MR. BARNEY BRUCKER:** Yeah.

27 **MR. MICHAEL CHONG:** --- a Sikh Canadian, Mr.
28 Nijjar, in the Vancouver Lower Mainland. So that's an

1 example of the government releasing highly classified
2 information that affected the conduct of international
3 relations to the House of Commons.

4 **MR. BARNEY BRUCKER:** Well perhaps he'll talk
5 about that when he's here. Thank you.

6 **COMMISSIONER HOGUE:** Thank you.
7 Counsel for Mr. Chong, do you have any
8 questions?

9 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

10 **MR. GIB van ERT:** Thank you, Commissioner.
11 Just two points arising from the questions
12 that Ms. Rodriguez asked you.

13 I'll ask the Court Reporter to pull up
14 CAN.SUM.017, please. And it's paragraph 10, please. Thank
15 you. The last sentence.

16 Mr. Chong, you gave some evidence to the
17 Commissioner about this, and I just wanted to make sure that
18 I've understood your point.

19 So the last sentence in this paragraph says -
20 - it's referring to the *Vienna Convention on Consular*
21 *Relations and Diplomatic Relations*, and you'll recall that
22 you gave some evidence about covert collection of information
23 targeting you, for instance, or an MP. The last sentence
24 says:

25 "Only when this information is used
26 to undertake clandestine, deceptive,
27 or coercive actions does legitimate
28 diplomatic work become foreign

1 interference."

2 Do I understand you to be disagreeing with
3 that description of actions being the difference?

4 **MR. MICHAEL CHONG:** That's correct. That
5 sentence is inconsistent with the conclusions of the NSIRA
6 report dated from May -- dated December of 2020, which was
7 released by the government in December 2023, about the
8 government's global security reporting program. The
9 government has accepted the findings and recommendations of
10 that report. That report found that the covert collection of
11 information is a contravention of the principles of the
12 *Vienna Convention*. This sentence would seem to be
13 inconsistent with that report's findings and the government's
14 acceptance of that report.

15 **MR. GIB van ERT:** Thank you. And my second
16 point concerns your evidence to the Commissioner that
17 responsibility for national security is -- rests with the
18 Prime Minister or people that the Prime Minister designates.
19 And you mentioned the government's Open and Accountable
20 Government document.

21 And I'll just ask that that be pulled up.
22 That is MMC.26, please.

23 **--- EXHIBIT NO. MMC0000026:**

24 Open and Accountable Government 2015

25 **MR. GIB van ERT:** And what you told the
26 Commissioner in response to Ms. Rodriguez is that you
27 understood that that document says that the Prime Minister
28 has a unique responsibility for national security. I just

1 want to show you the passage and ask you if I've got it
2 straight.

3 So if you'll go, please, Court Operator, to -
4 - it's page 56 in the printed text. I'm not sure if that's
5 the page numbering in the PDF or not. We'll find out. The
6 56th page. So if you go to the bottom there? That's 43. So
7 scroll down a little further. Yeah, about nine pages more.
8 Yeah, we're nearly there. Thank you.

9 COMMISSIONER HOGUE: Here.

10 MR. GIB van ERT: I think it's a little
11 further down still.

12 COMMISSIONER HOGUE: This one -- this ---

13 MR. GIB van ERT: There we are. Under "The
14 Prime Minister's Functions and Powers". If you'll scroll up
15 a little more? There we are. Stop there. Thank you.

16 So it says:

17 "The Prime Minister, as the leader of
18 the political party that has the
19 confidence of the House of Commons,
20 is commissioned [...] to form a
21 government."

22 And it goes on and it says:

23 "The following principal functions
24 and exclusive powers of the Prime
25 Minister are essential..."

26 And then there's a bullet point list, and I'm
27 going to take you to the very last bullet, which is two pages
28 down. Page 58 of this document. There we are:

1 "As head of government, the Prime
2 Minister has special responsibilities
3 for national security..."

4 And it goes on. Sir, is that what you were
5 referring to when you spoke of unique responsibilities to Ms.
6 Rodriguez?

7 **MR. MICHAEL CHONG:** Yes, it was what I was
8 referring to. And I note that the words "special
9 responsibilities" are italicized for emphasis in this
10 bulleted paragraph.

11 **MR. GIB van ERT:** Those are my questions,
12 Commissioner.

13 **COMMISSIONER HOGUE:** Thank you.
14 Any re-examination?

15 **MS. NATALIA RODRIGUEZ:** None. Thank you,
16 Commissioner.

17 **COMMISSIONER HOGUE:** So thank you. We'll
18 break for lunch. We'll come back at 10 past 2:00.

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

20 The sitting of the Commission is now in
21 recess until 2:10 p.m.

22 --- Upon recessing at 12:50 p.m.

23 --- Upon resuming at 2:14 p.m.

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

25 This sitting of the Foreign Interference
26 Commission is now back in session.

27 The time is 2:14 a.m.

28 **COMMISSIONER HOGUE:** [No interpretation].

1 I think Mr. Ferguson, you're the one
2 conducting the examination this afternoon? And the next
3 witness is Ms. Kwan?

4 (SHORT PAUSE)

5 MS. JENNY KWAN: Good afternoon.

6 THE REGISTRAR: So can we affirm the witness?
7 All right. Ms. Kwan, could you please state
8 your full name and spell your last name for the record?

9 MS. JENNY KWAN: It is Jenny Kwan, K-W-A-N.

10 --- MS. JENNY KWAN, Affirmed:

11 THE REGISTRAR: Thank you.

12 Counsel, you may proceed.

13 MR. MATTHEW FERGUSON: Thank you.

14 --- EXAMINATION IN-CHIEF BY MR. MATTHEW FERGUSON:

15 MR. MATTHEW FERGUSON: Good afternoon, Ms.
16 Kwan. Madam Court Operator, can we pull up the document
17 WIT78.EN, please? So you see the document on the screen, Ms.
18 Kwan?

19 MS. JENNY KWAN: I do.

20 MR. MATTHEW FERGUSON: Okay. You were
21 interviewed by Commission counsel on July 18, 2024. Is that
22 correct?

23 MS. JENNY KWAN: That is correct.

24 MR. MATTHEW FERGUSON: A summary of that
25 interview was prepared by Commission counsel. Have you had a
26 chance to review the summary for accuracy?

27 MS. JENNY KWAN: I have.

28 MR. MATTHEW FERGUSON: Okay. And have you

1 had the opportunity to make corrections or changes to the
2 document?

3 MS. JENNY KWAN: I have.

4 MR. MATTHEW FERGUSON: And I understand you'd
5 like to make a correction today?

6 MS. JENNY KWAN: Yes, there's one line edit
7 that needs to be corrected. And in the reference related to
8 -- related to the contracting out of Canada's visa offices.

9 MR. MATTHEW FERGUSON: M'hm.

10 MS. JENNY KWAN: Actually, the word should be
11 subcontracted.

12 MR. MATTHEW FERGUSON: Okay. So let's just
13 try to find that paragraph.

14 MS. JENNY KWAN: If memory serves it
15 correctly ---

16 MR. SUJIT CHOUDHRY: Mr. Ferguson, it's
17 paragraph 24.

18 MR. MATTHEW FERGUSON: Thank you. Paragraph
19 24, thank you.

20 MS. JENNY KWAN: Yeah.

21 MR. MATTHEW FERGUSON: Okay. So let's go to
22 paragraph 24, and just so that everyone on the -- can follow,
23 there's a word that needs to be change to -- from contract to
24 subcontracted?

25 MS. JENNY KWAN: The third line on the page
26 said as it had been contracted out, it should be
27 "subcontracted".

28 MR. MATTHEW FERGUSON: Okay. So we'll take

1 note of that. Have you -- are there any other amendments or
2 changes you'd like to make at this time?

3 MS. JENNY KWAN: No.

4 MR. MATTHEW FERGUSON: Okay. We'll also be
5 tendering -- we don't have to show it on the screen but
6 WIT78.FR, which is the French translation of the interview
7 summary, which will both be entered into evidence.

8 --- EXHIBIT NO. WIT0000078.EN:

9 Interview summary

10 --- EXHIBIT NO. WIT0000078.FR:

11 French translation of interview
12 summary

13 MR. MATTHEW FERGUSON: Ms. Kwan, during your
14 evidence at the Stage 1 hearings, you mentioned that there
15 had been a seismic shift in your relationship with Chinese
16 community -- Chinese-Canadian community organizations and
17 associations, starting in 2019 when you became more vocal on
18 the issue of Hong Kong. Is that correct?

19 MS. JENNY KWAN: That's correct.

20 MR. MATTHEW FERGUSON: Can you just remind us
21 how that manifested itself; how you began to notice that
22 there was a shift in that relationship with those -- with
23 certain organizations?

24 MS. JENNY KWAN: Well, as the situation in
25 Hong Kong escalated, and with the national security law issue
26 coming to the forefront, I began participating at a variety
27 of different rallies. And I think one rally to which I
28 attended was a rally in front of the Chinese Consulate's

1 place, and where I stood on a flatbed truck to speak.

2 And that news sort of travelled and then
3 since then, you know, there were some changes in people's
4 behaviour towards me, to be sure. And a big change related
5 to that included, I think, the platforming activities where
6 investigations for me to attend community events had began to
7 decrease, and in fact over the years, quite drastically.

8 At the time I didn't quite notice it, but
9 now, in light of issues and concerns around foreign
10 interference activities, I'm noting as well that donations
11 have also shifted.

12 **MR. MATTHEW FERGUSON:** Okay. So you're
13 saying that in looking back in retrospect, you noticed the
14 change in the relationships started around the time or after
15 the time that you took part in a demonstration in front of
16 the Chinese Consulate?

17 **MS. JENNY KWAN:** I think that's -- I think
18 that's accurate. There are a number of different activities
19 that took place that led up to it.

20 **MR. MATTHEW FERGUSON:** Okay.

21 **MS. JENNY KWAN:** But for sure that was one
22 incident that I would note.

23 **MR. MATTHEW FERGUSON:** Okay. And you
24 mentioned the case of donations. What were you about to say
25 about that?

26 **MS. JENNY KWAN:** Well, some donations
27 disappeared from various individuals, and in some cases some
28 of those individuals' donations were fairly consistent. And

1 then, all of a sudden, after a period of time, and
2 particularly noting 2019, some of those donations ended.

3 **MR. MATTHEW FERGUSON:** Okay. And you
4 mentioned something during your Stage 2 interview that you
5 were recently informed that the PRC Consulate in Vancouver
6 had issued an edict against you. Can you speak a bit more
7 about that?

8 **MS. JENNY KWAN:** Yes. I was attending a
9 community event, and at that community event I also had my
10 staff there. And per usual in these events you try to talk
11 to the different community members, and that's part of the
12 engagement that's important with those events.

13 So this individual had a lengthy conversation
14 with my staff, and it was communicated to him that in the
15 business community they'd been advised that they should --
16 they should stop the engagement with me.

17 **MR. MATTHEW FERGUSON:** Okay. And was this a
18 conversation you had directly with an individual, or this was
19 reported to you?

20 **MS. JENNY KWAN:** It was reported to me.

21 **MR. MATTHEW FERGUSON:** Okay. And when was it
22 reported to you?

23 **MS. JENNY KWAN:** Shortly after the event,
24 that evening I was advised that this conversation had taken
25 place, and so it was that day.

26 **MR. MATTHEW FERGUSON:** And was there any
27 information as to when that edict would have been issued or
28 that directive would have been issued?

1 **MS. JENNY KWAN:** No specific date was given,
2 per se, and we were trying to discern in and around what
3 period that might have occurred. But we did not receive a
4 specific date, per se.

5 **MR. MATTHEW FERGUSON:** Okay. And have you
6 noticed anything going forward or looking back
7 retrospectively after receiving that information as to
8 people's or certain conduct around you?

9 **MS. JENNY KWAN:** Yeah, so I went back to look
10 at the invitations, for example, because part of the
11 platforming activities, I think, involved invitations to
12 community events. So we printed out the invitations over the
13 years and just to sort of see the volume of it, to see what
14 it looked like. And we noticed that from 2015, was when I
15 was first elected, federally, comparing to that year to now
16 there's absolutely a significant decrease in invitations.
17 And I would say to the tune of about maybe a quarter, a third
18 at best, of the invitations I'm now receiving.

19 **MR. MATTHEW FERGUSON:** Okay. And so you've
20 noticed a significant decrease in invitations to events
21 hosted by certain groups and associations. But there are --
22 still are some invitations; correct?

23 **MS. JENNY KWAN:** That is correct. There are
24 still that are coming through, but there are some that are
25 definitely has ended. Whereas before, those organizations
26 would fairly regularly invite me to attend community events.

27 **MR. MATTHEW FERGUSON:** Okay. You also
28 mentioned during this -- your Stage 2 interview in July that

1 you're sometimes faced with a dilemma over which events in
2 the Chinese-Canadian community that you're invited to attend.
3 Can you speak to that?

4 **MS. JENNY KWAN:** So in light of the
5 information that's come forward around foreign interference,
6 and in light of the fact that I am a target, and I have been
7 advised that I am a evergreen target, and then in light of
8 the fact of the -- from the reports that's come out, for
9 example, the NSICOP report that speaks to proxies and so on,
10 I've become quite vigilant in trying to figure out the
11 landscape around me. And, you know, there are, for example,
12 no United Front department organizations, and when you
13 receive invitations from those organizations that might be
14 engaged in foreign interference activities, the question then
15 becomes do you attend those events or not? And it is a huge
16 conundrum for me because, on the one hand, there's some good
17 work that's being done in the community by these
18 organizations. It is also an opportunity as an elected
19 official for me to engage with the community as well. But if
20 you do go, and if they are, for example, engaged with foreign
21 interference activities, am I then validating them? Am I
22 being a semi-witting participant in that process?

23 So you know, these are important questions,
24 at least in my head, and it is a huge conundrum. And I --
25 you know, I often struggle with trying to determine what is
26 the right thing to do.

27 And so I've landed on making the
28 determination on a case-by-case basis and what the event is

1 about, and how it is relevant to the community, as an
2 example. And I would say that supporting community
3 initiatives that I have advocated for, strongly support, or
4 you know, that amplifies my own natural heritage, as an
5 example, in the context of Canada's multicultural mosaic, I
6 think those are important events to go to.

7 And so it's -- you know, on the other hand,
8 I've made a decision not to attend the celebration of the
9 PRC's anniversary, you know. And so those are tough
10 decisions to make, and difficult decisions for me because I
11 don't want to be unwittingly or seen to be semi-wittingly
12 validating potential organizations who might be engaged in
13 foreign interference activities.

14 **MR. MATTHEW FERGUSON:** Okay. I might have a
15 couple of follow-up questions there. You mentioned that
16 there was this dilemma that you faced in attending these
17 events. When did this -- when did you start questioning
18 whether you should attend these events or not? ...

19 **MS. JENNY KWAN:** Really, after I've been told
20 that I'm a target and sort of, you know, really been warned
21 about that.

22 **MR. MATTHEW FERGUSON:** Okay. And when you
23 say you learned that you were a target, that's -- are we
24 referencing the briefing that you received from CSIS in May
25 2023?

26 **MS. JENNY KWAN:** That is correct.

27 **MR. MATTHEW FERGUSON:** Okay. And the other
28 thing that you mentioned, too, is that you mentioned that

1 some organizations or associations are known to have ties to
2 United Front Work Department. What is the source of -- when
3 you say that they're known to, what's the source of your
4 information in regards to that?

5 **MS. JENNY KWAN:** It's generally information
6 in the public domain, and at no point did I receive
7 confirmation from any officials to tell me that such-and-such
8 organization is a United Front Work Department organization
9 so you kind of just have to exercise your best judgment
10 because there's no clarity on any of that. And one thing
11 that would be useful and helpful, I think, for
12 parliamentarians is for us to have some clarity and guideline
13 on how we should conduct ourselves.

