



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

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

Public Hearing

Audience publique

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

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Ottawa, Ontario

--- The hearing begins Thursday, October 10, 2024 at 9:32 a.m.

THE REGISTRAR: Order, please.

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

The time is 9:32 a.m.

COMMISSIONER HOGUE: Good morning.

MS. LEILA GHAAHARY: Good morning, Madam Commissioner. For the record ---

COMMISSIONER HOGUE: It's -- you can go on.

MS. LEILA GHAAHARY: Thank you.

For the record, my name is Leila Ghahhary, and this morning you will be hearing from member of Parliament Marco Mendicino.

Mr. Registrar, may I please ask that the witness be sworn or affirmed?

THE REGISTRAR: All right.

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

HON. MARCO MENDICINO: Yes. Good morning. Marco Mendicino, M-e-n-d-i-c-i-n-o.

COMMISSIONER HOGUE: Good morning.

THE REGISTRAR: Thank you.

--- HON. MARCO MENDICINO, Sworn:

THE REGISTRAR: Counsel, you may proceed.

MS. LEILA GHAAHARY: Thank you.

--- EXAMINATION IN-CHIEF BY MS. LEILA GHAAHARY:

MS. LEILA GHAAHARY: Good morning, Mr.
Mendicino.

HON. MARCO MENDICINO: Good morning.

MS. LEILA GHAAHARY: I'm going to begin with
a few housekeeping matters. There are four witness summaries
that I'm going to ask you to adopt. In the interests of
time, I'm going to try and do it efficiently. I'll pull up
each witness summary and I'm going to ask you to confirm that
you've reviewed the summary, that you've got no changes to
make, that you confirm the accuracy of the summary to the
best of your knowledge and belief, and that you adopt the
summary as part of your evidence today.

Court Operator, could we please put up
WIT105?

Mr. Mendicino, this is a summary of your
classified interview that took place on the 25th of June of
this year. Do you confirm it?

HON. MARCO MENDICINO: I do.

--- EXHIBIT No. WIT0000105:

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

MS. LEILA GHAAHARY: Court Operator, could
you please put up WIT147?

This is ---

COMMISSIONER HOGUE: My screen doesn't work.
I was waiting for that, but I don't know if there's -- is

1 there a button that I'm supposed to turn on?

2 It's coming.

3 Good. Thank you.

4 **MS. LEILA GHAAHARY:** Mr. Mendicino, this is a
5 summary of your classified examination that took place during
6 *in camera* hearings in July and August of this year. Again,
7 can you confirm it?

8 **HON. MARCO MENDICINO:** I do.

9 **--- EXHIBIT No. WIT0000147:**

10 In Camera Examination Summary: Marco
11 Mendicino

12 **MS. LEILA GHAAHARY:** Court Operator, could
13 you now put up WIT120, please?

14 This is an addendum to the summary of your
15 classified interview that took place as part of the Stage 1
16 investigation on February the 23rd of this year. Again, can
17 you confirm it?

18 **HON. MARCO MENDICINO:** I do.

19 **--- EXHIBIT No. WIT0000120:**

20 Addendum to Interview Summary:
21 Minister Marco Mendicino Interview
22 Summary

23 **MS. LEILA GHAAHARY:** Court Operator, could
24 you now put up WIT127?

25 Thank you.

26 And finally, this is an addendum to the
27 summary of your examination that took place in *in camera*
28 hearings in February and March of this year. And again, Mr.

1 Mendicino, could you confirm it?

2 HON. MARCO MENDICINO: I do.

3 --- EXHIBIT No. WIT0000127.EN:

4 Addendum to In Camera Examination

5 Summary: Minister Marco Mendicino

6 --- EXHIBIT No. WIT0000127.FR:

7 Addendum au résumé d'interrogatoire à

8 huis clos : Le ministre Marco

9 Mendicino

10 MS. LEILA GHAAHARY: Thank you.

11 Court Operator, could you now put up

12 CAN.DOC40, please?

13 --- EXHIBIT No. CAN.DOC.000040:

14 Public Safety Institutional Report

15 (Part C) - September 1, 2018 to March

16 15, 2024

17 MS. LEILA GHAAHARY: This is the

18 Institutional Report for Public Safety. It's already been

19 adopted on behalf of the department, so I'm not going to ask

20 you to do that. I simply want you to confirm that you've

21 read it, and you agree its contents.

22 HON. MARCO MENDICINO: Yes, I do.

23 MS. LEILA GHAAHARY: Thank you. With those
24 housekeeping matters out of the way I'm going to turn briefly
25 to deal with your background and role.

26 Firstly, is it right that you've been a
27 member of Parliament for Eglinton-Lawrence since 2015?

28 HON. MARCO MENDICINO: That is correct.

1 **MS. LEILA GHAAHARY:** And from the 26th of
2 October 2021 to the 26th of July 2023, you served as the
3 Minister of Public Safety, is that right?

4 **HON. MARCO MENDICINO:** That is also correct.

5 **MS. LEILA GHAAHARY:** And before that, you
6 served as the Minister of Immigration, Refugees, and
7 Citizenship from 2019 to 2021, is that ---

8 **HON. MARCO MENDICINO:** That is true.

9 **MS. LEILA GHAAHARY:** My questions today will
10 relate to your time in office as the Minister for Public
11 Safety. And with that in mind, to begin your evidence,
12 please would you provide us with a brief overview of your
13 role and responsibilities as the Minister of Public Safety?

14 **HON. MARCO MENDICINO:** Well, in short my job
15 as Minister of Public Safety was to ensure the safety and
16 security of the Canadian people and the Canadian national
17 interest. And that took on many different roles. I was
18 given a mandate letter from the Prime Minister, as he does
19 when swearing in a new Cabinet. There were a number of
20 priorities that I was charged with seeing to manifestation,
21 including in the area of foreign interference, which I know
22 we're going to be discussing with -- at length.

23 One concrete example of my mandate was to
24 take what we described at the time as the HASA strategy and
25 to translate that into legislation, which is now Bill C-70.

26 There were many other priorities that I was
27 taking on at the time outside of the scope of foreign
28 interference, but certainly that was a top priority.

1 **MS. LEILA GHAAHARY:** Thank you. I'm going to
2 focus now on the flow of information between the department
3 and your office.

4 First I want to discuss the way in which
5 information was shared between the department and your office
6 during your time as Minister for Public Safety.

7 Over the course of yesterday and Tuesday, we
8 heard evidence from Rob Stewart and Dominic Rochon that
9 during Mr. Blair's tenure as Public Safety Minister, around
10 twice a week they would receive binders containing
11 intelligence products of interest and relevance to the
12 department, and in turn, they would provide them to the
13 Minister's office. Similar binders, having been provided to
14 the Minister's office would eventually make their way to the
15 Minister. They said this practice of providing binders
16 continued throughout the pandemic.

17 We then heard yesterday from Zita Astravas,
18 who was the former Chief of Staff for Mr. Blair, and as far
19 as she was concerned that practice of providing binders did
20 not continue during the pandemic; and in effect, she said,
21 the ministerial office stopped receiving those binders.

22 Ms. Astravas also told this Inquiry that when
23 you first took up your office in October 2021, she provided
24 transitionary support, and at that time she raised the
25 binders with you and she advised you to resume or reinstate
26 them, having explained that they were no longer being
27 received.

28 My question is this; when you took up office

1 did Ms. Astravas raise the need to reinstate the binders with
2 you; and, if so, what was the nature of that discussion?

3 **HON. MARCO MENDICINO:** Yes, Ms. Astravas did
4 do that. And she made it clear to me that it was important
5 that I receive routine intelligence briefings, both in
6 written as well as in verbal fashion.

7 And -- but, you know, before I expand a
8 little bit on how I made sure that we adhered to that advice
9 during the tenure of my time as Minister of Public Safety,
10 let me just zoom out briefly to talk about how, in practical
11 terms, I fulfilled that role.

12 It is imperative that the Minister be given
13 access to intelligence, and the reason for that is that there
14 are certain ministerial authorities that only the Minister of
15 Public Safety can exercise; for example, the approval of CSIS
16 warrants. So in order to be able to discharge that
17 responsibility, a Minister has to be able to have robust
18 access to intelligence. I would say that built on that
19 advice, and with my Chief of Staff and all of the staff that
20 worked in my office as well as my Deputy Minister, to Deputy
21 Ministers who worked for me during my tenure, I made sure
22 that I was getting frequent access.

23 Now, there are a few areas which I think can
24 serve as a boilerplate to further improve the flow of
25 information going forward, and I want to offer a few examples
26 for the benefit of the Commission.

27 One I've already mentioned and that is CSIS
28 warrants. So I would receive both a copy of the warrant,

1 which included the supporting affidavit, so that I could
2 review the information and the intelligence to ensure that
3 all the legal requirements were met under the law, along with
4 a covering note. And that covering note would be authored by
5 my Deputy Minister or come under his or her signature, along
6 with any other recommendations vis-à-vis approval of the
7 warrant.

8 The second example that I would offer would
9 be in the form of the national security review process for
10 transactions under the *Investment Canada Act*. There was what
11 I would call, in the vernacular that I would use, good paper
12 to support those recommendations. In other words, access to
13 intelligence reports from the Public Safety and Intelligence
14 community, followed by a recommendation as to whether or not
15 we should or should not approve the transaction, depending on
16 whether it could be injurious to our national security.

17 And then the third and final example that I
18 would offer were the approvals of threat reduction measures.
19 Now, these were new powers that were recently passed into law
20 in 2019 under Bill C-59. And the purpose of threat reduction
21 measures was to give, primarily CSIS but other actors in this
22 space, the ability to reduce threats to our national security
23 and to the Canadian national interest, enabling them to go
24 out into the fields having conversations with people who may
25 be targets, so that we could, again, mitigate those threats.
26 There too, as you will have seen, and those documents have
27 been provided as exhibits to this Commission, there was good
28 paper, good information flow. I think that the challenge now

1 is for us to take those as boilerplates or as templates and
2 to apply it to other areas, including when it comes to
3 foreign interference.

4 **MS. LEILA GHAAHARY:** Thank you.

5 Sticking with the topic of your powers and
6 authorities as a Minister, and thinking about warrants and
7 the other measures that you've just referenced, I have a few
8 questions.