14 **MR. MATTHEW FERGUSON:** Okay. So when you're
15 referring that there -- you're not receiving this information
16 from official sources, this is more word on the street or
17 word in the community, in a manner of speaking?

18 **MS. JENNY KWAN:** Yes. You know, word on the
19 street, word in the community, some of the reporting in the
20 media. Sometimes you just sort of observe those
21 organizations and their activities and you sort of try to
22 come to some general perspective related to it.

23 **MR. MATTHEW FERGUSON:** And some -- you also -
24 - the activities of some of the organizations like stances
25 that they'll take publicly?

26 **MS. JENNY KWAN:** Correct.

27 **MR. MATTHEW FERGUSON:** Okay. And you
28 mentioned that you no longer attend the PRC Day celebrations.

1 When did you stop attending that?

2 **MS. JENNY KWAN:** Again, after I realized and
3 had been informed that I am a target, and an evergreen
4 target, of the PRC.

5 **MR. MATTHEW FERGUSON:** Okay. I'm going to
6 show you a document. I'll call up a document CAN037690_1.

7 And if we can scroll -- if we go to the
8 second page just to identify the document. Okay, right
9 there.

10 This is a document dated February 2024. It's
11 a "SITE Threat Assessment of Foreign Interference Threats to
12 Canadian Democratic Institutions" that was recently made
13 available to the Commission. It does contain some
14 redactions, and it refers to the doc covers SITE observations
15 of foreign threat actors' intentions and activities relating
16 to foreign interference since GE44 in September 2021 and
17 activities prior to September 2021, at which SITE became
18 aware.

19 Ms. Kwan, I'm going to refer you to an
20 excerpt on page 3, which is -- I think it's bullet number --
21 it's point number 8.

22 Have you seen this document before today?

23 **MS. JENNY KWAN:** Yes, I have.

24 **MR. MATTHEW FERGUSON:** Okay. I presume
25 fairly recently?

26 **MS. JENNY KWAN:** Yes.

27 **MR. MATTHEW FERGUSON:** Okay.

28 **MS. JENNY KWAN:** Yesterday.

1 **MR. MATTHEW FERGUSON:** Okay. So this -- the
2 paragraph 8, "Mobilizing and leveraging community
3 organizations".

4 And I'll ask you just to take notice of that
5 paragraph that refers to local community networks as a key
6 vector facilitating foreign interference activities and
7 whether this is consistent with what you've experienced, what
8 you've observed or what you've heard.

9 **MS. JENNY KWAN:** Well, I would say that in
10 terms of a direct experience -- like can I say that I have
11 been directly impacted? Do I have evidence to indicate that?
12 And I guess that's what part of this work is important to do,
13 and then where there might be situations or occurrences where
14 I'm wondering whether or not it is foreign -- it might be a
15 foreign interference activity, and that will be important for
16 the various officials and departments to engage in examining.

17 So to that end, I think that it's fair to say
18 that I have some suspicion of these activities, and that
19 might be impacting me. However, I can't say definitively,
20 necessarily, that that is what is occurring.

21 **MR. MATTHEW FERGUSON:** So you don't have any
22 direct evidence of it -- of what's being -- of activities
23 that are targeting you particularly.

24 **MS. JENNY KWAN:** No, other than just my
25 observations.

26 **MR. MATTHEW FERGUSON:** Okay.

27 **MS. JENNY KWAN:** But I think might be
28 related.

1 **MR. MATTHEW FERGUSON:** Okay. We could take
2 the document down from the screen. I will come back to it a
3 bit later.

4 Ms. Kwan, you've been an MP -- you've been in
5 political life for a very long time. You've been an MP since
6 2015, so a member of Parliament since 2015. And as you
7 mentioned during your interview at Stage 2, I understand that
8 you are not aware of any incidents involving the use of
9 either clandestine networks surrounding MPs or the use of
10 political staffers as proxies.

11 **MS. JENNY KWAN:** That's correct.

12 **MR. MATTHEW FERGUSON:** Okay. Are you aware
13 of any cyber threat activity against you as an MP?

14 **MS. JENNY KWAN:** No, I'm not aware of it.
15 Some of the issues that have surfaced, for example, related
16 to a platform, the WeChat platform, as an example. After I
17 was elected, my office did sign up for WeChat, but then,
18 after a period of time, it was brought to our attention that
19 some of the postings that we had put up has been taken down,
20 unbeknownst to us, and then at that point we realized that we
21 were being censored. And then at that point we stopped using
22 that platform.

23 **MR. MATTHEW FERGUSON:** And when was that,
24 roughly, when you noticed that or you became aware that some
25 of your -- the posts that you were putting on WeChat were
26 censored?

27 **MS. JENNY KWAN:** So we signed up for WeChat -
28 - it took us quite a while to actually set up our office, and

1 I think we signed up for it in 2017. And so things were kind
2 of just moving along.

3 And then in 2019, we then took down -- we
4 stopped using it because it was in or around that time that
5 we were informed -- that we learned that some of the postings
6 that we would put up has been taken down.

7 **MR. MATTHEW FERGUSON:** Okay. And what were
8 the -- what was the nature of the postings that you were --
9 what was the nature of the content that you were posting that
10 you realized was being taken down?

11 **MS. JENNY KWAN:** Some of them were related to
12 the commemoration of the Tiananmen massacre and its
13 anniversary time. Some of them were related to the umbrella
14 movement, the Hong Kong pro-democracy movement, and things of
15 that nature.

16 **MR. MATTHEW FERGUSON:** If I turn now to -- if
17 I come back to the document that I -- we called up before,
18 CAN037690_1.

19 Go to page 5 of the document.

20 (SHORT PAUSE)

21 **MR. MATTHEW FERGUSON:** A bit lower. No,
22 sorry. It's higher.

23 There's a discrepancy between the page number
24 and the PDF. Can we just go up to page 5 of the PDF?

25 So keep scrolling up, please.

26 Okay. Stop there.

27 Forgive me. I'm looking for an excerpt from
28 the document that states that:

1 "Political parties, candidates and
2 their staff continue to be targeted
3 by cyber threat attack. However,
4 this will likely take the form of
5 cyber espionage, disinformation and
6 deep fakes in the future."

7 It's actually paragraph 12 right there on the
8 screen, the last line.

9 I'm just wondering, Ms. Kwan, because you
10 mentioned you removed WeChat, how are you guarding against
11 cyber activity as an MP?

12 **MS. JENNY KWAN:** Well, to be truthful, if
13 they are such activities taking place, let's say, on the
14 WeChat platform, I wouldn't know it because we don't pay --
15 we're not paying attention to it. We're not active on that
16 platform any more. So I would have to be reliant on
17 government officials, hopefully, who might be observing this
18 to inform.

19 **MR. MATTHEW FERGUSON:** Okay. So because you
20 don't have sight or any visibility on what's going on on
21 WeChat, you have no way to know what's being mentioned about
22 you on that forum.

23 **MS. JENNY KWAN:** That's correct. I would
24 have no way of knowing.

25 **MR. MATTHEW FERGUSON:** Okay. How are you
26 guarding in general on misinformation or disinformation that
27 may be spread about you online?

28 **MS. JENNY KWAN:** If we happen to catch it,

1 then we would try to respond to it. Sometimes they -- it
2 could be that there's misinformation or disinformation that
3 catches the attention of the media and they would come and
4 inquire about it or get me to comment about it. You know,
5 those would be sort of the means to which we'd go about it.

6 Sometimes there could be community members
7 who say, "Hey, by the way, did you know such and such?" which
8 was how we found out that some of our postings were taken
9 down. So you're kind of reliant on these sort of *ad hoc* type
10 sources.

11 **MR. MATTHEW FERGUSON:** Okay. And are you
12 aware of the supports that you're receiving as a member of
13 Parliament from the House of Commons or any other public
14 sector department?

15 **MS. JENNY KWAN:** Supports in terms of
16 security support?

17 **MR. MATTHEW FERGUSON:** Yeah.

18 **MS. JENNY KWAN:** Yes. We do have the House
19 of Commons security services, so Sergeant at Arms, as an
20 example, that provides support to members of Parliament.

21 **MR. MATTHEW FERGUSON:** And do you receive
22 supports, you know, for guarding against cyber threat
23 activity from your political Party?

24 **MS. JENNY KWAN:** No.

25 **MR. MATTHEW FERGUSON:** Okay. During your
26 Stage 2 interview, you also mentioned that social media
27 platforms used widely within the Chinese diaspora communities
28 were of particular concern to you. Do you remember making

1 that -- referring to that?

2 **MS. JENNY KWAN:** Yes.

3 **MR. MATTHEW FERGUSON:** You expressed
4 particular concern about TikTok.

5 **MS. JENNY KWAN:** Yes.

6 **MR. MATTHEW FERGUSON:** Okay. What's your
7 main concern about TikTok?

8 **MS. JENNY KWAN:** Well, the -- first and
9 foremost, TikTok is operated by a company that has to be out
10 of China. And because the way in which it is structured, if
11 you are a company operating out of China, you are required to
12 follow the laws and regulations and rules of China. And in
13 that instance, that would mean that the company would have to
14 be allow for access to their information from the Chinese
15 government. It would mean that even in their management role
16 and operation of their company, they would actually have to
17 allow for a Chinese government representative to be in a
18 significant position within the organization.

19 So that's my first concern with respect to
20 that entire structure.

21 And of course, we know that with this -- with
22 TikTok and with this particular platform, it is about
23 gathering data and to the point where in -- you know, it --
24 it's a variety of different data about the user, and all of
25 that could be collected and be used in any way by the Chinese
26 government. So I'm deeply concerned about the use of TikTok.

27 **MR. MATTHEW FERGUSON:** I'll pull up a
28 document, Madam Court Reporter, CAN004358_1.

1 Okay. And if we just -- yeah. If we could
2 stay right there right now.

3 So this is an analytical brief from the
4 Canadian Security Intelligence Service with the topic heading
5 "TikTok's" -- there are redactions -- "access to western
6 data" dated December 30th, 2022. This is a document that was
7 recently made available to the Commission, and it contains
8 redactions.

9 Now, it begins, if we just -- we could stay
10 there. It begins with the opening paragraph that:

11 "TikTok, the People's Republic of
12 China's first western-centric social
13 media application, has potential to
14 be exploited by the PRC government to
15 bolster its influence and power
16 overseas, including in Canada. The
17 highly addictive short video
18 application owned by PRC's Bit
19 Byte(sic), allows [redaction] access
20 to sensitive user data."

21 There are redactions.

22 "Despite assurances to the contrary,
23 personal data on TikTok users is
24 accessible to China."

25 Does this document come as a surprise to you,
26 Ms. Kwan?

27 **MS. JENNY KWAN:** It does not come as a
28 surprise because that's -- I share those concerns, and that's

1 one of the reasons why I feel quite strongly that we need to
2 take more proactive action in relation to TikTok.

3 **MR. MATTHEW FERGUSON:** Okay. If we go to
4 page 2 of the document.

5 And just in the middle there. Yeah.

6 So there's a paragraph in the middle that's
7 quite redacted, but what's not redacted is:

8 "TikTok has access to a significant
9 amount of user data that contains
10 sensitive personal information."

11 And we can move on to page 3, right there, at
12 paragraph 6. The point 6 is:

13 "Open source reporting indicates that
14 western data is accessible to China.
15 While ByteDance claims that TikTok
16 user data is stored in the United
17 States and Singapore (not in China),
18 ByteDance's servers are all located
19 in China and TikTok's source code
20 itself contains some underlying basic
21 functionalities of ByteDance's other
22 products, including its Chinese
23 equivalent, Douyin. An internal
24 company document from ByteDance's
25 internal audit and risk control
26 department confirms that data stored
27 on servers located outside of China
28 is also possibly retained on Chinese

1 based servers."

2 This may be a rhetorical question, Ms. Kwan,
3 but does this assessment serve to confirm or rebut your
4 concerns with -- about TikTok?

5 **MS. JENNY KWAN:** Well, I think this document,
6 this information confirms my fears about TikTok. And what
7 I'm worried about is that the general public do not know
8 about this. And what I'm even more concerned about is that
9 the government may well be, or government agencies is aware
10 of this, and if they are not, they should be, and the
11 question then becomes what action are they going to take to
12 protect the Canadian public.

13 **MR. MATTHEW FERGUSON:** Okay. And if we
14 continue, I think it's -- the document also goes on a bit
15 further to say that the assessment dated --

16 "...which is dated December 30, 2022,
17 notes that few states have outright
18 banned TikTok, but the Federal
19 Communications Commission in the U.S.
20 has strongly recommended banning it
21 altogether."

22 We know approximately two months after this
23 document was created -- we see this document dated December
24 30th, 2022 -- that the Government of Canada banned TikTok on
25 its government-issued mobile devices and the House of Commons
26 has also banned the app on its devices. Is that correct?

27 **MS. JENNY KWAN:** That is correct. But in my
28 estimation, that's deficient because not everyone -- the

1 general public, of course, do not use government devices, and
2 so -- but even potentially members of Parliament have
3 personal devices and their loved ones, extended family
4 members, might have other devices. But the general public do
5 not have this protection, and -- but yet the potential risks
6 associated with it does not disappear just because the
7 government said, "Please don't use government devices".

8 **MR. MATTHEW FERGUSON:** Okay. So I guess it's
9 fair to say that you don't have TikTok on your personal
10 devices?

11 **MS. JENNY KWAN:** I do not.

12 **MR. MATTHEW FERGUSON:** Okay. Do you have a
13 personal view or official view on this ban?

14 **MS. JENNY KWAN:** Well, I do have a personal
15 view on it. I actually think that Canada should be proactive
16 in taking action in light of what we know and in light of the
17 risks for national security and the protection of individual
18 Canadians. We should be, as a first step, I think,
19 initiating to ensure that this data and that this company is
20 Canadian owned. The United States have undertaken to do that
21 work and I think that's the initial step.

22 But there's a larger question, and I'm not an
23 expert on this, by no means, and, you know, in terms of
24 transport of data across the border. You know, that should
25 not be allowed, and especially to countries that are
26 dictatorships ---

27 **MR. MATTHEW FERGUSON:** Okay.

28 **MS. JENNY KWAN:** --- and might be using that

1 information in a nefarious way.

2 **MR. MATTHEW FERGUSON:** So do I understand
3 you're not calling for an outright ban, but you're calling
4 for action, for example, something that would be akin to
5 selling TikTok to a Canadian -- or TikTok's subsidiary in
6 Canada to a Canadian company?

7 **MS. JENNY KWAN:** I think that would be a
8 first step to undertake for sure. The question is, if you
9 ban TikTok, for example, then will there be another platform
10 that is like TikTok that will surface? And then what do you
11 do; right? So then you have to think about actions that you
12 can take that will protect Canadians and to minimize that
13 risk. And so that first step is making sure that it's
14 Canadian owned, and the second step is the -- I think the
15 transporting across border of the data itself, and then of
16 course there needs to be a large public education campaign so
17 people know what is at risk, because if you talk to most
18 people, they will have no idea. And frankly, before all of
19 this, I wouldn't know either. Not that I -- mind you, I've
20 never used TikTok, for other reasons, but I wouldn't know
21 either, until now, when I started to read up on it, and learn
22 more and more about it, and the more I learned, the more
23 disturbed I am and more shocked I am, and the more urgent I
24 think it becomes for the Canadian Government to take action.

25 **MR. MATTHEW FERGUSON:** Okay. I'll move on to
26 another topic, which is the -- your reaction to the NSIRA
27 NSICOP report that you mentioned that since they were
28 produced or released, that they've cast a cloud of suspicion

1 on parliamentarians. Do you remember making that statement?

2 MS. JENNY KWAN: I do.

3 MR. MATTHEW FERGUSON: Okay. And can you
4 give us a personal example of the consequences of that
5 suspicion, or that cloud of suspicion that you mentioned has
6 been cast over parliamentarians? How has that manifested
7 itself? How have you seen that in action?