9 Court Operator, could you put up WIT147,
10 please, and go to page 9, paragraph 35. Thank you.

11 Minister Mendicino, here you talk about
12 wearing two hats as a Minister for Public Safety, the
13 political and the official role. And in the exercise of the
14 ministerial powers that you just talked about you also
15 discuss whether you can improve the distinction between the
16 two. And would you agree that in circumstances where that
17 power mightn't be exercised against political opponents, or
18 even a member of your own Party, there exists a potential for
19 bias or apparent bias?

20 **HON. MARCO MENDICINO:** In addition to those
21 two concerns, also an abuse of power. And so I do think that
22 we have to be vigilant against those types of abuses. And in
23 paragraph 35 I make reference to what is known as the
24 Shawcross doctrine. This is a doctrine that explains the
25 different functions that are occupied by the Attorney General
26 and the Minister of Justice, typically in a Canadian
27 democracy, in one person. And understanding that the role of
28 the Minister of Justice is a political one within the Cabinet

1 to provide advice to the government, but also the concurrent
2 role of the Attorney General, which is a quasi-judicial
3 function that, of course, supersedes any partisan role and is
4 there to protect our democracy.

5 And so I do believe that there are principles
6 that could be applied to the Minister of Public Safety,
7 particularly now as we have seen the threat of foreign
8 interference become more pervasive, more insidious, and that
9 poses a threat in virtually every facet of our life.

10 We're talking a lot about our democracy and
11 our elections and the parliamentarians and the officials that
12 work within that space, but I am equally concerned about the
13 threats to our critical infrastructure; I am equally
14 concerned about the threats to our economy; I am equally
15 concerned about the threats to our academia, and I am
16 especially concerned about the threats to diaspora
17 communities in the form of transnational repression, which I
18 know the Commission has heard evidence about.

19 **MS. LEILA GHAAHARY:** Thank you. You've
20 talked about the Shawcross principle. Thinking more
21 practically about the mechanics of how decisions are made, do
22 you have any views on whether there could be improvements in
23 that respect?

24 **HON. MARCO MENDICINO:** Well, I would start
25 with the principle that it's important to distinguish the
26 functions within government. So as an elected member of
27 Parliament, as a former Minister, there are certain functions
28 that only the Minister of Public Safety can authorize. And

1 I've already made reference to one in the form of the CSIS
2 warrant. But it's not as though the Minister takes that
3 decision on his or her own. It has to be supported by the
4 advice and recommendations of the unelected, impartial,
5 neutral professional Public Service. And this is where I
6 think we cut to the core of it with the Shawcross doctrine.
7 It is imperative that we not repose all these decisions in
8 the elected branch. It is imperative that we rely, and defer
9 in many cases, to the advice of the professional public
10 servants who are not elected, who are not partisan to check
11 against the risk of those abuses that I described earlier.
12 And so that decision that is taken by the Minister of Public
13 Safety is based on the advice that we get from the Public
14 Service in CSIS and other members within the public safety
15 community and the intelligence community.

16 **MS. LEILA GHAAHARY:** Thank you. I'm going to
17 move on now to information flow more generally. You've
18 already touched upon it, but I'd like to just explore that in
19 a little bit more detail. During your tenure as Minister for
20 Public Safety, could you just give us a description of what
21 your daily visibility was like in relation to foreign
22 interference matters?

23 **HON. MARCO MENDICINO:** I was routinely
24 briefed on it. Those briefings came in both verbal and
25 written form. In many and most instances, vis-à-vis foreign
26 interference, those briefings had to take place in a secure
27 environment or what we often refer to as the bunker. I spent
28 many, many hours in the bunker being briefed on sensitive

1 matters, and then taking those decisions that are necessary
2 in that environment.

3 **MS. LEILA GHAAHARY:** And when you took
4 office, did you implement any changes to the way in which
5 intelligence came in and out of your office?

6 **HON. MARCO MENDICINO:** I did, first insisting
7 that I receive frequent briefings on intelligence that
8 related to any threats to our national security. Second, as
9 I mentioned, I authorized threat reduction measures
10 specifically for parliamentarians who had become the target
11 of foreign interference by our adversaries. Third, I issued
12 a ministerial directive to strengthen the flow of
13 intelligence and information to the elected branch of
14 government by requiring that any threats targeting
15 parliamentarians had to be briefed directly to me. And I'll
16 take a moment to explain that the issuing of the ministerial
17 directive came in the wake of a series of unauthorized
18 disclosures of intelligence to the media involving especially
19 Michael Chong. And the great concern that I have obviously
20 for his and all of my colleagues' safety in the Chamber led
21 me to take the decision that it was important to issue that
22 ministerial directive to further clarify my expectation that
23 as the Minister of Public Safety that I would be directly
24 briefed. And I know that the Commission has heard a lot of
25 evidence already about how information flows and all that,
26 and I'm happy to expand on how I think some of those
27 decisions improve the flow of information, and I readily
28 accept that there's still more work to be done.

1 **MS. LEILA GHAAHARY:** Thank you. I'm going to
2 move on now to the counter HASA strategy. And just to say
3 that we've already heard a lot about the strategy, and so my
4 questions are going to be focused on some specific aspects of
5 it and the timeline for its development.

6 Court Operator, could we please put up CAN
7 11948?

8 **--- EXHIBIT No. CAN011948 0001:**

9 HASA File Timeline

10 **MS. LEILA GHAAHARY:** This is a timeline
11 relating to the HASA file, and on page 1 we can see that from
12 around September 2018 Public Safety had begun developing the
13 HASA strategy and an engagement and strategic communications
14 policy paper. And if we can go to page 2, please? And go to
15 the bottom of the page if you can. Thank you. There we can
16 see the timeline runs to October 2019, and if we turn to page
17 3, as of October 2019, this page indicates that there are
18 various steps that are still left to be carried out.

19 Court Operator, can we now put up CAN 3249?

20 **--- EXHIBIT No. CAN003249:**

21 Canada's Strategy for Countering

22 Hostile Activities by State Actors

23 **MS. LEILA GHAAHARY:** The HASA strategy that
24 we just talked about, having been developed around September
25 2018 is reflected in this document. Have you had an
26 opportunity to review this document, Mr. Mendicino?

27 **HON. MARCO MENDICINO:** Yes.

28 **MS. LEILA GHAAHARY:** And does that accord

1 with your recollection of what the draft strategy was like by
2 the time you took office?

3 **HON. MARCO MENDICINO:** Yes, and if I could
4 just be permitted briefly to provide some additional context
5 about what was already in place when I took the chair as
6 Minister of Public Safety, because I know you've heard about
7 our plan to protect our democracy and that was a plan whose
8 inception date dated back to 2018. Part of that plan was to
9 put in place the Critical Incident Election Protocol. This
10 was a protocol to ensure that we were better protecting our
11 elections. There was the SITE panel that was created of,
12 again, senior unelected public servants to ensure that that
13 protocol was being applied appropriately, and also to educate
14 the public about any potential threats to our elections.
15 There was the passage of Bill C-76 into law which made it
16 illegal for any foreign financing as a way to prevent or
17 mitigate against any threats around foreign interference and
18 funding and our elections. And then my predecessor, Minister
19 Bill Blair, had issued a letter to parliamentarians to make
20 sure that everyone was eyes wide open about the rapidly
21 evolving nature of foreign interference, to make sure that
22 they were alive to the risks that they were targets of our
23 adversaries. So all of that was in place already when I took
24 the chair as Minister of Public Safety, and I was assured
25 that we were well on our way.

26 The work that I had to do in addition to
27 improving some of the information and intelligence flow was
28 to take that HASA strategy, which included various

1 components, including intelligence priorities and assessments
2 of countries and the types of ways in which they would deploy
3 foreign interference to attack our democracy, to take that
4 HASA strategy and to turn it into something tangible in the
5 form of legislation.

6 **MS. LEILA GHAAHARY:** Thank you. Court
7 Operator, could you put up COM.SUM 4 please?

8 **--- EXHIBIT No. COM.SUM0000004.EN:**

9 Summary of a Memorandum to Cabinet -
10 Modernizing Canada's Approach to
11 Addressing Threats from Hostile
12 Activities by State Actors

13 **--- EXHIBIT No. COM.SUM0000004.FR:**

14 Résumé d'un mémoire au Cabinet -
15 Moderniser l'approche du Canada
16 adoptée par le Canada pour faire face
17 aux menaces posées par les activités
18 hostiles parrainées par des états

19 **MS. LEILA GHAAHARY:** And could you zoom out
20 so we can see more of the page? You said your aim was to
21 develop something tangible. This is a summary of a
22 memorandum to Cabinet entitled "Modernizing Canada's Approach
23 to Addressing Threats from Hostile Activities by State
24 Actors". Is that what you mean by developing something
25 tangible, turning it into a memorandum to Cabinet, so that
26 decisions can be made about how the government moves forward?

27 **HON. MARCO MENDICINO:** Yes, and just to be
28 clear about what came of that exercise, there was -- there's

1 a lot of work that goes into the creation of an MC or a memo
2 to Cabinet. And the strategy was the foundation for that,
3 the strategy that talked about three pillars: strengthening,
4 detecting, and acting. And strengthening was about hardening
5 Canada as a target, critical infrastructure, our cyber space,
6 our institutions. Detecting was really about improving our
7 ability to surveil the threats of foreign interference to
8 Canada. And acting, which was to deploy enforcement where
9 and whenever we could, both with members of the intelligence
10 community, as well as with law enforcement. And we can
11 elaborate on that through the course of my evidence, but it
12 was to take that strategy and then put it into the form of
13 legislative proposals.

14 I'm quite pleased to see that once we were
15 able to take that MC to Cabinet and get it ratified in the
16 spring of '22 or thereabouts, a number of months shortly
17 after I took the chair as Public Safety, it has now become
18 law. And what that means is that there is a greater capacity
19 for CSIS to share information. It means that there are
20 procedures in place to declassify information so we can
21 approach parliamentarians so we can shine a light on the
22 threat of foreign interference and be more transparent with
23 them, including with the creation of NSIRA, and NSICOP. It
24 means that there are new laws in place, which we can use to
25 prosecute those who are committing foreign interference at
26 the direction of, or in association with, our adversaries.

27 And finally, it has created a foreign
28 influence and transparency accountability regime, which is

1 commonly referred to as a Foreign Agent Registry.

2 All of that was the work that we had to do in
3 Cabinet to build consensus within the government. And then
4 after that, to then make it legislation.

5 **MS. LEILA GHAAHARY:** Thank you.