8 MS. JENNY KWAN: Yes, to give a very specific
9 example, in -- prior to the summer recess -- there are always
10 protests going on in and around the House of Commons -- and I
11 was coming out of Committee one day and -- sorry, I was
12 coming out of the House of Commons walking to Committee one
13 day and there was a crowd of protesters walking by, and this
14 is right, you know, in and around the period when these
15 reports came out, and people were, you know, jeering at
16 parliamentarians, myself included, and saying, you know, "You
17 traitor, you traitor." One of them noted a small daisy
18 tattoo on my ankle and began saying, "Is that a sign? Is
19 that a symbol? Is that a signal?" And it's this kind of
20 mentality that's sort of going on.

21 Now, that's a direct experience that I had,
22 but more to the point is that whenever you cast a cloud of
23 suspicion over Parliament, the entire Parliament suffers and
24 the integrity of the Parliament is in jeopardy.

25 And of course, if you think about it in the
26 context of foreign interference, I think that's exactly what
27 some of those actors want to do, to actually undermine our
28 democratic institutions and the elected representatives and

1 parliamentarians in that way, to sow distrust and chaos into
2 our system.

3 And so -- and I think that's one of the
4 outcomes of the NSICOP report and the NSIRA report, and
5 especially when we don't know who they're referring to,
6 because no names have been mentioned, so that means all 338 -
7 - although I guess that number is a little bit different
8 because of the by-elections, but generally speaking, we're
9 talking about 338 members of Parliament.

10 **MR. MATTHEW FERGUSON:** Okay. You've also
11 asked your party leader, Mr. Jagmeet Singh, to request from
12 the Canadian Government that you be granted a top secret
13 security clearance for you to review the classified version
14 of the report. Is that correct?

15 **MS. JENNY KWAN:** That is correct.

16 **MR. MATTHEW FERGUSON:** Okay. And you were
17 recently informed that the Government declined to bring you
18 through that process of giving you a top secret security
19 clearance; correct?

20 **MS. JENNY KWAN:** That's correct.

21 **MR. MATTHEW FERGUSON:** And they mentioned
22 also that -- or you were informed that even if you had a top
23 secret security clearance, that they would not provide access
24 to the report based on the need-to-know principal; correct?

25 **MS. JENNY KWAN:** That is correct.

26 **MR. MATTHEW FERGUSON:** Okay. Why do you
27 believe it's important for you to access the report
28 personally? Why do you need to know?

1 **MS. JENNY KWAN:** Well because I'm a target
2 and because I'm a parliamentarian. I think that it breaches
3 our privilege as parliamentarians. I think it's important
4 for parliamentarians to have their right for protection and
5 also the right to be warned of foreign interference
6 activities.

7 If we do not know -- as an example, if you
8 were an unwitting participant in this, and if you're not
9 warned about it and you don't know that this is happening,
10 and no one has told you, then you'll carry on business as
11 usual, thinking that everything is fine, when it isn't.

12 You know, if you are, on the other hand, a
13 willing participant in foreign interference activities, then
14 there needs to be accountability. It can't be that we just
15 turn a blind eye and carry on again business as usual,
16 because we swore an oath and part of that oath is our
17 commitment to Canada. But if you, in the course of your work
18 as a member of Parliament, you are actively, willingly,
19 intentionality, wittingly, collaborating and working with a
20 foreign state or country to undermine our democratic
21 institutions or our processes, that has to be to be dealt
22 with. There has to be accountability.

23 And so I think it is absolutely critical that
24 there be a process that's established to address this.

25 **MR. MATTHEW FERGUSON:** But you also
26 acknowledge that the report is based on intelligence and not
27 evidentiary findings; correct?

28 **MS. JENNY KWAN:** That is correct. This is

1 about intelligence, so it's not evidence, per say.

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

3 **MS. JENNY KWAN:** But at the same time, of
4 course we are politicians, and so we're also judged
5 differently and we also have a different standard to which we
6 have to meet, I think. And so there is that distinction.
7 But I believe that there is a way to disclose the names of
8 these individuals without -- with keeping in mind of national
9 security, and due process, and also strike that balance for
10 transparency and accountability.

11 **MR. MATTHEW FERGUSON:** You believe there's a
12 way for doing that?

13 **MS. JENNY KWAN:** I do.

14 **MR. MATTHEW FERGUSON:** Okay. I will -- my
15 time is limited with you, but I will move on to another area,
16 which is the Foreign Influence Transparency Registry. I want
17 to -- so this is something that you've mentioned that you've
18 been lobbying for the introduction of such a registry. And
19 since the last stage or round of our hearings, not only was
20 there legislation that was tabled, but it's been adopted by
21 the House -- by Parliament.

22 Prior to that, to the introduction and
23 adoption of the Act respecting countering foreign
24 interference, which provides for a Foreign Agent Transparency
25 Registry, you had sponsored an E-Petition, E-4534, to the
26 House of Commons calling for the setting up of a Foreign
27 Influence Transparency Registry. Do you remember that?

28 **MS. JENNY KWAN:** I do.

1 **MR. MATTHEW FERGUSON:** That petition
2 contained a preamble which expressed deep concern about using
3 the issue of the *Chinese Exclusion Act*, as it was known, of
4 1923, to undermine the government proceeding with a Foreign
5 Influence Registry, and warning against conflating that
6 racist Act with a registry aimed at those lobbying on behalf
7 of foreign governments, and also using anti-Asian racism as a
8 shield to distract from action required to protect Canadian
9 democracy. Do you remember those -- that roughly -- I'm
10 paraphrasing, but do you remember that preamble to that
11 petition?

12 **MS. JENNY KWAN:** I do.

13 **MR. MATTHEW FERGUSON:** Okay. What was your
14 motivation in sponsoring that particular petition?

15 **MS. JENNY KWAN:** A, because I wanted to see
16 the registry in place ---

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

18 **MS. JENNY KWAN:** --- before the next
19 election. I think it's absolutely critically that it is
20 operational before the next election.

21 And with the preamble, I think it's really
22 also important to point out that there are individuals who
23 are trying to conflate the issue of the registry and somehow
24 making it as a racist law and comparing it to the *Exclusion*
25 *Act*. The *Exclusion Act* is a racist law because it targeted
26 the Chinese people explicitly and said that they were
27 excluded from coming to Canada. That was a racist law and
28 there's no question about it.

1 But Bill C-70, the registry, it is not that.
2 The registry applies to everyone in Canada. In fact, it is
3 quite the opposite. It is set up to protect all Canadians
4 regardless of their race.

5 And so for those who are trying to conflate
6 the issues and to hype up the fears that Chinese-Canadians
7 have because of the history of Canada's laws, I think they're
8 race baiting. I think it is shameful to do that. And so it
9 is important to point that out, and so that the Canadian
10 public will know, and hopefully the difference, and that the
11 registry is meant to protect Canada and meant to protect all
12 races, no matter who you are and where you come from.

13 **MR. MATTHEW FERGUSON:** Okay. And do you
14 think, based on that initial outcry and the criticisms that
15 were directed against the adoption of such a registry, that
16 there's a need for better public education about the
17 registry?

18 **MS. JENNY KWAN:** Absolutely. I think that
19 there needs to be extensive public education about the
20 registry, and then once we have the details around its
21 implementation, for the public to know, because what we don't
22 want, of course, is to instill fear for no good reason in the
23 hearts and minds of the Canadian public.

24 What we also want people to know is to make
25 sure that their activities do not violate the Act. And so
26 they need to understand exactly what that means and how it
27 would apply. And so that public education process I think is
28 really, really critical and I think it needs to be ongoing.

1 It is not a one-time activity and it needs to be multilingual
2 to meet all the communities' needs in Canada.

3 **MR. MATTHEW FERGUSON:** Okay. And I'm running
4 out of time, but I have two -- actually, one question and
5 then a very general at the end, but the -- during your July
6 interview, you made a point of stating that you are not anti-
7 China. Can you elaborate on this and why that was important
8 to mention and stress?

9 **MS. JENNY KWAN:** Yes. Because I think that
10 some people might construe the notion that I'm raising my
11 concerns around foreign interference activities because
12 somehow, I am anti-China. But when we raise these issues,
13 when Bill C-70 is brought to light, it is not targeted at
14 China per say, nor Chinese people, or Chinese-Canadians. It
15 is about the practices of the regime that's taking place when
16 I raise human rights issues, the situation with Hong Kong and
17 the violation of the National Security Law, it's the regime's
18 determination in bringing forward the National Security Law
19 that violates basic human rights and taking away Hong
20 Konger's basic rights. That's what I'm opposed.

21 So -- and there are activities that I have
22 engaged in previously that the Chinese Government, I assume,
23 would like, and would like very much. Such as, for example,
24 my advocating for Nanjing Massacre Commemoration.

25 **MR. MATTHEW FERGUSON:** M'hm. And so I guess
26 on this last point, can you -- is there anything else that
27 I've not discussed with you today that you'd like to discuss
28 with the Commission?

1 **MS. JENNY KWAN:** There are, I think, a few
2 things that I would like to bring up.

3 I think that what's really important for us
4 to engage in, and I hope -- I'm hoping that the Commission
5 will provide guidance in this regard in its final report. In
6 my view, what's happening right now with the situation is
7 that our structures is not working, in terms of the
8 government's structures on how to deal with foreign
9 interference activities. A, it's not taking it seriously.
10 We actually really have to catch up with other jurisdictions.

11 And then the other thing too is that we need
12 an independent structure, one that is accountable and
13 divorced from politics. One that will actually take the lead
14 to drive actions that need to be taken to protect Canada's
15 national interest.

16 I also think that there are road blockers in
17 the way. In reading the NSIRA report, I was really disturbed
18 by the timeline and how things flowed. There were three
19 incidences, at least, where intelligence products either was
20 significantly delayed in reaching the Prime Minister, or not
21 at all.

22 So in the report, Case 1, it cites of a PRC
23 foreign interference activity for an election candidate.
24 That information was delayed in reaching the Prime Minister
25 by 16 months. That cannot be acceptable. And why did that
26 result? How is it possible that that delay happened?

27 Then you have another situation in that
28 report where they cited the targeting paper, and that

1 targeting paper did not reach the Prime Minister at all
2 either.

3 And then even though it was revised at the
4 request of the NSIA, the National Intelligence Security
5 Advisor to the Prime Minister, it still did not reach the
6 Prime Minister.

7 And then in addition, the report, the special
8 report that was done by the PCO, that too did not reach
9 Cabinet or the Prime Minister.

10 And who ran interference with all of that?
11 It was the NSIA. And to me, that needs to be dealt with,
12 because the NSIA does not exist to be a gatekeeper for
13 intelligence products to reach the decision makers and should
14 not also be the editor of these products, to which, in
15 reading that report, the NSIA acted in both of those realms
16 in that way.

17 And so I think that's really important to
18 note as well.

19 I have other things to raise, but I know that
20 we're out of time, so I will pause here.

21 **MR. MATTHEW FERGUSON:** Thank you, Ms. Kwan.

22 **COMMISSIONER HOGUE:** Thank you.

23 So we'll start the cross-examination right
24 away. I think it's you, [no interpretation].

25 **M. SÉBASTIEN LAFRANCE:** [No interpretation].
26 We have no questions. The OCCE has no questions.

27 **COMMISSIONER HOGUE:** No questions?

28 **MR. SÉBASTIEN LAFRANCE:** Thank you.

1 COMMISSIONER HOGUE: Thank you.

2 Then it means the next one is the Concern
3 Group.

4 --- CROSS-EXAMINATION BY MR. NEIL CHANTLER:

5 MR. NEIL CHANTLER: Good afternoon, MP Kwan.

6 MS. JENNY KWAN: Good afternoon.

7 MR. NEIL CHANTLER: It's Neil Chantler,
8 counsel for the Chinese Canadian Concern Group.

9 Ms. Kwan, you've been an elected official for
10 over 30 years at all levels of government. You're very
11 active in your community, in your riding, Vancouver East,
12 which does include North America's largest China Town.
13 Nearly half of your riding's residents are immigrants to
14 Canada and a quarter are of Chinese background.

15 You've touched on this a little in your
16 evidence already today, but how are your constituents
17 reacting, themselves, to news that there are parliamentarians
18 who are willing participants in the efforts of foreign states
19 to interfere with our democracy?

20 MS. JENNY KWAN: I think in general, people
21 are shocked to hear that, are disturbed, and deeply concerned
22 that there may be parliamentarians who are wittingly
23 collaborating with foreign states to undermine Canada's
24 democratic institutions and processes.

25 R. NEIL CHANTLER: And is this impact
26 particularly significant for members of the Chinese
27 community?

28 MS. JENNY KWAN: I think that for the

1 Chinese-Canadian community, there's general knowledge about
2 some of these activities taking place, but I would not say
3 that there is -- it's not deeply engrained in their way of
4 thinking each and every day. I would not say that. There
5 are some pockets of Chinese-Canadian community members who
6 are deeply concerned, and those tend to be, for example, are
7 individuals who are very active and engaged in the pro-
8 democracy movement for Hong Kong, let's say, or human rights
9 activism, as an example.

10 And there are some -- and I raised this in my
11 previous testimony, where some individuals, in particular the
12 seniors, where they read the news about my participation in
13 rallies and different things like that, where I think they
14 fear for me, and they have come to whisper things to me to
15 say, "You need to take care of yourself. You need to not be
16 so active, and so that you don't become a target," and those
17 kinds of things.

18 **MR. NEIL CHANTLER:** And the Chinese diaspora
19 in your community, of course it's not homogenous. There are
20 people with a variety of different views on these subjects.
21 But is this going to affect people's participation in our
22 democracy? Is this going to affect people turning out at the
23 ballot box and who they vote for?

24 **MS. JENNY KWAN:** Well, I hope not. And, you
25 know, when you think about the foreign interference
26 activities that are taking place, you have -- there are, I
27 guess, two categories of it. One is there are those who may
28 run for office, and then if they fear that they might get

1 targeted, would they then not run for office? I think we
2 heard from former MP Kenny Chiu what was happening to him,
3 and had he known all of this was going to happen, that he
4 might not run. So that's an example of where people might
5 go.

6 On the flip side of it, I have had seniors
7 come up to me who are worried about, potentially, that they
8 could be found out that they are a supporter of mine at the
9 ballot box, and then, you know, and then they might fear that
10 in voting, in participating in a democratic process, that
11 they will somehow be impacted in that way.

12 So, you know, so people would perceive it
13 different and react differently, but certainly those are some
14 of the things that I've heard in the community.

15 **MR. NEIL CHANTLER:** Okay. In the limited
16 time I have with you, I want to try and ask a rather large
17 question. But we have recommendations from NSIRA and NSICOP,
18 and the Special parliamentary Committee that you participated
19 with, and we have a whole variety of recommendations about
20 things that the government could be doing to strengthen our
21 democracy and protect us against foreign interference. And
22 we hear over and over again this reluctance to deal with
23 these issues. Why is the Government of Canada reluctant to
24 deal with an issue that ought to be bipartisan and that ought
25 to be something we can all unite behind?

26 **MS. JENNY KWAN:** Well, that is what we have
27 to do, actually. We do need to make sure that this is not
28 about any one political party, but rather, it is about our

1 democratic institutions. It is about protecting Canadians.
2 And we have to recognize that there are mistakes that have
3 been made. There are.

4 And I always say this, my mom taught me this
5 well, when you make a mistake, own it, because that is the
6 only way that you can learn from it and to move forward.
7 Don't try to hide it. Don't try to pretend it doesn't exist.
8 Own it. More importantly, learn from it. What will you do
9 differently? How will you ensure that this doesn't happen
10 again? And that's what we need to do, I think, in Canada.

11 And so I think that some of the suggestions
12 that I've sort of put on the floor today, you know,
13 addressing TikTok, as an example, I think fixing the
14 structure of how this is dealt with is important, the
15 independence component of it. I think we really have to
16 examine the NSIA's role.

17 You know, we have to understand that
18 intelligence's products are produced by experts in that
19 field, and they gather that information and then they share
20 that information, especially in the NSIRA report, you know,
21 it was meant to ensure that decision makers understand the
22 extent and alarming situation related to PRC foreign
23 interference activities, and as well as providing the report
24 that is most detailed, up to date at that time.

25 How is it even possible that it actually
26 never made it up to the decision maker's table? I don't get
27 it. How is it possible that the CSIS directors do not have
28 direct access to the Prime Minister, who is in charge of our

1 national security? How is it possible that our Prime
2 Minister receives briefings verbally on national security,
3 top secret classified documents, only receive it verbally,
4 and says he does not read classified documents? My goodness.
5 That's your job. You have to read it because it is about
6 protecting our country. So we have to own all of that, and
7 then we have to do a reset of how to do it properly, and to
8 take the partisan politics out of it.

9 And I will also finally say this, there are
10 some elements to which I think political parties have a role
11 to play related to nominations, related to leadership races,
12 because it was also mentioned in the report how those are
13 avenues for compromising Canada's democratic processes. And
14 we have to take that seriously.

15 I know parties don't like to. I would say
16 probably all political parties don't want anybody telling
17 them what they should do or should not do. Well, it has to
18 be done. I'm sorry. Like it or lump it, it has to be done
19 because it's in the interests of the country.

20 And then finally, I would say this, that we
21 need to take measures as well in regard to staff as well.
22 There needs to be some better vetting processes and security
23 measures around staff, because staff can be very influential
24 for the elected official because they control our calendar,
25 they give us advice on what we should do, they meet with the
26 public all the time. They are our face, especially when we
27 are here in Ottawa and not there in the community. And we
28 need to guard against potential infiltration in that process.

1 Not to be hypersensitive around it, but we have to do our due
2 diligence.

3 And that's what I think that's what we need
4 to do.

5 **MR. NEIL CHANTLER:** Thank you, Ms. Kwan.
6 I've used my time. I wish there was more I could ask you.

7 **COMMISSIONER HOGUE:** Thank you.

8 So next one is going to be counsel for the
9 Human Rights Coalition.

10 **--- CROSS-EXAMINATION BY MR. DAVID MATAS:**

11 **MR. DAVID MATAS:** Thank you. My name is
12 David Matas.

13 I'm referring to something you've talked
14 about before, in your interview summary, Stage 2, paragraph
15 10, WIT.78.en, about providing due process without
16 compromising national security to parliamentarians accused of
17 acting as foreign agents. And you referred to special
18 advocate or security-cleared counsel.

19 And the first question I had -- I wanted to
20 ask you was, for the due process you have in mind, are you
21 thinking of a court process or parliamentary process? Or is
22 either, in your view, satisfactory?

23 **COMMISSIONER HOGUE:** Do you need to review
24 what is mentioned in the -- sorry, no?

25 **MS. JENNY KWAN:** No, I'm good. Thank you
26 very much.

27 I would say that what I'm thinking about is a
28 parliamentary process. And in terms of releasing the names

1 and looking into it, one example that we can embark on is to
2 bring this matter and the information to PROC, as an example.
3 And so that would be for members of Parliament, and there
4 would be a parallel committee at the Senate as well.

5 Or alternatively, it could be a joint
6 endeavour with the Senate and members of Parliament through a
7 committee process in that way.

8 It can be done in camera so that you can get
9 access to the information. There has to be the security
10 clearance so people can get access to the information.

11 You can then invite those parliamentarians
12 that are impacted before Committee to be witnesses. Those
13 who are unwitting, semi-witting, and wittingly participating
14 in foreign interference activities. And so that they will
15 know what the intelligence is and what it is about, and then
16 they will be able to respond to it.

17 I think that you can do this by balancing the
18 notion of transparency, accountability, and also, at the same
19 time, due process for the individual.

20 It's possible that -- I'm not a lawyer, but
21 it is possible to bring in a special advocate, particularly
22 for those who might -- who are engaged in the witting,
23 intentional engagement of foreign interference activities.

24 **MR. DAVID MATAS:** Is this parliamentary
25 process you have in mind something that's already been done?
26 Or would it be something that would have to be constructed?

27 **MS. JENNY KWAN:** Well, the PROC already
28 exists and the parallel committee in Senate also already

1 exists, so you could bring the two together and create a
2 joint committee. But have we actually gone through a process
3 where top secret information is being disclosed? Well,
4 NSICOP would be a similar structure where parliamentarians
5 participated in that process, have gone through the clearance
6 in order to access the information.

7 So it's not like it hasn't been done before
8 in that context, but in this particular situation it can be
9 replicated. There could be some minor adjustments
10 accordingly. But in the interests, I think, of protecting
11 our democratic institutions and processes, in the interests
12 of ensuring and addressing the issue of violation of
13 privileges of parliamentarians and the duty to warn and the
14 duty to protect, I think that we should engage in this
15 process.

16 This is something that I have raised with the
17 Speaker in the House of Commons in June, and the matter is
18 also before the Speaker for his determination.

19 **MR. DAVID MATAS:** I understand you'd prefer a
20 parliamentary process. Would you object to a Court process?

21 **MS. JENNY KWAN:** In this instance, what we're
22 talking about, of course, is intelligence, so it's not
23 evidentiary evidence. Evidentiary evidence would then, of
24 course, fall into the Court process, and so it should.

25 When we're talking about intelligence in this
26 instance, I am suggesting a parliamentary process.

27 **MR. DAVID MATAS:** The *Immigration and Refugee*
28 *Protection Act* has a special advocate system to review for

1 reasonableness security certificates issued by the government
2 which are used for the purpose of findings of inadmissibility
3 for permanent residents and people without -- with only
4 temporary status or no status.

5 I don't know if you're familiar with the
6 system that exists in the *Immigration and Refugee Protection*
7 Act for special advocates, but I was wondering whether,
8 whether in Parliament or in Court, that sort of system might
9 be applicable in this situation. Is that something you can
10 comment on?

11 **MS. JENNY KWAN:** You mean suggesting a quasi-
12 judicial process in dealing with foreign interference
13 activities related to parliamentarians? Is that what you ---

14 **MR. DAVID MATAS:** Yes.

15 **MS. JENNY KWAN:** At this point, I think that
16 an effective way to deal with this -- I truly believe a
17 Parliamentarian process would be an effective way to deal
18 with it.

19 **MR. DAVID MATAS:** I understand that.

20 A special advocate, at least the way it works
21 in the *Immigration and Refugee Protection Act*, is that the
22 person concerned is not there. The advocate gets the
23 information, but not the person concerned because of the need
24 for security and not to disclose to the person concerned that
25 -- the security information and then the special advocate is
26 subject to confidentiality.

27 Is that the type of system you have in mind?

28 **MS. JENNY KWAN:** That is a possibility, and I

1 would say that -- you know, I'm not a lawyer, and how to
2 ensure that the system is set up to address the question of
3 due process, I think it is important, and so that's why I
4 think it's -- you know, an equivalent concept of using a
5 special advocate can be put in place for this because what we
6 need to ensure and protect would be national interest issues
7 and then, of course, the question around due process.

8 In that mix, I do think that we can strike
9 that balance of transparency and accountability.

10 **MR. DAVID MATAS:** Thank you. Those are my
11 questions.

12 **COMMISSIONER HOGUE:** Thank you.

13 So next one is the AG. It's you?

14 **--- CROSS-EXAMINATION BY MS. HELENE ROBERTSON:**

15 **MS. HELENE ROBERTSON:** Thank you, Madam
16 Commissioner.

17 Good afternoon, Ms. Kwan. My name is Helene
18 Robertson. I'm counsel for the Attorney General of Canada.

19 And I just wanted to talk about one area, and
20 it's -- in fact, it just follows on fairly neatly from what
21 Mr. Matas was talking with you about, and that's the NSICOP
22 report.

23 So in your discussion with Mr. Ferguson
24 earlier, you said that you believed there needed to be a
25 process to deal with the issues raised in the report. You
26 also noted in the course of that discussion the need to
27 protect national security at the same time as being as
28 transparent as possible. Is that a fair statement of your

1 discussion?

2 MS. JENNY KWAN: Yes, I believe that we can
3 strike that balance.

4 MS. HELENE ROBERTSON: Okay. Thank you.

5 And I would just say as well, and I'm happy
6 for us to pull it up if you need, at paragraph 8 of your
7 interview summary you make a reference to the need for
8 Parliament to engage with the issues in a responsible way.
9 Do you remember that as being part of the summary?

10 MS. JENNY KWAN: I do.

11 MS. HELENE ROBERTSON: Okay. Thank you.

12 And I would just note and ask you whether or
13 not you would agree with this as a proposition, that for a
14 parliamentary process, you've mentioned the need for a
15 security cleared committee members to access that classified
16 information.

17 MS. JENNY KWAN: Well, yes, because if the
18 members cannot access all the information, they would not be,
19 I think, in the position to do their work responsibly.

20 MS. HELENE ROBERTSON: Right. And the NSICOP
21 report, of course, came out of a parliamentary committee --
22 NSICOP, National Security and Intelligence Committee of
23 parliamentarians?

24 MS. JENNY KWAN: Yes.

25 MS. HELENE ROBERTSON: Yes. And they are all
26 security cleared members of Parliament?

27 MS. JENNY KWAN: Yes.

28 MS. HELENE ROBERTSON: Who are bound by what

1 was earlier the *Security Information Act* ---

2 **MS. JENNY KWAN:** Yes.

3 **MS. HELENE ROBERTSON:** --- and permanently
4 bound to secrecy.

5 **MS. JENNY KWAN:** Yes.

6 **MS. HELENE ROBERTSON:** Okay. And so they
7 have that legislative requirement for their -- for them to
8 obtain clearance before they access classified information?

9 **MS. JENNY KWAN:** That is correct.

10 **MS. HELENE ROBERTSON:** Okay. And so you're
11 suggesting something similar to NSICOP, but different. Do I
12 understand that correctly?

13 **MS. JENNY KWAN:** I am suggesting something
14 similar, true.

15 You know, the PROC committee in the House of
16 Commons are charged with looking into violations of Members'
17 privileges, and my point here is this, that I believe that
18 members' privileges have been violated here.

19 When you have a situation where all members
20 of Parliament are cast under a cloud of foreign interference
21 activities, potentially, wittingly, unwittingly or semi-
22 wittingly, we're all under this cloud. Based on the report
23 and the information that's provided, particularly those who
24 are of Chinese descent or South Asian descent, are
25 particularly highlighted as individuals who could face
26 suspicion. And that, to me, is a big issue that we need to
27 address in terms of our privilege that, you know, when you
28 have members of Parliaments' privilege being infringed on in

1 a -- in a Parliament, that cannot be acceptable.

2 So if we continue on business as usual, if we
3 say the NSICOP report in the way in which it's written and
4 presented, although with a different mandate, is suffice to
5 deal with this issue, I would argue that it isn't because
6 their mandate was not to look at the issue of privilege for
7 parliamentarians and then, by extension, not just one
8 Parliamentarian, but for the entire Chamber, for the entire
9 institution. And that is also -- was in jeopardy, and that
10 needs to be addressed properly.

11 **MS. HELENE ROBERTSON:** Thank you.

12 And just a few more questions.

13 You're aware of the motion in the House of
14 Commons asking this Commission to examine the issues that
15 were raised in the NSICOP report?

16 **MS. JENNY KWAN:** Yes, I voted for it.

17 **MS. HELENE ROBERTSON:** Okay. And so you're
18 obviously aware that the Commission agreed to examine the
19 issues in the context of the broader examination that they
20 are doing of foreign interference in our democratic
21 processes?

22 **MS. JENNY KWAN:** I am.

23 **MS. HELENE ROBERTSON:** Okay. And you're
24 aware that, as the Commissioner stated during her opening
25 remarks on Monday, that she has had access to all of the
26 intelligence and underlying information that the NSICOP
27 committee had access to?

28 **MS. JENNY KWAN:** Yes.

1 **MS. HELENE ROBERTSON:** Okay. And my question
2 to you, then, with all of that as context, is, how does that
3 affect your thinking in this space in regards to dealing with
4 the issues and balancing the national security against some
5 of the issues raised and the transparency required?

6 **MS. JENNY KWAN:** Yes. The Commission has
7 been tasked with this work, which I do think is important,
8 which is why I supported that motion.

9 With that being said, I also think that there
10 is another component to which is not necessarily the role of
11 the Commission, and that is to say on the question around
12 public accountability with respect to parliamentarians and
13 the role that they play.

14 And then on the question around privilege for
15 parliamentarians, I think that's also another piece that's
16 critical that needs to be considered.

17 Now, I have no doubt the Commission will do a
18 fantastic job with all of this work, but there's a lot of
19 stuff to which the Commission is being charged to deal with.
20 There's also a question in my mind, what role can
21 parliamentarians play, what role can Parliament play to
22 address these issues. And I think that the question of
23 privilege that I've raised with the Speaker speaks to that
24 and brings to the Speaker's attention around the role that
25 Parliament needs to play.

26 Parliament should not always just be reliant
27 on a special commission, on a special inquiry to do all of
28 this, and the truth of the matter is, I don't know if the

1 Commission will be able to do all of this work in the time
2 constraint that they have either, and there might be some
3 element to which there will be constraints that the
4 Commission might be faced with that they will not be able to
5 -- they may not be able to engage in in this process.

6 So we have to keep all of these issues in
7 mind and then, when I talk about being responsible
8 parliamentarians, part of that job is to say in light of all
9 of this, what do we need to do as a Parliament to address the
10 issue.

11 MS. HELENE ROBERTSON: Those are my
12 questions. Thank you.

13 COMMISSIONER HOGUE: thank you.

14 Mr. Choudhry.

15 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

16 MR. SUJIT CHOUDHRY: MP Kwan, just a couple
17 of points arising from the last sets of questions.

18 So the first is, and I'm afraid this isn't
19 here before you, but as you know, there's a list of standing
20 committees of the House of Commons. It's on the House of
21 Commons website. It's a matter of public record.

22 You do know that NSICOP is not actually on
23 that list of standing committees of the House of Commons;
24 correct?

25 MS. JENNY KWAN: That is correct.

26 MR. SUJIT CHOUDHRY: Okay. And my second
27 point, then, is about the suggestion that the Commission
28 could do all the work that's required to engage in a process

1 to hold accountable, to use your words, individuals who might
2 have been accused of being witting or semi-witting
3 participants in foreign interference. Of course, the
4 Commission will wrap up its work, but the foreign
5 interference won't go away.

6 Do you see the need for a standing process in
7 the future after this Commission has completed its work to
8 address these issues?

9 MS. JENNY KWAN: Yes, I do.

10 MR. SUJIT CHOUDHRY: Thank you.

11 COMMISSIONER HOGUE: Thank you.

12 Any re-examination, Maître?

13 MR. MATTHEW FERGUSON: None, Madam
14 Commissioner. Thank you.

15 COMMISSIONER HOGUE: So thank you.

16 We'll take 20 minutes' break before the next
17 witness, and I want to thank you.

18 MS. JENNY KWAN: Thank you very much,
19 Commissioner.

20 THE REGISTRAR: Order, please.

21 This sitting of the Commission is now in
22 recess until 3:52 p.m.

23 --- Upon recessing at 3:32 p.m.

24 --- Upon resuming at 3:55 p.m.

25 THE REGISTRAR: Order, please.

26 The sitting of the Foreign Interference
27 Commission is now back in session.

28 The time is 3:55 p.m.

COMMISSIONER HOGUE: Good afternoon, Mr. O'Toole.

MR. ERIN O'TOOLE: Good afternoon.

MS. NATALIA RODRIGUEZ: Good afternoon,
Commissioner.

Natalia Rodriguez, Commission counsel, for
the record.

And Madam Commissioner, the witness before you is Erin O'Toole, and I would ask that the witness be sworn, please.

THE REGISTRAR: All right. Mr. O'Toole, can you please state your full name and then spell your last name for the record?

MR. ERIN O'TOOLE: Erin O'Toole. Erin Michael O'Toole. O-apostrophe-capital T-O-O-L-E.