6 Court Operator, could you go to page 2 of
7 this document?

8 And just for clarification, Mr. Mendicino,
9 the MC, as we see there, sought to implement various
10 elements, including the endorsement of the principles and the
11 pillars that have been set out in the HASA strategy, as
12 you've just mentioned, to implement a whole-of-government
13 strategic communications approach, and as you've also just
14 mentioned, to explore legislative enhancements, which as we
15 know, became Bill C-70.

16 And so for ease, I'm just going to put these
17 three elements into two categories: the strategy category;
18 and the legislative category.

19 And firstly, in relation to the legislative
20 category, you were eager, you say in your statement, to see
21 the HASA MC materialize in a concrete way. And as you've
22 already said, we now know that that bill has become law
23 earlier this year.

24 **HON. MARCO MENDICINO:** I was very eager.

25 **MS. LEILA GHAAHARY:** And secondly, in
26 relation to the strategy element, you again say in your
27 witness summaries that you were eager, or very eager, to see
28 those progress, and by the time you left office in July 2023,

1 a draft version of the HASA strategy was in existence, but no
2 version of the communication strategy existed at that time.

3 In your interview, you also said that pushing
4 forward with both the legislative and the strategy elements
5 were not without challenges.

6 And Court Operator, if we can put up
7 CAN18005?

8 **--- EXHIBIT No. CAN018005:**

9 [Text Messages of B. Clow]

10 **MS. LEILA GHAAHHARY:** I just want to explore
11 with you what some of those challenges might have been.

12 If you could go to page 2, please?

13 This is a text message exchange with Brian
14 Clow, who at the time, I understand, was the Minister's
15 Deputy Chief of Staff, and it's in November of 2022. So the
16 same year that the HASA MC had been before Cabinet. And this
17 message principally concerns overseas police stations, but
18 within the conversation, you say:

19 "...I really need your help on pushing
20 ahead with policy and investments
21 which has been [very] hard for a
22 variety of reasons..."

23 Court Operator, can we now put up CAN45922?

24 **--- EXHIBIT No. CAN045922 0001:**

25 FW: Dockets to MINO to be re-
26 submitted (PS-040167 & PS-040548)

27 **MS. LEILA GHAAHHARY:** And if you could scroll
28 down so we can see as much of the body of the email as

1 possible? Thank you.

2 This is an email within Public Safety, and
3 it's dated August 2023. So after you've left office, Mr.
4 Mendicino, but it speaks about an update on the HASA
5 strategy, which by then has become known as the Foreign
6 Interference Strategy. And we can see that the writer
7 highlights that the strategy has met resistance, and thus far
8 that the timing has not been right.

9 And so I'm going to ask you to address two
10 points. Can you first of all tell us what work was being
11 undertaken between May 2022 and July 2023? In particular, in
12 respect of the Strategy, because we know that the Bill did
13 come to fruition, but please do add details in relation to
14 the Bill as well.

15 And then the second point is can you tell us
16 what the challenges were in progressing both the legislation
17 and the strategy and what you did to overcome those
18 challenges?

19 **HON. MARCO MENDICINO:** I can, but just to
20 clarify, I am not able to speak to the second document that
21 is currently on the screen since I am not party to it and it
22 postdates my time as Minister of Public Safety. But I
23 certainly can speak to the first document which you put up,
24 which is a text exchange between myself and Mr. Clow, who
25 works for the Prime Minister.

26 But to answer your question, the work that
27 was being undertaken between the time at which I got my MC
28 ratified at Cabinet and the time that I concluded my time as

1 Public Safety Minister was developing a consensus around how
2 to, one, take that MC and turn it into drafted legislation,
3 which is a highly complicated, nuanced, precise drafting
4 exercise, which is undertaken by policy experts and lawyers
5 within the Department of Justice, the Ministry of Public
6 Safety, and the community of Public Servants that do that
7 work.

8 Second, it involved coming up with a sound
9 communications strategy, and given how emotionally charged
10 this subject is, it was very important that we get the
11 legislation off on the right foot.

12 Third, as part of that, we had to consult the
13 public. And that is work that I did lead as Minister of
14 Public Safety, primarily on the creation of the Foreign Agent
15 Registry, or what is now known as FITAA for short. And that
16 consultation was conducted both myself personally reaching
17 out to Canadians, hearing from them about their concerns
18 around potentially being stigmatized or stereotyped, as well
19 as potential overreach around the creation of this
20 legislation, and I do think that we have taken some lessons
21 in the past that if we draft legislation too quickly, and if
22 we don't get that legislation right, that there can be
23 overreach. So consultation was work that we were doing.

24 And then all of that was against the backdrop
25 of other events.

26 And Your Honour, let me just pause for a
27 moment to say that when I took the chair, as you heard me say
28 earlier, I was very eager to see the HASA strategy become

1 law. And in order to do that, we first had to get this MC to
2 Cabinet, build consensus, get it ratified.

3 I would say that even though I wanted to make
4 sure that the HASA MC was charging ahead full steam, that we
5 were running into a category five hurricane of events beyond
6 our control, and those events were COVID-19, the Freedom
7 Convoy, the invocation of the *Emergencies Act*, the Russian
8 invasion into Ukraine, all of the work that went into the
9 review of the decision to invoke the *Emergencies Act* in the
10 form of the Rouleau Commission, the exhortation of our allies
11 for Canada to become part of the effort to stabilize the
12 situation in Haiti, and obviously the unauthorized
13 disclosures around foreign interference, which were another
14 complicating factor.

15 So this was, and I know we throw around this
16 term quite casually, but an unprecedented time in government.

17 And I would say that in spite of all those
18 challenges, the fact that we were able to get that MC to
19 Cabinet, ratified in mere months, and then proceed with the
20 steps that were necessary to turn that MC into legislation
21 was not easy, but I am very pleased that it is now law.

22 **MS. LEILA GHAAHARY:** Thank you.

23 Court Operator, could you please put up
24 WIT105?

25 I want to turn back for a moment to the
26 registry and the consultation, which I understand you
27 spearheaded.

28 Court Operator, could you take us to page 12,

1 paragraph 51, please? And if you could take "Consultations
2 with Diaspora Communities" to the top of the page? Thank
3 you.

4 I understand that during the course of the
5 consultations, you heard concerns that the registry might
6 further stigmatize members of the diaspora community. And in
7 the "What We Heard" report, and I can put it up if it helps,
8 Mr. Mendicino, the concerns of a similar nature were also
9 reflected, that the registry could stoke racial or ethnic
10 exclusion or be used to blacklist communities.

11 Can you expand on those concerns and explain
12 how they were addressed as part of the development of Bill C-
13 70?

14 **HON. MARCO MENDICINO:** I can. During the
15 course of public consultations, I did hear a lot of feedback
16 from those communities, as well as others, about the concerns
17 around stigmatization.

18 Bear in mind at the time we were still in the
19 throes of the pandemic, or starting to come out of it, but
20 not through it. And I do recall there being many incidents
21 of anti-Asian racism and the intersection between that
22 phenomenon and the concern about a potential abuse or
23 overreach in the creation of a foreign agent registry was
24 something that I heard a lot of feedback about.

25 Our response was, in part, to take the time
26 that was necessary to weave that feedback into the drafting
27 of the legislation. And again, we can expand on it, but one
28 of the things that we contemplated very carefully was taking

1 a country agnostic approach in the drafting of the Foreign
2 Influence Transparency and Accountability regime as a way to
3 mitigate against the concerns around stigmatization from
4 particular parts of the world.

5 **MS. LEILA GHAAHARY:** Thank you. And it's
6 right that the consultation was also extended to subnational
7 governments. Could you tell us some more about that?

8 **HON. MARCO MENDICINO:** Yes. So by way of
9 example, in my time as Minister of Public Safety, there was
10 an instance involving the so-called Chinese balloons, and
11 that required contact, conversations with other levels of
12 government.

13 And it seems to me that this is another one
14 of those areas where we really do need to give careful
15 thought about how we share information that is classified
16 with stakeholders that are outside of the federal government,
17 including Premiers of the provinces and territories. And in
18 my view, I think C-70 addresses that, with procedures in
19 place to both declassify information, but equally to
20 authorize CSIS and other intelligence officials to go out and
21 share information outside of the four corners of the federal
22 government, including with subnational governments.

23 I do think that there is scope as well to
24 consider using forums like what we call the FPTs, the
25 Federal, Provincial, Territorial forums, as a place in which
26 we can further strengthen the lines of communication in the
27 intelligence space and potentially moving into secured
28 environments where necessary, making sure that individuals

1 are properly cleared, et cetera, and vetted. But certainly,
2 subnational cooperation is imperative, because foreign
3 interference doesn't just go after federal levels of
4 government. It also can be and is a problem for provincial
5 and territorial governments, as well as municipal
6 governments.

7 **MS. LEILA GHAAHARY:** Thank you. I now want
8 to turn to threats to parliamentarians. You've already
9 touched upon this, so I'm not going to ask you to repeat what
10 you've said in relation to how the Ministerial Direction came
11 about, but Court Operator, can we please put up CAN21931?

12 **--- EXHIBIT No. CAN021931:**

13 Ministerial Direction on Threats to
14 the Security of Canada Directed at
15 Parliament and Parliamentarians

16 **MS. LEILA GHAAHARY:** This is the Ministerial
17 Direction that was issued by you.

18 And Court Operator, if you can scroll down,
19 please, so that we can see the numbered paragraphs? Thank
20 you.

21 Paragraph 1 states that:

22 "CSIS will investigate all threats..."

23 Paragraph 2 includes that:

24 "When CSIS assesses [...] there to be a
25 threat to the security of Canada
26 directed at Parliament or a
27 parliamentarian, it will pursue the
28 appropriate lawful methods in

1 response..."

2 And paragraph 4 states that:

3 "The Minister of Public Safety will
4 be informed of all instances of
5 threats to the security of Canada
6 [again] directed at Parliament or
7 parliamentarians..."

8 This document didn't set any threshold or
9 parameters for what constitutes a threat. Can you explain
10 what you envisaged as meeting the threshold when you put this
11 together?

12 **HON. MARCO MENDICINO:** I envisaged a broad
13 and flexible interpretation of threats to parliamentarians
14 and I was intentional about that. And the reason is that in
15 the aftermath of the unauthorized disclosures to the media
16 about potential threats to Michael Chong, there were many
17 serious questions, entirely legitimate questions asked about
18 the flow of intelligence. And so my response to remedy that
19 situation was to be clear in the language of the Ministerial
20 Directive my expectation that I be briefed on threats to the
21 security of Canada directed at Parliament and
22 parliamentarians.

23 I would also say that prior to this
24 Ministerial Directive, there was another Ministerial
25 Directive that provided general direction to CSIS on when and
26 how they should brief the Minister on a particular situation
27 or matter, depending on the legality, the complexity, the
28 potential jeopardy that the government might face as a result

1 of those threats, and this was building on that Ministerial
2 Directive with further clarity and precision around the
3 category of foreign interference and parliamentarians.

4 So what I envisaged was a broad and flexible
5 interpretation of threats to parliamentarians.

6 **COMMISSIONER HOGUE:** And then you were
7 relying on CSIS to determine when you should be informed of a
8 given threat?

9 **HON. MARCO MENDICINO:** That's correct.

10 **COMMISSIONER HOGUE:** Okay.

11 **HON. MARCO MENDICINO:** That's correct.

12 **MS. LEILA GHAAHARY:** We've also heard that
13 subsequently, and after you'd left office, a protocol was
14 developed for the implementation of the Direction. And one
15 of the concerns that led to the development of that protocol
16 was when the threshold of a threat had been met for the
17 purposes of CSIS triggering the Direction.

18 That resulted in a focus on the word
19 "credible threat" within the Protocol, and my question to you
20 is, do you agree that "credible threat" is the appropriate
21 threshold to apply?

22 **HON. MARCO MENDICINO:** I certainly am
23 sympathetic to the amount and the volume of intelligence that
24 has to be sifted through, and I think looking at language
25 like "credible", "actionable", you know, other principles
26 that come to mind, and I'm now going back to my previous life
27 as a federal prosecutor, you know, credible, corroborated,
28 and compelling. Those are the types of principles that I

1 think can help lead to a recommendation as to whether or not
2 specific intelligence is actionable.

3 I believe that that is a parallel
4 conversation to the real objective of this Ministerial
5 Directive. There are decision points which again only the
6 Minister can take, but the real purpose and the vision of
7 this Ministerial Directive was to ensure that the Minister
8 was directly briefed on threats to parliamentarians so as not
9 to be caught flatfooted in the event of an unauthorized
10 disclosure, because there are legitimate questions as to the
11 flow of information where that does not happen. And so this
12 was an effort to remedy that situation.

13 Now, over time I do believe that we have to
14 continually have a conversation about the flexibility and the
15 breadth of that threshold, and your insertion of the Protocol
16 after my time, using words like "credible", but there are
17 some other words that I've suggested there, can, I think,
18 further refine that. But I wanted to err on the side of
19 inclusion so that the elected side of government could remain
20 kept very much alive to threats to parliamentarians, because
21 ultimately, we are accountable. And in order to maintain the
22 confidence of Canadians, we have to adhere to that principle.
23 And this was an effort to achieve that goal.

24 **MS. LEILA GHAAHARY:** Thank you. I'm now
25 going to move on to the issue of overseas police stations.
26 Again, you've touched upon it, but I'd like to just explore
27 it in a little bit more detail

28 Court Operator, could we put up WIT105,

1 please? And if we can go to page 8, paragraphs 32 to 36?

2 You've previously talked about your
3 involvement in this issue, but for today's purposes, could
4 you briefly tell us when you first became aware of the
5 presence of overseas police stations and what steps were
6 taken during your time in office to address this issue?

7 **HON. MARCO MENDICINO:** Well as it says at
8 paragraph 33, I was briefed in later 2022 or early 2023 about
9 the phenomenon of these so-called overseas police stations.
10 I was briefed about a report that was authored by an
11 international NGO that painted a very stark picture about the
12 proliferation of overseas police stations, not only in Canada
13 I would hasten to add, but all around the world. I do recall
14 after or in the course of being briefed that CSIS had issued
15 an alert about OPSS and that the RCMP had taken some decisive
16 action to disrupt any foreign interference, which could have
17 been deployed through OPSS by placing marked cars at some of
18 the locations where they had good reason to believe that
19 foreign interference may be occurring. And I had also been
20 briefed that -- from my officials that the foreign
21 interference-related activities to these OPSS had been shut
22 down at the time, and those briefings then also took the form
23 of subsequent briefings given by the RCMP.

24 **MS. LEILA GHAAHARY:** Thank you. Court
25 Operator, could you scroll down to paragraph 34, please?

26 Mr. Mendicino, here you explain that you met
27 with members of the communities that had been affected by the
28 alleged police stations to learn more about the issues and

1 hear their concerns. Earlier in our hearings we heard from
2 panellists who described these stations in a different way.
3 They were described as community centres that provided
4 support for newcomers, that would help them integrate into
5 Canadian life, and, in particular, Ms. Wawa Li described that
6 she referred to any responsible public announcement that a
7 Montreal centre was alleged to have been operating as an
8 illegal Chinese police station, and that led to loss of
9 funding and an impact on a number of community resources and
10 support that was otherwise being provided. You also explain
11 in your statement that when you heard concerns, they were not
12 unanimous. Can you expand on the concerns that you heard,
13 and at the time that you were having these conversations,
14 were you aware of the views that had been expressed by Ms. Li
15 during these hearings?

16 **HON. MARCO MENDICINO:** I was generally aware,
17 and I was also aware that there was not unanimity within the
18 community about whether or not what was going on at overseas
19 police stations was, in fact, according to them, foreign
20 interference. I had been briefed otherwise, and that's why
21 the enforcement steps were taken, and that is why the
22 intelligence community had issued an alert, and all of that
23 was on the strength of a report that had been independently
24 authored by a non-governmental organization. So I was aware
25 of the fact that this phenomenon, this particular example of
26 foreign interference was the subject matter of intense
27 debate.

28 I would just hasten to add that, again, this

1 is why it is important that we charge our experts in the
2 Public Service to sift through this intelligence and to
3 advise the government about what, if any, steps can and
4 should be taken to reduce a threat to our national security.
5 And C-70 does add to the toolbox. It does create new
6 offences where in a situation where there was foreign
7 interference at an overseas police station, as they are
8 described, that they potentially could go from the
9 intelligence world into the evidentiary world and potentially
10 be used in a prosecution. And this is an area where I have
11 some experience as a former prosecutor, deploying the
12 intelligence to evidence protocols that are in place with the
13 use of things like what were then called advisory letters,
14 which are now called use letters, where CSIS provides
15 intelligence to the law enforcement branch, and then takes
16 that evidence and turns it into admissible evidence. There
17 are protocols that can be used to mitigate against the type
18 of threats that were reported at OPS.

19 **MS. LEILA GHAAHARY:** To what extent, if any,
20 do you think that Ms. Li's concerns have been or should be
21 addressed?

22 **HON. MARCO MENDICINO:** Well, again, here, I
23 think it's important that we defer to the intelligence and
24 the law enforcement community, and I believe that you've
25 heard evidence that these investigations are ongoing. And so
26 I want to be careful and prudent about coming to judgment
27 about any particular incident involving or allegation
28 involving overseas police stations. But to my mind, this is

1 further proof about the pervasiveness and the rapidly
2 evolving nature of foreign interference, that our adversaries
3 are looking for vulnerabilities within the community.

4 And the theory around this particular example
5 of foreign interference is that these were satellites that
6 were being used to practice transnational repression for
7 those who were speaking against our adversaries. And that
8 through these satellites, they could intimidate, threaten,
9 harass, or otherwise make life uncomfortable for Canadians.
10 And that is fundamentally wrong, and we need to be sure that
11 we are equipping ourselves with the tools that are necessary
12 to protect against that. All of the work that I had done in
13 my time as Minister of Public Safety around taking the HASA
14 strategy, turning it into a memo to Cabinet, and then
15 consulting the public, including, as you saw in the what we
16 heard report, was with a view to achieving that goal.

17 **MS. LEILA GHAAHARY:** Thank you. Court
18 Operator, could you now put up WIT 147? And could you go to
19 paragraph 34? Thank you.

20 I want to ask you about nomination contests.
21 In your examination summary, you've agreed that nomination
22 contests were a potential vector for foreign interference,
23 and there's a vulnerability there. However, you also
24 cautioned against federal regulation of those contests,
25 citing the risk of delineating where the partisan lines and
26 the government authority begins. Can you expand on your
27 concerns around regulation, and do you have any views on an
28 alternative means of addressing the vulnerability?

1 **HON. MARCO MENDICINO:** I do. And first let
2 me say by way of background and having gone through a very
3 contentious nominations, that they are a healthy part of our
4 democracy, and so we should be sure to protect that as an
5 element of our democracy.

6 That said, political parties are charged with
7 the responsibility of coming up with important rules around
8 who is eligible to participate in a nomination process, who -
9 - including who the candidates are, who the members are.
10 They are charged with the responsibility to do proper vetting
11 of those candidates before, as we like to say in the
12 business, green-lighting them, approving them to run. And I
13 believe that the work of the Commission can be very
14 instructive and helpful to parties about how they can be more
15 vigilant in their due diligence around the screening of
16 candidates, around the rules around their eligibility, but as
17 much as possible, respecting the independence and the
18 autonomy of the political parties themselves to come up with
19 those rules. That does not mean that their work should be
20 done in segregation of all of the other work that is being
21 done by the government to mitigate against the threats of
22 foreign interference.

23 And so I believe that a party that is acting
24 prudently should be seeking out advice from the professional
25 Public Service, particularly in the intelligence community
26 about potential threats involving foreign interference, so
27 seeking protective briefings, as CSIS has done, by the way,
28 providing in my time, I think, just shy of 50 briefings to

1 parliamentarians, but they could take that model and apply
2 it, maybe expand on it, for the benefit of political parties.
3 I believe the SITE panel might be another appropriate forum,
4 who is already charged with responsibility of safeguarding
5 our elections to be a place in which parties can receive
6 voluntary protective briefings, so that they are, again, eyes
7 wide open, soberly aware of where the threat vectors may be
8 in the nomination process.

9 There may also be some additional legislative
10 work, Your Honour, that you may wish to examine, but my only
11 caution is that we have to be prudent before the government
12 of the day writes any laws which could influence the outcome
13 of a political party in a way which may be perceived as a --
14 to the incumbent government. And I think this gets back to
15 that theme that we were talking about around understanding
16 the division of function between what the elected government
17 is there to do and what the unelected, professional, non-
18 partisan government is there to do. And I think that where
19 there is work to be done is further scoping out the
20 relationship between political parties and how they get
21 briefed on potential threats of foreign interference as they
22 undertake nomination and other internal exercises that lead
23 up to the general election, or a byelection.

24 **MS. LEILA GHAAHARY:** Thank you. I'm now
25 going to move onto a subject of collaboration with partners
26 outside of federal government.