THE REGISTRAR: Thank you very much. And now
for the swearing in.

--- MR. ERIN O'TOOLE, Sworn:

THE REGISTRAR: Thank you very much.
Counsel, you may proceed.

--- EXAMINATION IN-CHIEF BY MS. NATALIA RODRIGUEZ:

MS. NATALIA RODRIGUEZ: Thank you.
Good afternoon, Mr. O'Toole.

MR. ERIN O'TOOLE: Good afternoon.

MS. NATALIA RODRIGUEZ: On July 16th, 2024, you had an interview with Commission counsel and a follow-up interview on August 21st, 2024. Is that correct?

MR. ERIN O'TOOLE: That's correct.

1 MS. NATALIA RODRIGUEZ: And an interview
2 summary was generated from those interviews; correct?

3 MR. ERIN O'TOOLE: Correct.

4 MS. NATALIA RODRIGUEZ: And so I will pull up
5 now WIT80.

6 And Mr. O'Toole, can you confirm this is the
7 Stage 2 interview summary that was generated from your
8 interviews with Commission counsel?

9 MR. ERIN O'TOOLE: Yes.

10 MS. NATALIA RODRIGUEZ: And is it accurate to
11 the best of your knowledge, information, and belief?

12 MR. ERIN O'TOOLE: It is.

13 MS. NATALIA RODRIGUEZ: Do you have any
14 corrections, additions, or deletions to make at this time?

15 MR. ERIN O'TOOLE: No, I had provided my
16 feedback earlier.

17 MS. NATALIA RODRIGUEZ: And do you adopt this
18 summary as part of your evidence before the Commission today?

19 MR. ERIN O'TOOLE: I do.

20 MS. NATALIA RODRIGUEZ: Thank you. And so
21 we'll enter that as an exhibit. And for the record, the
22 French translation of that summary is at WIT80.FR. And we
23 don't need to pull it up, but it will also be entered into
24 evidence.

25 --- EXHIBIT NO. WIT0000080:

26 Stage 2 interview summary

27 --- EXHIBIT NO. WIT0000080.FR:

28 Stage 2 interview summary, French

1 translation

2 MS. NATALIA RODRIGUEZ: Now, Mr. O'Toole,
3 you'll recall that a Stage 1 interview summary addendum was
4 also prepared based on issues discussed during your Stage 1
5 interviews with Commission counsel on February 23rd and March
6 1st, 2024 that were outside of the scope of the Stage 1
7 hearings. Do you recall that?

8 MR. ERIN O'TOOLE: Yes.

9 MS. NATALIA RODRIGUEZ: And if I could ask
10 the Court Operator to please pull up WIT88.en?

11 And this is the addendum to your Stage 1
12 interview summary that was generated from your interviews
13 with Commission counsel previously, as I mentioned, in
14 February and March of this year; correct?

15 MR. ERIN O'TOOLE: Yes.

16 MS. NATALIA RODRIGUEZ: And do you have any
17 corrections, additions, or deletions to make to this addendum
18 at this time?

19 MR. ERIN O'TOOLE: I do not.

20 MS. NATALIA RODRIGUEZ: And do you adopt this
21 summary as part of your evidence before this Commission?

22 MR. ERIN O'TOOLE: Yes, I do.

23 MS. NATALIA RODRIGUEZ: Great. So we'll have
24 that now entered into evidence, along with WIT88.fr, which is
25 the French translation of that summary. And we don't need to
26 pull that up.

27 --- EXHIBIT NO. WIT0000088.EN:

28 Addendum to Stage 1 interview summary

1 --- EXHIBIT NO. WIT0000088.FR:

2 Addendum to your Stage 1 interview
3 summary, French translation

4 **MS. NATALIA RODRIGUEZ:** So, Mr. O'Toole, I
5 want to start with information in your Stage 1 interview
6 summary addendum -- and we can take that document down, thank
7 you -- about concerns that you had regarding a member of your
8 caucus while you were leader of the official opposition. Can
9 you tell us a little bit about what you observed that was
10 concerning to you?

11 **MR. ERIN O'TOOLE:** There was a member of our
12 Upper Chamber Caucus that an MP brought to me that he may
13 have been directly or indirectly promoting or lobbying an
14 interest of a Chinese-state-owned enterprise in a riding in
15 Ontario. And that member had -- there had been previous
16 stories about sponsored travel and other things that led me
17 to have some serious concerns, considering some of the
18 subject we were discussing within caucus. But it was that
19 issue in that town in Ontario potentially advocating for an
20 economic interest that really forced me to make a decision of
21 some concerns about that member.

22 **MS. NATALIA RODRIGUEZ:** And when you said
23 about the travel, was this foreign-state-sponsored travel?
24 Or how would you characterize the travel that you were
25 concerned with?

26 **MR. ERIN O'TOOLE:** Yes, it was sponsored
27 travel to China, and a pretty extensive trip, from what I
28 understood. And there was some media reporting of that

1 sponsored travel. So you could say prior to being aware of
2 this economic interest in Ontario, I had already sort of had
3 some concerns about travel, about opening oneself up to
4 potential influence. So the -- but it was really the
5 economic issue raised to me by an MP that had been brought to
6 him by one of his local mayors that really flagged it for me.

7 **MS. NATALIA RODRIGUEZ:** And you believed --
8 the concern that you had is that you believed this behaviour
9 could be consistent with engagement in some sort of foreign
10 interference or foreign influence. Can you tell us why you
11 thought that behaviour was consistent with those issues?

12 **MR. ERIN O'TOOLE:** To me, it was completely
13 inappropriate for a Member of the Senate to be advocating for
14 commercial interests related to a foreign entity in a riding
15 in Canada, let alone in Ontario, and it was -- it had caused
16 the municipal politician some concern, and that's how I was
17 aware of it. It did not seem to be disclosed, or wasn't
18 raised, or the context was not provided, and given we were
19 having very serious discussions at the time with respect to
20 the relationship with China, the situation with the two
21 Michaels, the consideration of the plight of the Uyghur
22 peoples, Hong Kong, I was very concerned about this member.

23 **MS. NATALIA RODRIGUEZ:** So what measures or
24 actions, if any, did you consider when you learned of this
25 concerning behaviour?

26 **MR. ERIN O'TOOLE:** I spoke to our leader in
27 the Senate and some other Members of the Senate. I was
28 exploring removing this member from caucus. And the

1 challenge I had was I had no intelligence services' support.
2 I had allegations that I could not verify. I had no
3 learnings from intelligence agencies if they were aware of
4 it. And the concern that some of my caucus members expressed
5 to me was that if I took a rash decision of removing a
6 member, I could be accused of racism, I could be accused of
7 not allowing somebody the right to respond. So I was in a
8 real conundrum on how to handle it, but concerned about the
9 sensitivity of our caucus discussions.

10 So in the end, I did not proceed to remove
11 the member, but I did ask our leader in the Senate to sit the
12 person down for a very stern talking to about the
13 appropriateness of conduct and what was inappropriate, in my
14 view, as the leader at the time. And that was done and we
15 moved on from there.

16 **MS. NATALIA RODRIGUEZ:** Now, did you report
17 any of these concerns to CSIS?

18 **MR. ERIN O'TOOLE:** This is the larger
19 problem. I never, ever was spoken to by CSIS. It was never
20 offered to me by the Prime Minister or the Minister of Public
21 Safety. There was no mechanism to hear from CSIS or to seek
22 guidance from them. And I am hoping that the Inquiry can
23 explore changes and modernization to allow our Parliament to
24 function with the appropriate level of professional guidance,
25 warnings, briefings, education. So -- and I considered
26 myself a leader very, very comfortable in security of
27 information from my military time, from my legal time, yet I
28 didn't have any options, nor were any given to me.

1 The real issue was, was CSIS aware of some of
2 these activities at the time? My guess would be they likely
3 were.

4 **MS. NATALIA RODRIGUEZ:** And so while there
5 may not have been a formal mechanism for you to report
6 issues, was it open to you to simply approach CSIS, as the
7 leader of the opposition, to report concerns and seek their
8 guidance?

9 **MR. ERIN O'TOOLE:** That had never been done.
10 I guess I could have sent a general email or inquiry, but as
11 I said, these functions weren't provided. So I conducted my
12 own internal discussion and investigation, with what limited
13 information I had, and we made a decision that way. But as I
14 said, had we been able to rely on security to either verify
15 or to investigate our concerns, that would have been very
16 helpful to us at the time.

17 **MS. NATALIA RODRIGUEZ:** And in terms of
18 reporting it to anyone else, did you have any concerns about
19 reporting it to the Minister of Public Safety, is there some
20 issue with the leader of the opposition going to the
21 government with concerns about members within their own
22 caucus?

23 **MR. ERIN O'TOOLE:** Certainly, we're trail --
24 you know, we're trailblazing a bit of new ground here. This
25 is something that I don't think has been encountered before.
26 Certainly, we're in a very partisan environment more and more
27 by the month it seems. And so, if we don't have these
28 resources provided, you know, it's not really an environment

1 where you could ask for that.

2 I tried during Covid to seek briefings out
3 from Dr. Tam and to get information and to work as team
4 Canada as much as I could, but there was very little effort
5 by the government to afford us with resources, briefings,
6 background, assistance. And then of course, a month later
7 we're also into the Winnipeg lab situation where they were
8 denying parliament to even disclosure rights of information.
9 So it was not a great environment.

10 Perhaps I could have been a bit more
11 proactive, but we did an internal investigation, internal
12 discussions, and as I said, the result was a stern talking
13 to. But that's kind of how we netted out as a caucus, as a
14 leadership team.

15 **MS. NATALIA RODRIGUEZ:** So is it fair to say
16 that if there is a process in place by which a party leader
17 can report concerns about their own members, that that would
18 have been helpful if there had been that process in place at
19 that time?

20 **MR. ERIN O'TOOLE:** Yes. And even more
21 helpful would have been if one of the intelligence agencies
22 is aware of an issue, that it be flagged proactively to the
23 caucus leader. This is where I think I've made
24 recommendations to you, Ms. Rodriguez, and to Justice Hogue.

25 I think there really needs to be a designated
26 official within each party to be able to be read in. A
27 trusted role that can deal with parliamentary issues,
28 nomination issues, a range of things. That each party would

1 have so that they would have a direct line to important
2 intelligence with the appropriate precautions.

3 **MS. NATALIA RODRIGUEZ:** And so, I want to
4 turn now to the classified briefing that you received on May
5 26th, 2023. And if I can take you to CAN.DOC.22? This
6 document was previously entered into evidence at the Stage 1
7 hearings and it comes with some caveats. If we go down a
8 little bit -- yeah, just go up now. Just the caveats
9 section.

10 Yeah. So we can see that there are caveats
11 at the top. And so, taking those caveats into account, it's
12 mentioned in the first page that:

13 "With a better understanding of PRC
14 foreign interference methodology and
15 tradecraft [you], Mr. O'Toole, would
16 be better able to reduce the
17 effectiveness of...[foreign]
18 interference threats in the
19 future..."

20 And that was part of the purpose of that
21 classified briefing that you received. So I want to ask
22 whether you did in fact leave that meeting with -- better
23 prepared to face foreign interference threats?

24 **MR. ERIN O'TOOLE:** No, I did not. But I was
25 also leaving parliament. I'd announced my intention to
26 leave. So I feel that I appreciated this courtesy and the
27 briefing, obviously it was very late, but they were not
28 permitted to give it earlier.

1 So I do hope we learn from this process, but
2 certainly my parliamentary career was winding down. It
3 allowed me to have better insights into the type of
4 intelligence we're gathering, but it really didn't provide me
5 with safeguards, or best practices, or anything like this.
6 There was no learning from it. It was more information.

7 **MS. NATALIA RODRIGUEZ:** So was it general?
8 Did you consider it to be general in nature or specific in
9 nature?

10 **MR. ERIN O'TOOLE:** There were specific
11 aspects to it. When I raised it in the House of Commons, I
12 broke it down into three or four, sort of, distinct areas of
13 interference that I was briefed on. I was very careful to be
14 very general. So it's the type of information that I think,
15 hopefully now we will see regularly in terms of threats, or
16 monitoring, or anything that impacts or impedes parliamentary
17 -- a parliamentarian's duties, they should be advised about,
18 with the right precautions for security of information.

19 But mine were some specific examples of
20 intelligence, and I always say intelligence is not evidence,
21 but it's data points and information that help inform your
22 decisions.

23 **MS. NATALIA RODRIGUEZ:** So did you leave that
24 meeting with any actionable takeaways that you could
25 implement?

26 **MR. ERIN O'TOOLE:** No. In fact, as I left, I
27 asked about my own personal device once I was leaving
28 politics, because as I said in the House and it's in my

1 remarks, they advised that I would likely be a person of
2 interest for many years into the future. And so, I joked
3 that that was one of my parting gifts from political life is
4 I'm on a person of interest list. But they did say in the
5 future, if you have concerns, or questions, or instances, I
6 now have an ability to reach out to them.

7 But I would have liked to have been briefed
8 and to have my own personal computing and phone and things
9 like that, to at least be leaving and going back into
10 civilian life, if I can call it that, best equipped to
11 prevent bad conduct and interceptions. So it's --- were
12 really left to swim on our own, and I know some of my
13 colleagues had mentioned that yesterday.

14 **MS. NATALIA RODRIGUEZ:** Thank you. I'll take
15 you now to CAN028170_1. And this is a memorandum to the
16 Prime Minister dated September 13, 2020 -- sorry, it's dated
17 September 8th, the transmittal note 2023. And on that
18 transmittal page we can see it is to the Prime Minister and
19 it is via Jody Thomas, we see that on the righthand side.
20 And the subject line is "Updated Threat Reduction Briefings
21 to parliamentarians".

22 And if we go to the second page, this one is
23 stamped September 13, 2023, and it's a memorandum for the
24 Prime Minister, and it's copied to John Hannaford and
25 Nathalie Drouin. And the subject line there says, "Updated
26 Upcoming Threat Reduction Briefings to parliamentarians".
27 And you've had an opportunity to see this document; correct?

28 **MR. ERIN O'TOOLE:** Aspects of it, yes.

1 **MS. NATALIA RODRIGUEZ:** Okay. And then the
2 summary section there details the process which led to threat
3 reduction measure briefings, TRM briefings, given to members
4 of parliament, including yourself.

5 And if we scroll down a little bit more, the
6 second and third bullet points indicate that the Minister of
7 Public Safety issued a Ministerial directive on threats to
8 the security of Canada directed at parliament and
9 parliamentarians on May 16, 2023. And then that on May 26th,
10 2023, you received a classified briefing.

11 And the fourth bullet I do want to read. It
12 says:

13 "Following Mr. O'Toole's speech in
14 the House of Commons on May 30,
15 Public Safety Canada (PS) and CSIS
16 paused further disclosures to
17 parliamentarians in order to develop
18 a governance protocol through which
19 the security and intelligence
20 community would have the opportunity
21 to review CSIS' key messages for
22 disclosure and the intelligence on
23 which they are based." (As read)

24 Now, are you aware of what speech in the
25 House of Commons is being referenced here?

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

27 **MS. NATALIA RODRIGUEZ:** And what was the
28 subject matter of that speech? You alluded to it earlier,

1 but I just wanted you to be more specific about that.

2 **MR. ERIN O'TOOLE:** I raised a point of
3 privilege in the house to basically add to the point of
4 privilege that Mr. Chong originally brought when he found out
5 that he was -- there was a foreign threat with respect to
6 him. I was leaving and this ended up being my second last
7 speech in the House of Commons.

8 I thought it was very important at that time
9 to put on the record the violations of my privilege as a
10 parliamentarian and the wider gaps we have in our system and
11 the risks we face from foreign interference.