27 Court Operator, could you put up CAN22697,
28 and if you could scroll down?

1 --- EXHIBIT NO. CAN022697 0001:

2 Transcript - Minister of Public
3 Safety Marco Mendicino participates
4 in a CIGI virtual event entitled
5 Canada's National Security A
6 Discussion the Honourable Marco
7 Mendicino - June 27, 2022

8 **MS. LEILA GHAAHARY:** This, Mr. Mendicino, is
9 a transcript of an interview that you gave to the Centre for
10 International Governance and Innovation in June 2022. And I
11 can take you to the relevant parts if necessary, but in this
12 interview you underscore the need for government to be more
13 outward facing, and that combatting misinformation and
14 disinformation requires working closely with the private
15 sector, academia, and industry leaders.

16 And the Commission has already heard lots of
17 evidence on this but what I want to ask you about is what
18 work was being done by Public Safety in relation to that
19 during your time in office. Did your office take any steps
20 to create or cultivate non-governmental partnerships during
21 your tenure?

22 **HON. MARCO MENDICINO:** They did a ton of
23 work, and I'm quite proud of it. One other important
24 initiative that I oversaw in my time as Minister of Public
25 Safety was the creation of a HASA -- what was then called a
26 HASA Coordinator, what is now called, I believe, the Counter
27 -- the National Counter Foreign Interference Coordinator.
28 And this is a quarterbacking role within Public Safety to

1 bring together all of the different branches within the
2 Public Safety and Intelligence community, including building
3 these types of bridges; doing outreach to stakeholders in the
4 academia, in the private sector, and in the public generally,
5 to build the kind of consensus that is required to navigate
6 the complexities around foreign interference.

7 I would also just say that I used this speech
8 which I gave to CG as an opportunity to talk about the
9 importance of transparency, and how in the eyes of our
10 government we raise the bar of transparency through the
11 creation of NSIRA; we raise the bar of transparency through
12 -- and accountability through the creation of NSICOPS, this
13 is the committee of parliamentarians that is made up of
14 representation from all the major sitting parties, including
15 representatives from the Senate to take a look at some of the
16 hard issues around national security and foreign
17 interference. How I was quite pleased to see that the CSIS
18 Director and CSIS generally was doing more public speaking,
19 engaging the public directly on conversations, tough
20 conversations, and how we were seeing more public annual
21 reporting about how we were reducing the threat of foreign
22 interference, including through the work of protective
23 briefings or defensive briefings directly to
24 parliamentarians.

25 I take a moment to expand on this, because
26 even as we want to be transparent and shine a light on all
27 this work, it's also important that we understand why there
28 are rules in place to protect classified information, and the

1 answer is very simple but is sometimes forgotten in the
2 public discourse. If we are careless, if we are reckless
3 about giving out information which is highly classified, then
4 people will die. Confidential informants who have been
5 cultivated by CSIS and our allies who are out in the field as
6 we speak, who put their life in harm's way to protect our
7 democracy, to protect us, will die.

8 The alliances that we have formed,
9 particularly in the post-Second World War era, with our Five
10 Eyes partners especially -- and that is work that I also did
11 as Public Safety Minister -- those alliances will shatter.

12 Our alliances depend on trust, and they trust
13 us with the most sacred and sensitive information that we
14 share with each other. So, yes, we need to be transparent
15 with Canadians about how we do this work, but we must also be
16 very careful to protect the most classified and sensitive
17 information to protect Canadians, to protect our democracy,
18 and to protect the alliances that underpin all of that.

19 **MS. LEILA GHAAHARY:** Thank you.

20 Madam Commissioner, those are my questions.

21 **COMMISSIONER HOGUE:** Thank you. I just
22 noticed that I don't have the agenda for today. Are we
23 supposed to take the break?

24 **MR. MATTHEW FERGUSON:** Yes, Madam
25 Commissioner, it's the break.

26 **COMMISSIONER HOGUE:** So I'll get the copy of
27 the agenda during the break. So we'll come back in 20
28 minutes.

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

2 This sitting of the Commission is now in
3 recess until 10:50 a.m.

4 --- Upon recessing at 10:30 a.m.

5 --- Upon resuming at 10:54 a.m.

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

7 The sitting of the Foreign Interference
8 Commission is now back in session.

9 The time is 10:54 a.m.

10 **COMMISSIONER HOGUE:** Thank you. I now have
11 two agendas for today, so it's great.

12 Okay. The first counsel is counsel for Erin
13 O'Toole. Mr. Jarmyn.

14 **--- CROSS-EXAMINATION BY MR. THOMAS JARMYN:**

15 **MR. THOMAS JARMYN:** Mr. Mendicino, my name is
16 Tom Jarmyn and I represent Erin O'Toole. My questions today
17 are largely going to be procedural, so, you know, to the
18 extent I ask about warrants, it's not about any particular
19 warrant and I'm not interested in details with respect to
20 that.

21 So as Minister of Public Safety, you sat at
22 the apex of four large departments and three smaller ones,
23 totalling probably about 65,000 employees? Is that correct?

24 **HON. MARCO MENDICINO:** Yes. Just to be
25 demonstrative about those departments, it's the RCMP, CSIS,
26 CBSA, Pardons Canada, and obviously the obviously the Public
27 Safety Ministry itself.

28 **MR. THOMAS JARMYN:** Yes. And Correctional

1 Services Canada.

2 HON. MARCO MENDICINO: And Correctional
3 Services Canada. Yes. Thank you.

4 MR. THOMAS JARMYN: And you had exempt staff
5 that were hired by you to assist you in dealing with those
6 departments?

7 HON. MARCO MENDICINO: Yes.

8 MR. THOMAS JARMYN: Is that correct? And
9 their existence -- or their employment is contingent upon you
10 being the Minister. In other words, when your term as
11 Minister ends, their employment ends, subject to them being
12 picked up by another Minister?

13 HON. MARCO MENDICINO: I think that's roughly
14 accurate, yes.

15 MR. THOMAS JARMYN: And you -- so the chief
16 among those, or the most senior among those is the person
17 designated as your Chief of Staff?

18 HON. MARCO MENDICINO: Correct.

19 MR. THOMAS JARMYN: And were you given
20 direction as to whom should be hired as your Chief of Staff
21 by the Prime Minister's Office?

22 HON. MARCO MENDICINO: No.

23 MR. THOMAS JARMYN: Were you -- did the Prime
24 Minister's Office exercise approval over the person you
25 designated?

26 HON. MARCO MENDICINO: I would say it's a
27 conversation between the Minister and the Prime Minister's
28 Office, and certainly there's input from both sides. But the

1 Minister does, and should have, input into who their Chief of
2 Staff is.

3 **MR. THOMAS JARMYN:** Okay. Thank you. And
4 I'm assuming that some one member of your staff was directed
5 to have responsibility for the handling of matters related to
6 national security, and in particular, warrants. Is that
7 correct?

8 **HON. MARCO MENDICINO:** I would say that
9 that's roughly accurate as well, that within the political
10 staff, that certain tasks were given to individuals to take
11 on a file, for example, handling CSIS warrants and making
12 sure that the Minister is properly briefed, getting the
13 appropriate intelligence as we take those decisions, yes.

14 **MR. THOMAS JARMYN:** So you were Minister of
15 Public Safety from October '21 to I believe June of '23. And
16 so I'll use the ---

17 **HON. MARCO MENDICINO:** July. Sorry to
18 correct. July of '23.

19 **MR. THOMAS JARMYN:** July of '23. Sorry. The
20 NSIRA '22 Annual Report says that in 2022, there were 28
21 warrants approved. Is that consistent with your recollection
22 of that year?

23 **HON. MARCO MENDICINO:** You can appreciate I
24 didn't keep a running tally, but I have no reason to dispute
25 that. I assume that they had access to the precise numbers.
26 So that sounds about right, I just don't have the exact
27 number in front of me.

28 **MR. THOMAS JARMYN:** Yeah, so that would --

1 there's a relatively frequently rhythm of those materials
2 showing up in your office?

3 **HON. MARCO MENDICINO:** I think that's a fair
4 statement.

5 **MR. THOMAS JARMYN:** And would the same person
6 have been assigned, as a general rule, to reviewing warrants?

7 **HON. MARCO MENDICINO:** Not necessarily. It
8 would depend on staffing and whether or not people were on
9 leave, but I can assure you that in the course of my time as
10 Minister, that we had personnel assigned for the flow of
11 information and intelligence in support of decisions related
12 to CSIS warrants.

13 **MR. THOMAS JARMYN:** And what direction did
14 you give to your staff regarding the qualifications of the
15 people assigned to provide you advice with respect to
16 warrants?

17 **HON. MARCO MENDICINO:** Well first that they
18 had to be properly cleared and vetted, because the
19 information was highly classified, very sensitive, and as I
20 described just before our recess, the stakes are as high as
21 they get. Lives hang in the balance.

22 So one, they had to be properly cleared by
23 our intelligence and Public Safety officials.

24 Second, they had to demonstrate some critical
25 analysis skills. They had to be good reads, quick reads, and
26 be able to take a lot of information and distill it down to
27 recommendations and advice.

28 And you know, to state the obvious, this is a

1 very complex area. The laws that apply to CSIS warrants is
2 not easy. Understanding principles like investigative
3 necessity, the duty of candour that is owed to the Court,
4 full, fair, and frank disclosure, those are not easy
5 concepts. And especially when you mesh that against the
6 reality that foreign interference has become far more
7 pervasive and is rapidly evolving, we really wanted to be
8 sure that, you know, we had people who could take that
9 information and distill it back to me when they were giving
10 advice.

11 **MR. THOMAS JARMYN:** And in fact, a warrant
12 under section 21, by definition, involves an infringement of
13 someone's rights?

14 **HON. MARCO MENDICINO:** Well, look, there --
15 this is an important question and I don't want to gloss over
16 it, but the Court and the Minister of Public Safety, who
17 plays a gatekeeping function before those CSIS applications
18 goes to Court, undertakes a balancing exercise. So everyone
19 has a right to be guarded against an unreasonable search and
20 seizure under section 8 of the *Charter*. But embedded within
21 that are judicially authorized warrants.

22 **MR. THOMAS JARMYN:** Yes.

23 **HON. MARCO MENDICINO:** And so the Court
24 undertakes a careful balancing. I am reluctant to say that a
25 properly authorized warrant first screened by the Minister of
26 Public Safety, subsequently approved by a Court, amounts to
27 an infringement of anyone's rights.

28 **MR. THOMAS JARMYN:** Let me put it this way,

1 involves an activity that if it were not judicially approved,
2 would be an infringement of someone's rights?

3 HON. MARCO MENDICINO: I think that's closer
4 to the truth, yes.

5 MR. THOMAS JARMYN: Okay. Thank you. And so
6 in ensuring those warrants were properly reviewed, and you,
7 I'm assuming, expect your staff to make sure that the warrant
8 was reviewed in its entirety and that questions were asked
9 and the premises were tested? Is that correct?

10 HON. MARCO MENDICINO: Well not just my
11 staff. I read those warrants. I read them very carefully.
12 I read them with detailed notes. And I put questions back to
13 my officials where I had them to ensure that the requirements
14 under the law were met.

15 This was, in my opinion, one of the most
16 serious and solemn responsibilities that I had because of the
17 sensitivity of the information and the threats that we were
18 trying to mitigate through the authorization of these
19 warrants.

20 So I took this part of my assignment
21 extremely seriously. I knew that lives can and do hang in
22 the balance, and therefore we made sure that we got those
23 decisions right, to the extent that we could.

24 MR. THOMAS JARMYN: You leapt to my next
25 question, but my first question was what did you expect your
26 staff to do?

27 HON. MARCO MENDICINO: To make sure that I
28 was getting the paper that I needed to take those decisions,

1 so the intelligence to support it, to make sure that I was
2 getting the advice that I needed from my department.

3 And I would just say, we spent a lot of time
4 talking about my political staff. My Deputy Minister also
5 played a critically important role in this. As the unelected
6 representative of the Public Safety Ministry, my Deputy
7 Minister provided me with recommendations as to whether or
8 not to agree with the approval of the CSIS warrant to go to
9 court.

10 And there were discussions, and backs and
11 forths based on my careful reading of those warrants before I
12 signed off.

13 So it wasn't just political staff that were
14 playing this role. I also had the benefit of very sound
15 advice from my officials that were led by the Deputy
16 Minister.

17 **MR. THOMAS JARMYN:** And that having been
18 said, we've heard previous evidence that the typical
19 turnaround time in your predecessor's office was between four
20 and 10 days, or four and eight days, depending upon which
21 statement is being read.

22 Would that be a turnaround time consistent
23 with your office too?

24 **HON. MARCO MENDICINO:** I understand that that
25 is the evidence that the Commission has heard and I, you
26 know, would just simply say that we prioritized CSIS warrants
27 during my tenure. When they came up, they were put on my
28 desk without any undue delay and I made sure to take the time

1 that was necessary to read them, and to put questions back
2 that really centralized around the requirements of the law.

3 And the reason why I wanted to prioritize
4 this work was, one, I knew what was at stake in terms of our
5 national security and the people who put their lives in
6 harm's way every day to protect it, but two, I was also
7 mindful of the requirements that the Court had articulated in
8 a number of decisions around the duty of candour.

9 So this was not easy work, and it was not
10 work that could be rushed, but it was a top priority during
11 my time as Minister of Public Safety.

12 **MR. THOMAS JARMYN:** And so absent questions
13 from you about a warrant you would have expected that warrant
14 to show up before you for consideration in that four-to-10-
15 day period?

16 **HON. MARCO MENDICINO:** Well again, in my
17 experience, the warrants, there was a rhythm to it; I think
18 that's an appropriate way to characterize it, and there were
19 no undue delays in the approvals of warrants during my tenure
20 as Public Safety Minister.

21 **MR. THOMAS JARMYN:** And it would have been
22 exceptional for a warrant to sit in your office without being
23 tended to or placed before you for more than two or three
24 weeks?

25 **HON. MARCO MENDICINO:** Certainly, that was my
26 experience. But again, I do want to point out that there
27 will be circumstances where there can and should be a back
28 and forth between the Minister and his or her officials, and

1 for good reason. If you don't take this exercise seriously
2 then mistakes get made, the requirements of the law may not
3 be met.

4 And I think your point earlier about
5 infringements of people's Charter rights have to be taken
6 into consideration, especially when we're talking about the
7 right to be guarded against unreasonable search and seizure.
8 Especially when we're talking about our obligation to the
9 Court so that there is full, fair, and frank disclosure about
10 all of the intelligence that is being put before it to
11 authorize what is a very important and necessary
12 investigative technique to guard against any threats to our
13 national security.

14 So the point that I'm making is, I don't
15 think that there is a hard and fast rule around the number of
16 days when it comes to the approval of warrants. All I can
17 tell you is that in my time, I made sure that they got to me,
18 I reviewed them, I put questions back, and we got to a point
19 where I was comfortable taking a decision.

20 **MR. THOMAS JARMYN:** I'd like to conclude with
21 two questions, Minister. The first one is, when deciding
22 whether or not to approve a warrant -- and the *CSIS Act* says
23 that your approval is a precondition of the warrant being
24 presented -- what factors did you consider in deciding that
25 choice or making that choice?

26 **HON. MARCO MENDICINO:** In terms of whether or
27 not to approve it?

28 **MR. THOMAS JARMYN:** Yes.

1 **HON. MARCO MENDICINO:** All of the legal
2 principles that we've already discussed, and they are set out
3 in the law very carefully. So I would take all of those into
4 consideration, and I would be sure that if I had any
5 questions about whether or not those principles were met,
6 that I put them back to my officials. And I can tell you, in
7 my experience, those conversations were very helpful to me.
8 They were very constructive, because typically I found that
9 CSIS was responsive to any concerns that I raised. And we
10 all knew that it was in our mutual interests that we put the
11 best possible product before the Court so that we reached the
12 right decision.

13 **MR. THOMAS JARMYN:** And finally, if the staff
14 member you'd assigned to review the warrant had a personal
15 relationship with someone who's either the target of the
16 warrant or mentioned in the warrant, would you have expected
17 them to turn that responsibility over to someone else?

18 **HON. MARCO MENDICINO:** Yes. And we've
19 touched on it during my examination with Commission counsel,
20 and I do think that there needs to be a constant vigilance
21 around any potential abuses from the elected side of
22 government when taking decisions around foreign interference
23 and political actors. And I very much, you know, look
24 forward to what you have to say about that, Your Honour, in
25 your final report.

26 **MR. THOMAS JARMYN:** Thank you, Commissioner.
27 Thank you, sir.

28 **COMMISSIONER HOGUE:** Thank you.

1 So next one is Mr. Lew for Conservative
2 Party.

3 **MR. NOAH LEW:** Thank you, Commissioner.

4 **--- CROSS-EXAMINATION BY MR. NOAH LEW:**

5 **MR. NOAH LEW:** For the record, my name is
6 Noah Lew, and I'm counsel to the Conservative Party of
7 Canada.

8 Mr. Mendicino, as Minister of Public Safety,
9 when you received a warrant authorization package, I
10 understand that you would receive a number of materials,
11 which would include the warrant application, the Affidavits
12 in support of it, and a briefing note from your department.
13 Is that correct?

14 **HON. MARCO MENDICINO:** That's correct.

15 **MR. NOAH LEW:** And can you explain generally,
16 without going into specifics, what would be in the
17 departmental briefing note? In particular, I'm wondering
18 whether it would include a recommendation?

19 **HON. MARCO MENDICINO:** It would be a summary
20 of the warrant, and it would be accompanied with a
21 recommendation, and it would be affixed under the signature
22 of the Deputy Minister.

23 **MR. NOAH LEW:** And would those briefing notes
24 be dated?

25 **HON. MARCO MENDICINO:** I'm going back into my
26 time. I believe the general practice was to date them, but I
27 believe on several occasions they weren't always dated. So
28 you know, there were some occasions where the memo may not

1 have been dated, but certainly as time went on they were
2 increasingly dated, and I thought that that was a good
3 practice.

4 **MR. NOAH LEW:** Okay. Thank you.

5 And would the warrant application typically
6 come with tracking sheet that showed who had handled the
7 warrant application before you and when?

8 **HON. MARCO MENDICINO:** Yes, and it takes
9 different labels, a tracking sheet, a routing slip, that
10 shows all of the different steps that are taken before it
11 gets to my desk, yes.

12 **MR. NOAH LEW:** Including the intermediary
13 steps within your office?

14 **HON. MARCO MENDICINO:** Yes.

15 **MR. NOAH LEW:** The Ministerial office?

16 **HON. MARCO MENDICINO:** Yes.

17 **MR. NOAH LEW:** And would you typically notice
18 in general, how long a warrant application had been sitting
19 with your ministerial office staff before you signed off on
20 it?

21 **HON. MARCO MENDICINO:** To be frank, I cut
22 right to the quick and got into the reading of the warrant
23 itself, because as we've discussed they are complex
24 documents. And so, I was aware that there were routing slips
25 on it, and I would typically see that my Deputy Minister and
26 my Chief of Staff were two of the checks in the box along the
27 way to my desk. And then I would get into the business of
28 focusing on the task at hand, which was to review the

1 warrant, to ensure that the requirements of the law were met,
2 and to put back any questions to my officials if I had them.

3 **MR. NOAH LEW:** And do you think you would
4 notice if there was an unusual delay?

5 **HON. MARCO MENDICINO:** For sure. But you
6 know, you asked earlier about dating, and I do recall that on
7 several occasions I saw routing slips where maybe dates had
8 not been entered, and you know that -- again, in the interest
9 of being quite frank, you know, was a question at a time when
10 we wanted to get to the decision as quickly as possible. But
11 I did see an improvement on the practice of date and time
12 stamping to, I think, ensure good tracking, good routing, and
13 I think that that speaks to the way in which we have
14 strengthened the flow of information and intelligence within
15 government.

16 **MR. NOAH LEW:** Thank you.

17 I'm going to move to a different topic. You
18 spoke this morning Mr. Mendicino, about authorizing the use
19 of threat reduction measures, or TRMs. TRMs are a tool that
20 have been available since 2015; correct?

21 **HON. MARCO MENDICINO:** Well, in my opinion,
22 threat reduction measures, and the types of threat reduction
23 measures that I authorized, came in the form of the
24 legislation that was approved under 2019, which was then
25 called Bill C-59. And this is a very specific type of legal
26 mechanism, which in some instances does require ministerial
27 approval.

28 And as you may know, counsel, I approved

1 threat reduction measure for a number of parliamentarians who
2 had been targeted. So I just want to be clear that the
3 mechanism that I deployed to mitigate against the threats
4 came in the form of the new legislation under Bill C-59 in
5 2019.