12 Why it was important for me to do that was,
13 at that time, this Inquiry was not called. At that time, the
14 Special Rapporteur's report had been insufficiently put
15 forward to deal with the issue of foreign interference. The
16 government had literally been avoiding any discussion of what
17 had happened in 2021 or in 2019 for several months. And I
18 felt that I owed it as a public good duty and as a final
19 element of my parliamentary career to put on the record
20 things that parliamentarians should think about if we want to
21 defend our democracy.

22 It was very important for me as a veteran to
23 ensure I did that in a way that didn't reveal intelligence
24 source information or didn't put security of information at
25 risk, so I sought legal counsel from one of the leading
26 security and intelligence lawyers in the country to ensure
27 that I could do this in a way that exercised my privilege,
28 which is not restrained by *Security of Information Act* or

1 anything else. parliamentary privilege is absolute. But to
2 exercise that responsibly, and I think that speech did that,
3 raising the four broad areas of interference that I was
4 briefed on.

5 **MS. NATALIA RODRIGUEZ:** Now, were you aware
6 prior to seeing this document that there had been a pause in
7 briefings to other parliamentarians following the speech that
8 you made on May 30th, 2023?

9 **MR. ERIN O'TOOLE:** No, I wasn't aware.

10 **MS. NATALIA RODRIGUEZ:** So let's go to page 9
11 of this document.

12 And this is a previous memorandum to the
13 Prime Minister on this issue. And looking at the third
14 bullet of the summary, it says:

15 "Parts of Mr. O'Toole's speech
16 misconstrued or overstated that
17 information."

18 And this is in reference to the speech that
19 you gave on May 30th, as we can see on the second bullet
20 point.

21 And then I just want to -- so hold that for a
22 second and we'll go to page 10, and then I'll -- you can
23 respond to all of it.

24 So under "CSIS Briefing of Mr. O'Toole", the
25 first bullet point, and I'm paraphrasing, indicates that
26 there was a Ministerial directive issued on May 16 under
27 which CSIS was to inform parliamentarians of threats to the
28 security of Canada directed at them.

1 And the second bullet says:

2 "In implementing this directive, CSIS
3 identified and shared all information
4 pertaining to Mr. O'Toole, including
5 unverified information from
6 intelligence reporting. The
7 unverified information provided to
8 Mr. O'Toole (identified in Tab B)
9 included indications of a PRC
10 disinformation campaign, not that it
11 was aimed at Mr. O'Toole
12 specifically." (As read)

13 And the third bullet point says:

14 "In its engagement with Mr. O'Toole,
15 CSIS specified that the briefing
16 included unverified information." (As
17 read)

18 And if we just go to the section that's
19 called "Speech in the House of Commons", the first bullet
20 point says:

21 "On March 30th, 2023, Mr. O'Toole
22 delivered a speech on foreign
23 interference in the House of Commons.
24 In his speech, he discussed the
25 classified information he received
26 from CSIS, including the unverified
27 information about a PRC
28 disinformation campaign without

1 providing any caveats as to the
2 reliability of the unverified
3 information." (As read)

4 Now, the Commission anticipates receiving
5 evidence from the Prime Minister and from other government
6 witnesses that the Prime Minister and others were frustrated
7 by your speech because it mischaracterized what you had been
8 told and made uncertain intelligence sound more certain than
9 it was. And I want to give you an opportunity to respond to
10 that expected evidence as well as what's in this document.

11 **MR. ERIN O'TOOLE:** Yeah, I disagree with that
12 assessment completely.

13 Could you go back up to the original tab
14 where there was the misconstrued ---

15 **MS. NATALIA RODRIGUEZ:** Yes, that would ---

16 **MR. ERIN O'TOOLE:** --- where you started,
17 please?

18 **MS. NATALIA RODRIGUEZ:** Yes. That was on
19 page 9, and it was the third bullet under "Summary".

20 Right, yeah. Just right there.

21 **MR. ERIN O'TOOLE:** Okay. Scroll up a little
22 bit more so I can see the last bullet about Mr. Johnston.

23 **MS. NATALIA RODRIGUEZ:** Just down, yeah.

24 **MR. ERIN O'TOOLE:** A little bit more. There
25 we go.

26 In the House of Commons, we're talking about
27 the privilege of members and we're talking about intelligence
28 and whether intelligence was or was not shared pertaining to

1 individual members. I talked about four broad areas that
2 were briefed to me, and I was very careful, as I said. I
3 sought legal counsel with respect to this, so I certainly did
4 not misconstrue, nor overstate, anything.

5 The issue here is, this is very new. The
6 directive came a few days before my briefing. The directive
7 only came as a result of leaks to the newspapers.

8 So the Prime Minister and his advisors,
9 including the National Security Advisor, were giving these
10 briefings reluctantly. And knowing how important
11 intelligence and our agencies are, I respect that.

12 The problem is, we're in this position and
13 we're in this Inquiry because a lot of intelligence was
14 shared that was not acted upon. Intelligence by its very
15 nature has degrees of accuracy, is there cross-referencing,
16 is there open-source support, so it has to be used in a
17 dynamic sense. But if it's ignored consistently, that is a
18 problem.

19 And I would refer you to even Mr. Johnston,
20 it's saying here, was -- CSIS confirmed that some of the
21 information communicated to Mr. O'Toole was not shared with
22 the Special Rapporteur. Why was that?

23 My concerns with Mr. Johnston's report, and I
24 have great respect for him, was that he received a curated
25 view. So my concerns here are with the people curating. And
26 I did not misconstrue or overstate, and I'm hoping the
27 Inquiry can recommend a method, a ways forward where we can
28 trust parliamentarians to find the right balance, to be

1 warned, to be able to seek out direction so that they can
2 safeguard their own personal well-being, but also their
3 duties as a Parliamentarian.

4 And so my concern is with the curation of a
5 lot of this, and that's why I wanted to put it on the record.
6 In fact, I think that speech may have been, as was Ms.
7 Kwan's, opposition day motion on the same day I gave my
8 speech on her briefing.

9 These were all elements of opposition
10 pressure to have the Inquiry we're having now, so I think I
11 tried to be responsible with my speech, but it did yield a
12 process where I think we can improve our democratic systems.

13 **MS. NATALIA RODRIGUEZ:** Is it your position
14 that you did not reveal classified information in that
15 speech?

16 **MR. ERIN O'TOOLE:** I spoke about a classified
17 briefing I received, and I was very careful not to give
18 detail that would reveal intelligence specifics or sources,
19 but I did mention four areas of my intelligence briefing of
20 foreign interference, people on the ground, financing, these
21 sort of broad headings which I, with my counsel's advice, I
22 believe balanced my objectives of my parliamentary privilege,
23 the need for the country to take these issues seriously and
24 the important of security of information.

25 **MS. NATALIA RODRIGUEZ:** So your position is
26 that you did not misconstrue or overstate the information.
27 Is it possible that you may have unintentionally, unbeknownst
28 to you, misconstrued or overstated the information that you

1 were provided?

2 **MR. ERIN O'TOOLE:** I don't believe so. I
3 think the protocol that they wanted to put into place here --
4 and I'm making an assumption now, but they're saying I did
5 not provide enough caveats, so they're saying they would have
6 liked me to put more warnings or red hands pointing saying
7 this is intelligence, it's not evidence.

8 I never presented it as findings of fact, but
9 even the process of how to properly brief parliamentarians,
10 that -- a duty to warn I think that there should be for
11 elected officials, I think we're now struggling with how best
12 to deal with this, so if they wanted to pause it to get it
13 right, but saying I should have had more caveats is not
14 saying I misrepresented anything. It's saying they would
15 have liked me to give more background on how intelligence has
16 to be carefully considered.

17 **MS. NATALIA RODRIGUEZ:** And do you think
18 there is a risk in a Parliamentarian receiving classified
19 information and trying to provide that information in the
20 House of Commons, trying to be careful not to disclose
21 sources and methods, as you say, but is there a risk in doing
22 that at all?

23 **MR. ERIN O'TOOLE:** It's about mitigating the
24 risks by finding a responsible balance. Canadians send their
25 parliamentarians to Ottawa to tackle the affairs of the day.
26 They send a cross-section of exceptional men and women, and
27 we have to empower and trust them, to a degree. And I think
28 other nations do this; we are a laggard in this regard. So

1 I'm hoping some of the recommendations of Phase 2 of this
2 Inquiry can help parliamentarians and our government and its
3 agencies find the appropriate balance here.

4 We're not doing enough, hence this Inquiry.
5 So how can we ensure that parliamentarians are part of the
6 solution and can do their job unfettered by interference and
7 pressure?

8 **MS. NATALIA RODRIGUEZ:** And just to take
9 maybe an extreme example, you did mention that, to you,
10 parliamentary privilege is paramount, and it is absolute. So
11 in your view, then, is a member of Parliament who's briefed
12 on classified information entitled to go in the House of
13 Commons and disclose classified information? So means and
14 methods, sources, potential human sources.

15 **MR. ERIN O'TOOLE:** I wouldn't use the word,
16 "entitled," Ms. Rodriguez. I would say privilege does give
17 them a lot of latitude. This is the responsibility we have
18 to expect by our elected officials, to ensure that they're
19 balancing off those fundamental free speech and democratic
20 rights, with a responsibility to our agencies and our allies,
21 which is why I sought counsel from a leading security and
22 intelligence lawyer on my speech.

23 But you have to remember the context. The
24 context was I had seen a government, over several years,
25 obfuscate, avoid; create positions called Special
26 Rapporteurs; take the Speaker of the House of Commons to
27 court on the Winnipeg Lab; misuse the intention of the NCICOP
28 Committee, which I was involved in creating. It was never

1 meant to take challenging issues out of parliamentary debate.

2 So I had seen a pattern of not taking
3 intelligence reports and foreign interference threats
4 seriously, which is why I felt I had part of an obligation
5 not just for my own parliamentary record, but for the public
6 good, to responsibly put that on the record.

7 **MS. NATALIA RODRIGUEZ:** Okay. So in your
8 view it was a responsible way of putting it on the record,
9 and it struck the balance between protecting classified
10 information and openness.

11 **MR. ERIN O'TOOLE:** Yes. And from the report
12 they would have liked me to use more caveats and other
13 things. And perhaps this is longer term, as we get more
14 comfortable to finding this balance of informing and warning
15 MPs about foreign interference threats against them, that we
16 can educate and talk about how we can find the right balance,
17 about parliamentary privilege and the need to have robust
18 debates defending our democracy and ensuring that our
19 intelligence men and women who serve our country are not put
20 at risk or sources dry up because of irresponsible use of
21 that information.

22 Our American allies do it with a lot of their
23 Senate and Congressional committees being read in and being
24 trusted. I think that's what Canadians expect us to do, is
25 trust our elected officials to find that balance.

26 **MS. NATALIA RODRIGUEZ:** And you do talk about
27 this in your Stage 2 interview summary, and it's at paragraph
28 17, you say:

1 "The status quo in which no MPs other
2 than members of Cabinet have access
3 to classified information is not
4 desirable, and Canada needs to move
5 towards a model in which MPs are
6 trusted with a certain level of
7 information." (As read)

8 And you reference practices existing in the
9 U.S. Is this the type of system that you're talking about?

10 **MR. ERIN O'TOOLE:** Yes, and I think the
11 responsibility and privilege you have of being a member of
12 Parliament or a member of the Senate means that you have to
13 educate yourselves on security of information and our
14 agencies and be part of this balance. Only a select few
15 would then be part of things like NCICOP or a read-in public
16 safety committee. And then if each party had a trusted
17 individual that could be the conduit to CSIS, then if there
18 were issues happening in parliamentary debates or in
19 committees or in nominations or in anything, there would be a
20 way -- especially for opposition parties that are operating
21 in the complete blind, as I was, with my concern about the
22 caucus member you asked about, we need to be able to have a
23 conduit and a resource, and I think hopefully that's one of
24 the recommendations we can see from this stage of the
25 Inquiry.

26 **MS. NATALIA RODRIGUEZ:** And so is your
27 recommendation that all members of Parliament have access to
28 classified information? Are you going that far, or what is

1 the recommendation, specifically?

2 MR. ERIN O'TOOLE: I think at a bare minimum
3 all members of Parliament should be trained and educated into
4 trying to find the right balance. Even they do so with the
5 sensitive personal information of their constituents every
6 day, in terms of their financial situation, in terms of
7 immigration and status. So how can we make sure that that
8 also goes into things like security and intelligence and
9 foreign interference? I think a baseline of education and of
10 trust, and then there would be -- like there is with Cabinet,
11 there would be additional responsibility placed on a smaller
12 number of members of Parliament who was specifically involved
13 in some of these standing committees that should have the
14 ability to go *in camera* with classified information, when
15 appropriate.

16 MS. NATALIA RODRIGUEZ: Thank you.

17 I want to talk a little bit about political
18 party governance and administration and any vulnerabilities
19 in that system. And I want to take you to CAN4985.

20 **--- EXHIBIT No. CAN004985:**

21 Foreign Interference and Elections: A
22 National Security Assessment - CSIS
23 IA 2022-23/57

24 MS. NATALIA RODRIGUEZ: If we look at the
25 title, it's a CSIS Intelligence Assessment entitled, "Foreign
26 Interference and Elections: A National Security Assessment".
27 And I just want to take you to page 2 of that assessment.

28 Just keep going down, please. Second bullet

1 point, yeah, right there:

2 "During elections, Hostile Activities
3 by State Actors employ...FI to
4 influence Canadian politics by i)
5 clandestinely supporting individuals
6 who are perceived to be receptive to
7 foreign state interests, and ii)
8 opposing individuals who are
9 perceived to be against these foreign
10 states. To accomplish their goals,
11 [Hostile Activity State Actors] HASA
12 exploit loopholes in political party
13 nomination processes; engage in money
14 and financing operations; mobilize
15 and leverage community organizations;
16 and, manipulate media outlets."

17 So this seems to suggest -- and I want to see
18 if you agree -- that federal political parties are vulnerable
19 to foreign interference. Do you agree with that?

20 **MR. ERIN O'TOOLE:** Yes, and when I first saw
21 this document, and this section specifically recently, it
22 reminded me of many of the things we were flagging to the
23 SITE Task Force in the election. Of course, we didn't see
24 this document, or issues related to it, then. But there are
25 these vulnerabilities, and we need to know they exist, know
26 that in some cases -- limited cases, but in some cases
27 they're being exploited, and find ways to build up or
28 buttress our democratic systems.

1 **MS. NATALIA RODRIGUEZ:** Now, you said in your
2 interview summary that this was an all-party problem. What
3 did you mean by that?

4 **MR. ERIN O'TOOLE:** Well, I spoke earlier
5 about one of the issues I struggled with, with my caucus
6 member in questions you asked me. This is issues that where
7 with nominations in some parts of the country, some ridings
8 are determined in the nomination because they're safe seats,
9 although by-elections don't appear to be as safe as they used
10 to, I notice. But if you win a nomination, you're an MP in
11 some seats; blue, red, orange. And so if there is
12 infiltration -- that sounds like a strong word, but if there
13 is manipulation or interference, parties should know that
14 before someone walks in to take their oath and sit in the
15 House of Commons.

16 So how do we close these loopholes; how do we
17 protect vulnerabilities? That's what you're charged with,
18 and I know you're -- the Commission is working very hard at
19 it. And I think all of these areas, from fundraising to
20 policy creation to nominations to leaderships, have
21 vulnerabilities. Are they always exploited? In the vast
22 majority of cases, no, but we do know in some cases they are,
23 so we have to fix them.

24 **MS. NATALIA RODRIGUEZ:** And in paragraph 7 of
25 your Stage 2 interview summary you say that leadership
26 contests are uniquely vulnerable to foreign interference.
27 Can you explain why you're of that view?

28 **MR. ERIN O'TOOLE:** Well, my main -- my main

1 concern right now is with the Liberal Party, to be honest
2 with you, because in that situation, there is no membership.
3 There's no bus to join. If you supply an email address,
4 you're in.

5 And if you get an organizer or diaspora
6 figure to just gather emails, you could have people voting or
7 participating in a nomination context who could be non-
8 citizens, you know, visiting students, and are they there
9 because they want to be there, because that's their choice,
10 or are they being marshalled or pressured?