6 **MR. NOAH LEW:** So you've anticipated my next
7 question, which was that although as you said, sometimes the
8 Minister would need to authorize TRMs, in other circumstances
9 CSIS could employ them without ministerial authorization?

10 **HON. MARCO MENDICINO:** I think there is some
11 flexibility in scope for CSIS to undertake measures to
12 mitigate against threats. And C-59 was put into place to
13 remove any ambiguity about what the precise scope of their
14 mandate and their ability to reduce those threats were.

15 And so, going back to my experience and my
16 time as the Minister of Public Safety, C-59 was another tool
17 that we added to our arsenal, which I think was very
18 positive, precisely because it strengthens transparency and
19 accountability about how these decisions are taken when it
20 comes to threats of foreign interference in the political
21 space, and specifically when we are talking about
22 parliamentarians. And that transparency and that
23 accountability is critically important to maintain the
24 confidence of Canadians in this institution.

25 **MR. NOAH LEW:** So just in brief, CSIS can
26 employ TRMs without ministerial authorization at times?

27 **HON. MARCO MENDICINO:** There may be
28 techniques and tactics that they can use to reduce threats of

1 foreign interference that do not require ministerial
2 approval. But when certain criteria and thresholds have been
3 met under C-59, they do have to seek ministerial approval,
4 including where someone's Charter rights, including privacy,
5 may be in play. And so, that is a mechanism by which we
6 ensure that that balancing exercise that we have been
7 speaking about, is being properly undertaken.

8 And just to add a little bit more context,
9 the proportionality of those threat reduction measures under
10 C-59 has to comport with the nature of the threat itself so
11 as to avoid any potential overreach.

12 **MR. NOAH LEW:** Okay. Thank you.

13 Could the operator please bring up
14 WIT0000105? If you could scroll to page 6 once it's up,
15 please?

16 **COURT OPERATOR:** Could you repeat the
17 document ID, please?

18 **MR. NOAH LEW:** WIT0000105. And actually I'm
19 looking for paragraph 26.

20 So you've spoken a bit about this already,
21 but it would be correct to say that threat reduction measures
22 include the ability for CSIS to notify members of Parliament
23 of issues concerning national security that are relevant to
24 those members of Parliament and that may necessitate action?

25 **HON. MARCO MENDICINO:** I do, and just let me
26 briefly expand. The threat reduction measures that I
27 authorized was -- were put into place to provide a more
28 secure environment, so that CSIS could share information

1 about what those threats were vis-à-vis the parliamentarians
2 in question. And over time, I do think that the protocols
3 that will be developed, now that Bill C-70 has become law,
4 around sharing of information, the procedures around
5 declassifying information can all be better deployed in the
6 context of threat reduction measures as a way of preventing
7 and mitigating against any threats to parliamentarians and
8 foreign interference.

9 **MR. NOAH LEW:** And so that same rule, or that
10 same ability would also apply to members of Parliament who
11 are leaders of a political party; correct?

12 **HON. MARCO MENDICINO:** For sure.

13 **MR. NOAH LEW:** So just to be clear, a leader
14 of a political party could receive a threat reduction measure
15 briefing if CSIS believed that there are issues concerning
16 national security that are relevant to that leader and that
17 may necessitate action; correct?

18 **HON. MARCO MENDICINO:** Subject to appropriate
19 screening. And we've talked in the past about the need to
20 ensure that before we share highly classified and sensitive
21 information that the individuals that are part of that
22 dialogue are vetted according to the protocols that have been
23 put in place, and I don't think we can gloss over that fact.
24 So, yes, you're right; if you are the leader of a political
25 party and you have become a threat, you -- I beg your pardon,
26 you've become a target of a threat to foreign interference,
27 then there should be a protocol in place to share
28 information, but that may very well be subject to the

1 appropriate screening of that individual prior to the sharing
2 of the information to ensure that it is protected.

3 **MR. NOAH LEW:** Okay. Thank you.

4 Commissioner, those are my questions for
5 today.

6 **COMMISSIONER HOGUE:** Thank you.

7 **MR. NOAH LEW:** Thank you.

8 **COMMISSIONER HOGUE:** Counsel for Jenny Kwan,
9 Maître Choudhry.

10 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

11 **MR. SUJIT CHOUDHRY:** Commissioner, good
12 morning, Mr. Mendicino, good morning.

13 **HON. MARCO MENDICINO:** Good morning.

14 **MR. SUJIT CHOUDHRY:** My -- for the record, my
15 name is Sujit Choudhry. I am counsel to Jenny Kwan, one of
16 your colleagues. And so I want to change tack a bit, and I
17 won't ask you about the CSIS foreign process. I want to ask
18 you instead about the NSICOP Report and the allegations made
19 out therein. And as you know, one of the issues on the
20 agenda of this Commission is what process there might be to
21 address some of those allegations, and there's been testimony
22 about that. And so let me just ask for clarification, have
23 you read the NSICOP Report?

24 **HON. MARCO MENDICINO:** Not front to back,
25 but, certainly, I have read the thrust of it and have seen
26 the key findings that were made by the NSICOP Report, yes.

27 **MR. SUJIT CHOUDHRY:** Good. Okay, thank you.
28 And so my client, you know, MP Kwan, gave evidence on this

1 issue before the Commission and we gave notice to the
2 Attorney General that we might ask you about some of the
3 points she made. Were you given a chance to look at that?

4 **HON. MARCO MENDICINO:** I was, and let me just
5 say, I very much sympathize with Ms. Kwan. I've worked very
6 collaboratively with her, and I saw her evidence that, as a
7 result of some of the findings, which have become very much
8 the subject of intense public debate has led her to being
9 labelled a traitor. And ---

10 **COMMISSIONER HOGUE:** Maître Choudhry, I don't
11 like to intervene in a cross-examination, but I would like to
12 get one detail from the witness.

13 Have you read the classified or the
14 unclassified version of the NSICOP Report?

15 **HON. MARCO MENDICINO:** Just the public
16 version. I have not been given access to the classified
17 version. You may have just taken one of the questions away
18 from counsel ---

19 **MR. SUJIT CHOUDHRY:** No, no, I wasn't -- it
20 hadn't even occurred to me, but ---

21 **HON. MARCO MENDICINO:** Okay.

22 **MR. SUJIT CHOUDHRY:** --- I'm glad the
23 Commissioner asked for clarification.

24 **HON. MARCO MENDICINO:** Okay.

25 **COMMISSIONER HOGUE:** So you can go ahead.

26 **MR. SUJIT CHOUDHRY:** Oh, thank you,
27 Commissioner.

28 **HON. MARCO MENDICINO:** Thank you. Yes, so I

1 have not seen the classified version.

2 MR. SUJIT CHOUDHRY: Okay, good. And so just
3 coming back to MP Kwan's experience ---

4 HON. MARCO MENDICINO: Yes.

5 MR. SUJIT CHOUDHRY: --- and her testimony,
6 so if I could, and with leave of the Commissioner, if we
7 could put up MP Kwan's witness statement for Stage 2, it's
8 WIT 78?

9 --- EXHIBIT No. WIT0000078.EN:

10 Interview Summary - Jenny Kwan (Stage
11 2)

12 --- EXHIBIT No. WIT0000078.FR:

13 Résumé de l'entrevue : Jenny Kwan
14 (étape 2)

15 COMMISSIONER HOGUE: Yes, you can go ---

16 MR. SUJIT CHOUDHRY: Okay. Good, thank you.
17 And I was -- and if we could please, when we get it up, if we
18 could go to PDF page 3? And it's just the portion of her
19 evidence, Mr. Mendicino, that I'd like to ask you about in
20 relation to the NSICOP Report and some ideas she shared.

21 Yeah.

22 MR. SUJIT CHOUDHRY: It's page 3 of the PDF.
23 Great, thank you. Okay, so let's start there. So as you --
24 so, you know, Mr. Mendicino, you spoke this morning in your
25 evidence about anti-Asian racism. And so here, just for the
26 record, I'd like to take you to paragraph 7 where MP Kwan's
27 evidence is that,

28 "...the NSICOP report has cast a

1 cloud of suspicion on
2 parliamentarians, [but] especially
3 lawmakers of Chinese and Indian
4 heritage..."

5 And she has personally been the subject of an
6 attack, or verbal abuse that she links to that. And so you
7 agree that that's concerning?

8 **HON. MARCO MENDICINO:** I'm profoundly
9 concerned about that, and specifically as it relates to a
10 colleague with whom I have worked very constructively with
11 over the course of my time as a member of Parliament. Let me
12 just say if I can as well, that having read the public
13 version of the NSICOP Report, I would say, in spite of the
14 best efforts of NSICOP, the Committee of Parliamentarians,
15 that they have gone further than what CSIS or the National
16 Security and Intelligence Advisor have gone when it comes to
17 findings. And from where I sit, that this is an important
18 reminder, one, about the importance of the weight that we put
19 on the advice that we get from the unelected, non-partisan,
20 neutral, professional public servants; and second, that the
21 reason for that deference has very much to do with the
22 expertise that they have around the evolving nature of
23 intelligence. So I just -- I wanted to take a moment ---

24 **MR. SUJIT CHOUDHRY:** Sure.

25 **HON. MARCO MENDICINO:** --- to really drive
26 this point home because I do empathize with Ms. Kwan's
27 concerns around being labelled a traitor.

28 **MR. SUJIT CHOUDHRY:** And actually, you

1 anticipated the next series of questions, so I was going to
2 put to you, but I think you're aware of the evidence that
3 CSIS gave here, that Maître Drouin gave here raising
4 questions, possible points of disagreement regarding the
5 facts or the interpretation of those facts that the NSICOP
6 Report put to it. And so my question then is this, that MP
7 Kwan, prior to that testimony being offered, basically said
8 there's a need to clear the air. There's some need of a
9 process. And I would put to you that in the face of
10 precisely the points you've raised about the questions that
11 were raised by CSIS and Maître Drouin under oath here, that
12 there's even greater need to clear the air regarding the
13 allegations in the NSICOP Report; would you not agree?

14 **HON. MARCO MENDICINO:** I agree, and I would
15 add that I am very worried that the entire conversation
16 around foreign interference and parliamentarians is being
17 transformed into a kangaroo court, with very little regard
18 for the process of understanding how we assess intelligence,
19 especially given its rapidly evolving nature. It is not as
20 though when an official authors and hands over an
21 intelligence report that that report becomes the final word.
22 And so I think it is extremely important that we heed the
23 opinion and the evidence that has been given to this
24 Commission from Ms. Drouin, from CSIS around the fact that,
25 in their opinion, this NSICOP Report has gone further than
26 where they are at in the assessment of the intelligence
27 universe as it exists today.