11 All parties have different rules, whether
12 there's a financial or, you know, a sign up requirement, and
13 in some communities and some diaspora groups, and other issue
14 -- single-issue groups, and marshal large numbers at a time
15 where you see membership in organizations declining, you
16 know, in legions and rotary clubs, and the traditional ground
17 for membership in these groups are in decline, so the ability
18 to marshal community groups or other things is a very
19 powerful tool in nominations. And so how can we ensure that
20 doesn't happen?

21 **MS. NATALIA RODRIGUEZ:** And what about in
22 leadership contests?

23 **MR. ERIN O'TOOLE:** It would be the same,
24 depending, as I said, the Liberal's no membership rule makes
25 it particularly vulnerable. But our party has a point
26 system, so in certain areas where there's the ability to
27 deliver large single-issue groups or large diaspora
28 communities, you can win the points.

1 One of the suggestions I've made is perhaps
2 you have to be a member a year before the nomination to
3 ensure that there's not astroturf sort of pop-up memberships,
4 or if there's this conduit with our intelligence agencies, we
5 should know if there's -- if we're aware of an effort to
6 influence a nomination. The party should be made aware of
7 it.

8 **MS. NATALIA RODRIGUEZ:** And there are
9 allegations of attempted interference in the last two
10 Conservative Party leadership contests, including the one in
11 2020. Do you have any knowledge, any personal knowledge,
12 regarding these allegations?

13 **MR. ERIN O'TOOLE:** No.

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

15 **COMMISSIONER HOGUE:** I have one question for
16 Mr. O'Toole. Do you believe that designing the rules in
17 relation to the nomination processes should be left to the
18 parties? And if so, why?

19 **MR. ERIN O'TOOLE:** My only concern is a level
20 playing field for everyone. So if the parties were all
21 involved in setting the terms of fundraising for membership
22 for who can vote and who can't vote, I don't think it should
23 be, you know, ran through by one party and change the rules
24 of the game if we can avoid it, because we're trying to work
25 together to avoid foreign interference. So I think, you
26 know, this -- because we know it's being -- it's vulnerable,
27 this level needs to be regulated or have more transparency to
28 it.

1 Now, in the past, this was probably not
2 needed, and -- but I think we've seen that now it probably
3 needs to be transparent with some rules that at least avoid
4 manipulation or interference. And that could be about
5 membership rules, that could be, you know, permanent
6 residents -- like, certain rules that are applied to
7 everyone.

8 **COMMISSIONER HOGUE:** Thank you.

9 **MS. NATALIA RODRIGUEZ:** I just wanted to
10 briefly touch on the concept that you had brought up earlier
11 about having a designated individual who would be security
12 cleared to receive information. And I'm just wondering how
13 that would -- how that would assist, potentially, in
14 nomination contests or leadership contests to help kind of
15 bridge that gap and close some potential loop holes or areas
16 of vulnerability that might otherwise exist?

17 **MR. ERIN O'TOOLE:** Well in the extreme
18 example, if there was somebody that was already a person of
19 interest of one of our intelligence agencies, and suddenly
20 they were marshalling forces to win a nomination of a certain
21 area, and the agency is aware of that, you would hope that we
22 could prevent that from happening. And this Inquiry has
23 heard similar circumstances already.

24 You know, that person that would be trusted
25 would have to be trusted by the party to be able to intervene
26 very early on to prevent it, and they may not be able to
27 share any information why, but if the party knows that
28 they're our conduit to the intelligence agencies, it could be

1 that person has kind of a veto on certain people.

2 I do think the parties, if it was approached
3 in a transparent way and everyone worked together, I think
4 there would be a lot of trust in that figure that could do
5 this both for the parliamentary caucus, but for -- or for the
6 party side for nominations so that we don't have a situation
7 where someone gets a nomination and then later on has to be
8 reviewed, and then it becomes public. If someone is not
9 allowed from day one, it may not even be known. And I've
10 seen parties disqualify candidates based on living one street
11 outside the riding or not having enough signatures. People
12 have been disqualified for far less. So I think that could
13 be a new development that the parties would quickly adapt to
14 using.

15 **MS. NATALIA RODRIGUEZ:** Thank you. Now,
16 before we close, is there any other matter that you wish to
17 draw the Commissioner's attention to that we have not
18 discussed today?

19 **MR. ERIN O' TOOLE:** You know, my testimony to
20 the Inquiry has been tabled. There's a lot more in there.
21 As I said from the beginning, I really hope that this can be
22 an all-party effort from whatever recommendations the Inquiry
23 makes. We owe it to parliamentarians now and future that we
24 have a more robust system and send the message that our
25 democracy is important.

26 So nothing else to add other than what's on
27 the record, and I appreciate the work of your team.

28 **MS. NATALIA RODRIGUEZ:** Thank you very much,

1 Commissioner. Those are my questions.

2 COMMISSIONER HOGUE: Thank you.

3 Looking at the list, the first counsel is
4 counsel for the Concern Group.

5 --- CROSS-EXAMINATION BY MR. NEIL CHANTLER:

6 MR. NEIL CHANTLER: Good afternoon, Mr.
7 O'Toole. My name is Neil Chantler and I'm counsel for the
8 Chinese Canadian Concern Group.

9 Could the Court Reporter please pull up
10 WIT88.en?

11 Mr. O'Toole, this is your interview summary
12 Stage 1 addendum. You were brought to this earlier and I
13 just bring it up again for your reference.

14 At page 1, paragraph 1, you provided that an
15 individual within your own caucus took trips sponsored by
16 foreign states and engaged in lobbying efforts on behalf of
17 foreign interests. And how did you come to know that?

18 MR. ERIN O'TOOLE: As I said earlier, the
19 allegation that there was advocacy or lobbying on behalf of
20 an economic interest was brought to me by an elected member
21 of Parliament who had had the issue brought to him by one of
22 their mayors, with the mayor saying, "Why is this person
23 making inquiries here on behalf of a project that already had
24 attracted a little bit of controversy in this small-town
25 area?" And so it accidentally came on our radar because of
26 the report of that mayor.

27 MR. NEIL CHANTLER: And you've taken us
28 through some of the exercise you went through in deciding not

1 to take steps to expel that individual at the time. One of
2 those was that you might be accused of being racist. Is that
3 correct? And of course you were not being racist if you had
4 taken those steps. You would have been responding to very
5 legitimate concerns about the integrity of this person's
6 conduct.

7 But you're probably familiar with the fact
8 that that's a common refrain among groups that might be pro-
9 PRC or pro some other foreign state to turn efforts against
10 them into accusations of racism. You've heard that before;
11 correct?

12 **MR. ERIN O'TOOLE:** I have.

13 **MR. NEIL CHANTLER:** And the fact that it had
14 that effect on you indicates the true power of that
15 allegation. Nobody wants to be accused of being racist.
16 It's a very effective counter attack to our legitimate
17 efforts to combat foreign interference; isn't it?

18 **MR. ERIN O'TOOLE:** It is a chill, but it
19 wasn't the only factor in why we decided to proceed the way
20 we did.

21 I gave a lot of latitude and respect to the
22 views of my colleagues in the Senate.

23 **MR. NEIL CHANTLER:** Now, on the issue of
24 sponsored travel, we heard some evidence earlier today that
25 there might be nothing wrong with that conduct as long as
26 it's out in the open, as long as it's transparent for the
27 parliamentarians receiving benefits or sponsorship from a
28 foreign state. But even if the recipient is transparent

1 about that benefit in the moment, I suggest to you that
2 there's a risk the public is going to perceive that that
3 favour is meant to be reciprocated, a *quid pro quo* of sorts,
4 at some point in the future, and when it's reciprocated, that
5 might not be so transparent. Do you agree with that?

6 **MR. ERIN O'TOOLE:** My view on sponsored
7 travel, if the reason for it is clear, you're reviewing a
8 security situation, you're reviewing the results of famine,
9 you're showing support for an area overcoming adversity or,
10 you know, a disaster. And if it's all Party and -- then it's
11 different than if it seems to be catered to give you a good
12 trip. So I think transparency is paramount and fundamental,
13 but also the intention of the trip is important.

14 **MR. NEIL CHANTLER:** So is it an
15 oversimplification to suggest that we might simply ban
16 sponsored travel by foreign states of our parliamentarians?

17 **MR. ERIN O'TOOLE:** Again, I think if -- I
18 only took one sponsored travel trip in my decade in politics.
19 It was one that was all Party and it was about security and
20 other issues. So I wouldn't want to have a sweeping "no"
21 whatsoever because I do think it gives an opportunity for
22 members of Parliament to learn more and to build
23 international relationships, but if something seems to be
24 designed to just show you a good time, then it can be part of
25 an elite capture type influence operation, and I think
26 transparency usually shows that. And in this case, my case,
27 there had been media reports critical of that sponsored trip.

28 **MR. NEIL CHANTLER:** How regulated is this

1 area? Are there party rules surrounding ---

2 **MR. ERIN O'TOOLE:** There's rules from the
3 Ethics Commissioner and they've actually been tightened in
4 the last couple of years, likely due in part to this.

5 **MR. NEIL CHANTLER:** But you agree with me
6 that the risk to the public's perception of the integrity of
7 parliamentarians is so great that receiving essentially
8 nominal sponsorship for travel or for some other -- some
9 other forms of benefits, really, we could just do without
10 that and try and do everything we can to preserve the
11 integrity of the public's faith in parliamentarians.

12 **MR. ERIN O'TOOLE:** That's not my position.
13 My position is absolute transparency, bipartisanship to the
14 intention of it, and a real rationale for it.

15 My experience is that MPs, especially from
16 all Parties, are here to work hard for their constituents and
17 to learn, and so if those three sort of caveats are part of
18 it, I'm not as -- I don't think a blanket ban is needed.

19 **MR. NEIL CHANTLER:** You've talked a bit today
20 already about leadership contests, about them being a unique
21 risk to foreign interference, some similarities with riding
22 contests. And you answered many of the questions I was going
23 to ask you, but I'll ask you this.

24 Is it your view that Parties' resistance to
25 the regulation of their own processes such as leadership
26 contests is really just a desire to retain some partisan
27 control over those contests?

28 **MR. ERIN O'TOOLE:** Well, I've been in both

1 government and in opposition. I prefer government. But the
2 challenge is, is when someone wins and they've worked hard to
3 win, they're not going to want to change the system. And so
4 this is why FI gives us an opportunity and why I've spoken
5 about some of the challenges I faced. We need to fix this
6 for the long term, and so the Parties have to not think about
7 their short-term advantage, they have to think about the
8 long-term interests of our parliamentary democracy.

9 MR. NEIL CHANTLER: Thank you, sir.

10 COMMISSIONER HOGUE: Thank you.

11 Counsel for RCDA, Maître Sirois.

12 --- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:

13 MR. GUILLAUME SIROIS: I'm Guillaume Sirois,
14 counsel for the Russian Canadian Democratic Alliance.

15 Have you heard about the recently unsealed
16 U.S. Department of Justice indictment about Russian
17 interference?

18 MR. ERIN O'TOOLE: I've read the media
19 stories, yes.

20 MR. GUILLAUME SIROIS: Okay. You might be
21 aware, then, that, according to this indictment, Canadian
22 influencers received \$10 million from Russian operatives to
23 set up a news outlet identified as Tenet Media aimed at
24 influencing U.S. elections.

25 MR. ERIN O'TOOLE: Yes, I read about that.

26 MR. GUILLAUME SIROIS: Thank you.

27 I would like to ask the court reporter to
28 pull RCD 39, please.

1 --- EXHIBIT No. RCD0000039:

2 Far-Right Media Outlet Linked to
3 Secret Russian Influence Campaign
4 Produced 50+ Videos Focused on Canada

5 **MR. GUILLAUME SIROIS:** So this is one of the
6 media -- many media articles that came out after the
7 indictment became public. The interest of this news article
8 specifically is that it analyzes the Canadian content that
9 was published by Tenet Media.

10 Can we zoom out a little bit? I'd like to
11 see the title of the article and the date, please.

12 As we can see from the first page, it has
13 been published on September 5th and it's about the 50 or plus
14 videos that focused on Canada from Tenet Media and that were
15 reviewed half a million times.

16 I'd like to go to page 5, please, so we can
17 see some examples of those videos. I would take you to the
18 source material, but they've all been taken down following
19 the unsealment (sic) of that indictment.

20 We can see that's the YouTube page of Tenet
21 Media. There are some videos about inflation, Canada's
22 immigration to spiral out of control.

23 And scroll down.

24 "Trudeau's Canada can't handle the current
25 level of immigration." "How Indian scams will be the end of
26 Canada".

27 We can scroll down.

28 And again, I won't read them all out loud,

1 but they all -- I'm wondering if you have any comments
2 regarding the subject matter of these videos. Why would
3 Russia be behind the promotion of such content?

4 **MR. ERIN O'TOOLE:** I didn't see any of the
5 videos, but I refer you to my previous testimony at Stage 1.

6 In my experience, I did see what I often
7 assumed was bots or Russian misinformation efforts often
8 around LBTQ issues or often around vaccine or vaccine mandate
9 issues. Again, I have no way to verify that because, as an
10 opposition person, I have no access to briefings, no
11 information. I've learned more with the work this Inquiry
12 has done on what monitoring there was.

13 In my experience and from what I've read,
14 Chinese interference is more like a scalpel on a riding level
15 for specific outcomes, whereas Russian misinformation is more
16 chaos generating. They want us just fighting and making
17 democracy look ineffective and challenging some western
18 values and other things. But I've never seen and I can't
19 comment on anything specific.

20 **MR. GUILLAUME SIROIS:** And would the intent
21 of making -- creating chaos -- I believe we can take the
22 document down now. I don't have any more questions about the
23 document itself.

24 But I find your comment interesting. Does
25 the promotion of divisive content in that -- showing that
26 democracies cannot work, is it something that targets the
27 elections as well or is it something that's more general that
28 aims only to society? Does it target democratic processes or

1 only society at large? Is there a distinction to make
2 between the two?

3 **MR. ERIN O'TOOLE:** My experience is I didn't
4 see any targeting at a riding level or nominations or things
5 like that. Issues and that sort of chaos appears to me,
6 without, you know, direct security briefings, to be sort of
7 the intention.

8 I have publicly commented on my concerns
9 about how Russian propaganda with respect to the war in
10 Ukraine has eroded in some areas support for Ukraine, which
11 is a very important ally and Canada should -- and our allies
12 should be doing more. And when, you know, when fatigue fits
13 in from war, and there's propaganda and misinformation, it
14 can impact people and it can impact the public mood and the
15 policy direction more than the election day nominations or
16 things that we've seen in other foreign interference.

17 **MR. GUILLAUME SIROIS:** So can I just
18 summarize this by saying that would it be correct to say that
19 the long-term impacts of this -- these propaganda campaigns
20 from Russia could influence some policy decisions such as the
21 support for Ukraine?

22 **MR. ERIN O'TOOLE:** Yes, that's my concern.
23 As a member of Parliament before I was the leader, I believe
24 when I was the Foreign Affairs Shadow Minister for the
25 Conservatives, I was suggesting Russia Today, RT, should not
26 be licensed to appear on the Canadian cable airwaves and, you
27 know, it was pushing propaganda into our democracy.
28 Eventually it was removed, but it had been there operating

1 for many years. So their propaganda and their misinformation
2 is not just bots and troll farms. It has also been RT and,
3 you know, even diplomatic actions at times.

4 So we have to be aware of it,
5 parliamentarians have to be educated again, and then the
6 public also needs to be warned where there's instances.

7 So the news stories in the United States I
8 think don't really inform this Inquiry per say, but they do
9 allow us to see that these efforts by adversarial nations
10 like Russia are pervasive, they're committed for the long-
11 term, and we're playing catch up as a democracy. And so I
12 think we have to take all of these precautions and safeguard
13 measures more seriously.

14 **MR. GUILLAUME SIROIS:** And why do you say
15 we're playing catch up with these measures?

16 **MR. ERIN O'TOOLE:** Well we don't know how
17 long many of these propaganda efforts, misinformation efforts
18 have truly been operating.

19 In the case of Russia Today, as I said, I was
20 asking for that to be removed in around 2018, 2019.

21 You really don't know, particularly with
22 social media, but even regular media, it's that constant
23 stream of misinformation that changes the dialogue. It's not
24 the one time you see something, but when your tenth friend
25 shares the same message, my concern on the misinformation on
26 the war in Ukraine, I would deal, when I was still an MP,
27 with veterans, as a veteran myself, I'd call them and say,
28 "You are falling for misinformation on the war and on

1 corruption, and on the Bandera Brigades," and in some cases,
2 these are multi-decade propaganda tools of Russia and we're
3 only now really catching up to their impact on our debates.

4 **MR. GUILLAUME SIROIS:** So these impacts on
5 our debates, as you say, is intentional from Russia? It's
6 not only to divide society, it's to have an impact on debates
7 themselves?

8 **MR. ERIN O'TOOLE:** Yes. When I used to host
9 officials as a member of the government, as a Cabinet
10 Minister in the Conservative Government, I would post a photo
11 with a Russian dignitary -- sorry, a Ukrainian dignitary, and
12 trolls would say I was supporting Neo-Nazis and the Neo-Nazi
13 Brigade. And we've seen this narrative continue. But I'm
14 now talking 2013/2014, when we first started sharing military
15 equipment after the invasion and annexation of Crimea.

16 So this has been with us for a decade. And,
17 you know, we've focused a lot on one specific country in this
18 Inquiry, but I do think it's good for us to remember there
19 are many attempts at interference, and I think we can't just
20 focus on the one that has been the majority of this Inquiry.
21 What Russia is doing is just as insidious.

22 **MR. GUILLAUME SIROIS:** And I'll finish with
23 that because I only have one minute left, but concerning the
24 very specific challenges associated with those propaganda
25 campaigns, such as the fact that it's ongoing for over
26 multiple years, 10 years, as you said, and also the fact that
27 it mostly concerns some things that could be seen as
28 legitimate political speech, how do you think that Canada can

1 better detect, deter, or counter these propaganda campaigns?

2 **MR. ERIN O'TOOLE:** Well I've said with social
3 media I really have some concerns with WeChat, and TikTok,
4 and other devices where the algorithm is controlled, or at
5 least has oversight by Beijing. But as I've said, RT was a
6 tool for many years that we kind of allowed to run rampant on
7 cable channels here. The bot farms and other things, I think
8 we really need public education about social media use, and
9 potentially the revealing of some of these cases like we've
10 seen in the United States, where we can show people that
11 there's misinformation here sowing division, sowing
12 uncertainty, pull back the cloak as much as possible.

13 **MR. GUILLAUME SIROIS:** All right. Thank you.

14 **COMMISSIONER HOGUE:** Thank you.

15 Next one is counsel for the Human Rights
16 Coalition, Mr. Matas.

17 **--- CROSS-EXAMINATION BY MR. DAVID MATAS:**

18 **MR. DAVID MATAS:** Yes, I'm David Matas, the
19 Human Rights Coalition.

20 In your interview summary, you -- at stage
21 two, WIT78, paragraph 16, you say that MPs -- when MPs and
22 their family are at risk or vulnerable to foreign
23 interference threats, they should be informed so that they
24 can take appropriate measures.

25 In paragraph 20, you express support for
26 limited briefings by CSIS to members of the public who may be
27 targets of foreign interference.

28 So my question is, do you see any difference

1 between the information provided to MPs and their families
2 and the briefings to members of the public?

3 **MR. ERIN O'TOOLE:** Well, if there's -- like,
4 particularly, if it concerns the personal wellbeing or, you
5 know, intercepts or observation of that person and their
6 family, that, I think, requires immediate duty to warn and
7 much more detailed information than what might be shared with
8 the public on that.

9 I do -- the point I'm trying to make with
10 elected officials, MPs, if we have to trust that they've been
11 sent by their electors, by their constituents, to be trusted
12 with the affairs of state, whether they're in government, in
13 Cabinet, or whether they're an individual member. Having the
14 right balance needs to be what the protocols and what the
15 training and kind of the rules of the House indicate as
16 trying to force the right balance. But there has to be trust
17 on that individual that's elected.

18 **MR. DAVID MATAS:** I understand, but if the
19 Commissioner -- or the Commission is to set out some sort of
20 protocol of disclosure, would it be any different if it were
21 a member of Parliament or a member of the public?

22 **MR. ERIN O'TOOLE:** Well I think diaspora
23 groups and other organizations that are being targeted should
24 receive briefings and cautions as well, but they don't have
25 the same public duty as an elected official. But they
26 certainly live in a free democratic society and should be
27 able to advocate and have free speech. So they should be
28 afforded protections and briefings, and perhaps law

1 enforcement liaison to ensure they're safe.

2 **MR. DAVID MATAS:** Michael Chong said that
3 members of Parliament should be informed first, before
4 members of the public. Do you have any views on that?

5 **MR. ERIN O'TOOLE:** Well, you know, if -- it
6 depends on the nature of foreign interference. If it relates
7 to an election, or a policy, or a committee, or a foreign
8 policy position of Canada, that is more for the elected
9 officials. But I often had concerns that the Uyghur
10 community, the Falun Gong, the Hong Kong groups in Canada,
11 they were often fearful of their communications and their
12 activities being monitored. So those individuals, where
13 risks to them can be reduced, I think should be warned. Are
14 they then given the same level of information? Probably not.
15 But their wellbeing should be at the top of the consideration
16 of our intelligence agencies.

17 **MR. DAVID MATAS:** When you say the same level
18 of information, could you maybe elaborate a bit on that?
19 What the difference in levels might be?

20 **MR. ERIN O'TOOLE:** Well, really for the
21 members of the public who are advocating and exercising their
22 democratic rights, if there's risks to them, either their
23 physical well-being or risks that their communications are
24 being intercepted, those risks can be eliminated by proper
25 intervention, by security services. There probably doesn't
26 need to be much intelligence sharing at all with them if it's
27 just about taking precautions to keep them safe.

28 parliamentarians have a duty to make sure

1 that we're doing a good job and to have oversight, to a
2 degree, of the agencies themselves.

3 So I think levels of briefing, there would be
4 no reason to brief unelected officials on issues related to
5 the RCMP or public safety.

6 With members of diaspora communities, I'm
7 really referring to intelligence agencies know their house is
8 being bugged or something. We should help reduce that
9 threat. But I don't think there needs to be intelligence
10 sharing. It's about safety.

11 **MR. DAVID MATAS:** Understood. Now, foreign
12 interference can come through -- one can find out about
13 foreign interference because a security system finds out
14 about it, but foreign interference can come directly to
15 members of diaspora communities through threats and it may be
16 that they find out about it before the security commission --
17 the security system finds out about it. Would you agree?

18 **MR. ERIN O'TOOLE:** In some cases, yes.

19 **MR. DAVID MATAS:** So foreign interference
20 isn't necessarily secret to diaspora communities. Sometimes
21 it's something the public, in the sense that they know about
22 it directly from the people who are interfering? Would that
23 be right?

24 **MR. ERIN O'TOOLE:** They sometimes have first-
25 person observation knowledge of what is happening. So yes, I
26 often received information from diaspora groups as a
27 parliamentarian that I would take into my consideration in
28 terms of the advocacy I was doing for human rights, these

1 sorts of things. So they're on the front lines, and -- which
2 is why they're also vulnerable. And so they should be
3 protected as much as our agencies can.

4 **MR. DAVID MATAS:** There was some -- I had
5 previously asked some questions of Micheal Chong about the
6 issue of whether foreign interference needed to be covert to
7 be foreign interference. You've mentioned that issue as
8 well. And in a situation where foreign interference is
9 directed specifically and immediately through threats to the
10 diaspora community, that would not be covered; would it?

11 **MR. ERIN O'TOOLE:** Can you name a -- like, a
12 public threat issued by, like, ---

13 **MR. DAVID MATAS:** Well ---

14 **MR. ERIN O'TOOLE:** --- an embassy or
15 something like that?

16 **MR. DAVID MATAS:** The threats would be
17 directed to individuals. I mean, they would know about it.
18 It may not be in the media, but it would be something that
19 wouldn't be secret to them.

20 **MR. ERIN O'TOOLE:** Well I think there's a big
21 difference between things that are done publicly by an
22 ambassador, or by a consular, or by, you know, a statement by
23 a state and, you know, threats and what we might call
24 diaspora politics. These things have to be investigated, but
25 if something is done by a state, it's not really covert. If
26 it's done within circles, or a hall, or somebody in a store,
27 some of that is kind of covert, the way it's done, not to the
28 person being threatened, clearly, but it would not be on the

1 radar of most Canadians.

2 **MR. DAVID MATAS:** So when you're talking
3 about covert, it's not so much that it's not known by the
4 target, it's just not known publicly. Is that what you're
5 talking about when you're talking about covert?

6 **MR. ERIN O'TOOLE:** I think it depends on the
7 instance. You know, in foreign interference, it's generally
8 clandestine, because they want to interfere without it being
9 attributed to the state or one of their actors. Some of the
10 threats or intimidation that people on the ground might see
11 from people they believe to be United Front Work Department
12 people, or people close to consular staff, these sorts of
13 things, then it's a little less covert, but it's still not
14 widely known. So our agencies need to work with our diaspora
15 communities, not just to safeguard them, but to also gain
16 information and learn from them.

17 **MR. DAVID MATAS:** Okay.

18 **COMMISSIONER HOGUE:** Mr. Matas, your time is
19 already exhausted, so I will ask you to ask your final
20 questions, please.

21 **MR. DAVID MATAS:** Well, in fact, that was my
22 final question.

23 **COMMISSIONER HOGUE:** Thank you.

24 So the Attorney General, do you have any
25 questions?

26 **MR. BARNEY BRUCKER:** I have good news. I do
27 not have any two questions because the two areas were covered
28 by your counsel during her examination in-chief. Thank you.

1 **COMMISSIONER HOGUE:** Thank you.

2 And Mr. O'Toole's -- where is he? Ah.

3 **--- CROSS-EXAMINATION BY MR. THOMAS JARMYN:**

4 **MR. THOMAS JARMYN:** Thank you, Commissioner,
5 I just have a couple of questions in follow up.

6 Ms. Rodriguez had asked you about
7 parliamentary privilege and the use of parliamentary
8 privilege to protect classified -- the statement of
9 classified information in Parliament. How is the use of
10 parliamentary privilege supervised?

11 **MR. ERIN O'TOOLE:** Well the Speaker
12 ultimately, who is the -- and parliamentary precedent. And
13 the paramountcy of your privilege is kind of fundamental.

14 I often would refer to the decisions of
15 Speaker Milliken with respect to the Afghan Detainee
16 Documents, which was during the Conservative Government just
17 before I was elected, as one of the considerations of how to
18 balance off national security, public security, with the
19 privilege of members of Parliament.

20 The paramountcy of the members was absolute,
21 but we trust the MPs to have a responsible approach to it,
22 which is why when I did rely on my point of privilege to
23 discuss broad themes from my CSIS briefing, I was very
24 careful to strike that balance. I sought counsel from Andrew
25 House, you know, a leading lawyer in this area, to make sure
26 that I was being responsible, because I respect and
27 appreciate the work done by CSIS, by CSE, by our police
28 forces, and so finding that right balance is the sort of

1 standard we want to expect all members of Parliament to have,
2 whether they're in Cabinet, on a committee, or just locked in
3 to the House, like Mr. Stewart was the other day. So it
4 should be an expectation we work towards.

5 **MR. THOMAS JARMYN:** And if parliamentary
6 privilege is being abused, it's within the providence of the
7 Parliament to make that determination?

8 **MR. ERIN O'TOOLE:** Yes. I -- yes. And the
9 Speaker usually provides a lot of latitude on issues and you
10 have to give notice you're going to be rising. And I re-read
11 my speech after seeing some of the materials tabled with the
12 Inquiry and I was careful not to stray into debate as much as
13 I could prevent myself. In the privilege motion, you're
14 supposed to be really getting at the pith of what you're
15 saying, not indirectly making a political attack or speech.

16 And so the speaker can corral you back to the
17 fundamentals, if it's being used politically.

18 **MR. THOMAS JARMYN:** And in fact, if members
19 of Parliament, in the course of regular business, were given
20 access to classified information, it would be within the
21 jurisdiction of the Speaker to control the usage of that?

22 **MR. ERIN O'TOOLE:** Yes.

23 **MR. THOMAS JARMYN:** you had some questions
24 about sponsored travel, and sponsored travel rules are set by
25 Parliament how often? Are they an ongoing thing? They
26 change? What's your experience with that?

27 **MR. ERIN O'TOOLE:** I'm no longer a member of
28 Parliament, but, you know, this was a topic that would come

1 up regularly. And as I said, I only, in 10 years,
2 participated in one. Members of the government, so Cabinet
3 and parliamentary secretaries, cannot go on sponsored travel.

4 Usually that transparency requirement is the
5 most important thing. I do believe the current, or maybe the
6 most recent, Ethics Commissioner was wanting to end the
7 process entirely. But I've seen benefit from it, as I said,
8 provided it's non-partisan, it's publicly transparent, and
9 that there's a goal, you know. And often that goal fulfils
10 some of our strategic or foreign affairs interests, or
11 expresses our values as a country, if it's to view a country
12 in distress, for example, and you're going with an NGO, like
13 World Vision or something like this.

14 It's very different if it's a, you know,
15 bespoke trip planned to gain influence or to hopefully gain
16 favour down the road, that should be, you know, banned
17 entirely.

18 **MR. THOMAS JARMYN:** Your former colleagues,
19 McKay, MP McKay, MP Genius and Chong were both asked -- they
20 were all asked about the importance of being warned of these
21 activities. And I can guess from your response to Mr. Matas
22 that -- what would your view be with respect to establishing
23 for agencies a duty to warn, with respect to foreign
24 interference, both for members of Parliament and for diaspora
25 communities?

26 **MR. ERIN O'TOOLE:** I think there should be a
27 duty to warn. One of the reasons we're here, I think, and
28 particularly some of the leaks that occurred, was because, I

1 think, people internal to the intelligence agencies felt that
2 the work they were doing was not being taken seriously.

3 And it does not justify them leaking, but
4 there's an erosion of trust. And so at a bare minimum we
5 should know that parliamentarians who are observed being
6 obstructed, threatened, pressured, there's a duty to warn if
7 there's operations intended to influence them or impact them,
8 they should be able to seek counsel if they see it or if they
9 originate, or in my case as leader, I have questions about
10 information we receive from a municipal figure, I need to be
11 able to verify this, if I can.

12 So the duty to warn and the duty to kind of
13 work with the political parties in an appropriate way with
14 full protections for security of information and reading in
15 the appropriate people, I think these protocols are what we
16 need to explore at this stage of foreign interference now
17 being a regular facet of democracy's face.

18 **MR. THOMAS JARMYN:** Commissioner, those are
19 my questions. Thank you very much.

20 **THE COMMISSIONER:** Thank you.

21 Re-examination?

22 **MS. NATALIA RODRIGUEZ:** There is none. Thank
23 you, Commissioner. No questions.

24 **THE COMMISSIONER:** Thank you very much, Mr.
25 O'Toole. You're free as a bird now.

26 **MR. ERIN O'TOOLE:** Thank you.

27 **THE COMMISSIONER:** Thank you.

28 So we'll start tomorrow morning at 9:30.

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

2 The sitting of the Foreign Interference
3 Commission is adjourned until tomorrow, the 19th of September
4 2024 at 9:30 a.m.

5 --- Upon adjourning at 5:18 p.m.

6
7 **C E R T I F I C A T I O N**
8

9 I, Sandrine Marineau-Lupien, a certified court reporter,
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