28 **MR. SUJIT CHOUDHRY:** So in the time remaining

1 to me, I'd like to talk about how we can get out of being in
2 what you call a kangaroo court of public opinion into some
3 type of a process, and to give you -- and if we can keep that
4 witness statement up, please, sorry. If -- and I -- to give
5 you -- put to you some ideas that MP Kwan has offered, and I
6 want to get your reactions to them. And so you're a lawyer,
7 of course, as we ---

8 HON. MARCO MENDICINO: I am.

9 MR. SUJIT CHOUDHRY: --- both know, and so as
10 you know, that Parliament has certain privileges, and one of
11 those privileges is to assess the conduct of members,
12 according to a standard it might set out, and then to
13 determine the consequences that might follow from determining
14 a member has breached a standard of conduct, everything from
15 a reprimand or a censure or a suspension up to expulsion.
16 You know that, that Parliament has that power?

17 HON. MARCO MENDICINO: Yes.

18 MR. SUJIT CHOUDHRY: And so at paragraphs 8
19 through 10 of this witness summary, MP -- this summarizes MP
20 Kwan's evidence regarding one type of a process that might be
21 lodged in Parliament to -- that wouldn't be a kangaroo court
22 to clear the air. And just to kind of summarize for you to
23 get your reactions, her evidence is -- would be -- is that
24 there should be a process with sort of five key features.

25 The first is a -- is that the allegations
26 should be reviewed by PROC, RP -- pardon me, RPRD, or a
27 combined committee. It's a bit of a tongue twister.
28 Secondly, that there should be an in camera review of the

1 allegations. Third, that there should be procedural fairness
2 for parliamentarians who face such allegations. The fourth
3 is that the process should be designed around national
4 security considerations, including perhaps the use of
5 security-cleared counsel, and I would add security clearance
6 for parliamentarians on these committees. And then finally,
7 at the end of this, there should be an output of some kind
8 that should be a report to Parliament and then Parliament can
9 decide to take steps. So that's -- those are the core
10 features of what she's put out.

11 And so what I'd like to engage you on are a
12 couple of questions coming out of that. The first is, isn't
13 it right that there needs to be some type of a standing
14 process, not just a process that's ad hoc, created in
15 response to this recent round of allegations -- because
16 foreign interference isn't going away -- to deal with the
17 problem of allegations levelled at parliamentarians, and
18 isn't it right that that process, presumptively, be lodged in
19 Parliament itself?

20 **HON. MARCO MENDICINO:** I am very sympathetic
21 to the points that you raise around accountability and
22 foreign interference and the conduct of parliamentarians.
23 That having been said, I think we have to give very careful
24 consideration about what the appropriate forum is to
25 adjudicate, in other words, what is the mandate of the
26 proposal that is being put forward by you on behalf of Ms.
27 Kwan. My concern, if I can, is that Parliament is, in its
28 very essence, a partisan atmosphere.

1 **MR. SUJIT CHOUDHRY:** Yes.

2 **HON. MARCO MENDICINO:** And we have spent a
3 good part of my testimony talking about trying to take the
4 partisanship out of this exercise, because regardless of
5 whatever political family you are a member, we have a shared
6 interest in protecting our democracy. And while I think this
7 is well intended, we really have to be careful before we
8 create a new committee that is made up of partisan actors.
9 And I would say that this government, the current
10 government's best effort to try to bridge that gap was
11 NSICOP, made up of parliamentarians charged with the mandate
12 to look into these issues. So that's one thing I would say.

13 Now, the other thing I would say is around
14 the conduct of parliamentarians, because when we take our
15 oath, we are swearing an allegiance to our constituents and
16 to this country, and we operate from the presumption that
17 members are discharging those responsibilities in good faith.
18 My only point is, again, before we rush to judgment on their
19 individual ability to uphold that oath, that we listen to the
20 advice that we get from non-partisan experts and that we are
21 methodical and that we are faithful to the due process
22 requirements of the law and the Charter before we leap to
23 conclusions.

24 **MR. SUJIT CHOUDHRY:** So one final question
25 then. So if not PROC or the Senate analogue, would it
26 perhaps be the function of NSICOP to have a process such as
27 this?

28 **HON. MARCO MENDICINO:** I think that NSICOP is

1 the forum right now charged with responsibility of looking
2 into matters of national security and intelligence. This
3 most recent report is again yet another reminder that we have
4 to look carefully on how that mandate is being discharged
5 when we look at the report and then we hear the reactions
6 from CSIS and the National Security Intelligence Advisor that
7 those findings have gone further, and in fairness to NSICOP,
8 and I do believe they were doing their level best to try to
9 get to the core of the issue, it seems as though they were
10 interpreting intelligence reports without having actually
11 named any parliamentarians in the report itself.

12 And so not being a member of that committee,
13 there's some guesswork that we're entertaining, but this is
14 again another cautionary note that I'm sounding. That as
15 they discharge their mandate, yes, we can and should review
16 it, and there is, I believe, a periodic review of NSICOP's
17 mandate. But, ultimately, if a parliamentarian is
18 compromised, if they are becoming a witting participant in
19 aiding our adversaries, that we take that advice first from
20 our non-partisan officials with the expertise to evaluate the
21 rapidly evolving nature of intelligence, and that, where
22 appropriate, if they are committing an act as serious as
23 treason, that that matter is handed over to law enforcement
24 to adjudicate their culpability as a means of holding them
25 accountable.

26 Now, adjacent to that, Parliament also has
27 mechanisms to hold the conduct of their members in place, but
28 we should not put the buggy before the horse, and we should

1 not allow this conversation to be transformed into a kangaroo
2 court, and I am worried about that.

3 **MR. SUJIT CHOUDHRY:** I have so many follow-up
4 questions, but I'm out of time. So thank you, Mr. Mendicino.
5 Thank you, Commissioner.

6 **COMMISSIONER HOGUE:** Thank you.
7 Mr. Sirois for the RCDA?

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

9 **MR. GUILLAUME SIROIS:** Good morning,
10 Minister, Madam Commissaire. Guillaume Sirois for the
11 Russian Canadian Democratic Alliance.

12 I'd like to ask the Court Reporter to pull
13 CAN 3249, please.

14 This is the Canada Strategy for Countering
15 Hostile Activities by State Actors. I believe you were
16 presented with that document during your examination; is that
17 right?

18 **HON. MARCO MENDICINO:** Yes.

19 **MR. GUILLAUME SIROIS:** Okay. I'd like to go
20 to page 5 of that document, please. It's the section of the
21 document that talks about Russia specifically. Can we scroll
22 down a little bit, please? Thank you. I'm just going to
23 read the first sentence as context. It reads,

24 "For decades, the Russian Federation
25 has employed hostile activity tactics
26 against Canada and its allies, former
27 Soviet states, the former communist
28 countries of Central and Eastern

1 Europe, as well as in the Middle
2 East, Africa and South America."

3 You were aware of this during your tenure as
4 Minister of Public Safety?

5 **HON. MARCO MENDICINO:** Yes, I was briefed to
6 this effect.

7 **MR. GUILLAUME SIROIS:** And I'm wondering why
8 is Russia targeting Canada specifically, among other
9 countries? Why is Canada a target?

10 **HON. MARCO MENDICINO:** You're asking me in
11 the general?

12 **MR. GUILLAUME SIROIS:** As you -- during your
13 tenure as Minister of Public Safety, how do you view Canada
14 as a target?

15 **HON. MARCO MENDICINO:** Well, it's consistent
16 with the paragraph that you see there, which is that they
17 have deployed hostile activities in the form of
18 disinformation campaigns, in the form of cyber attacks, in
19 the form of practicing transnational repression, so those
20 would be some of the concrete examples by which I was briefed
21 that Russia was attempting to deploy foreign interference in
22 Canada.

23 **MR. GUILLAUME SIROIS:** And, like, those are
24 observations, but I'm wondering more in terms of, like, the
25 United States are obviously a bigger threat to Russia, and we
26 can see Russia as being more interested into former Soviet
27 states, for instance, that are closer to their sphere of
28 influence, but what about Canada? Why Canada specifically?

1 **HON. MARCO MENDICINO:** Well, in my opinion,
2 Russia is looking for ways to undermine democracy to pursue
3 its own objectives, and these are not just phenomenon which
4 are occurring in Canada. The most egregious example of their
5 aggression would be their illegal invasion into Ukraine, but
6 the connection between that illegal invasion and the foreign
7 interference in Canada is quite clear, in my opinion, that to
8 support its case to go into Ukraine, it spread many
9 falsehoods through the form of disinformation campaigns.
10 There were foreign media proxies that were operating at one
11 time to spread some of the lies around the "de-Nazification"
12 of Ukraine. That kind of disinformation can undermine our
13 democracy if it's allowed to spread unchecked. And so these
14 were the type of threats and concerns that we were briefed on
15 vis-à-vis Russia and its activities, its hostile activities
16 in Canada.

17 **MR. GUILLAUME SIROIS:** And you mentioned that
18 this can undermine our democracy. Why is that?

19 **HON. MARCO MENDICINO:** Well, if people don't
20 know what they can trust in terms of what is reliable
21 information from the institutions that are there to serve us,
22 whether it's in government or whether it's the press, then
23 that trust can be broken. And if they are -- there can be
24 fertile ground for manipulation, coercion, again, harassment
25 and intimidation through the deployment of disinformation
26 campaigns.

27 **MR. GUILLAUME SIROIS:** Lack of trust,
28 harassment and harassment against MPs, or other members of

1 the society, against whom exactly?

2 **HON. MARCO MENDICINO:** Well, I think those
3 are all possibilities, but, again, we've gone over some of
4 the types of examples that I think are captured in that
5 paragraph.

6 **MR. GUILLAUME SIROIS:** Okay. Thank you.
7 And, like, this document dates from September 2nd, 2020. You
8 were not Minister of Public Safety at that time, but I
9 understand that Canada was a target, not only in September
10 2020, not only during your tenure as Minister of Public
11 Safety, but for a longer time than that ---

12 **HON. MARCO MENDICINO:** For many years, yes.

13 **MR. GUILLAUME SIROIS:** Can we say for
14 decades?

15 **HON. MARCO MENDICINO:** I think that's fair,
16 yes.

17 **MR. GUILLAUME SIROIS:** Okay. Thank you. And
18 what changed in terms of Russia's intent when Russia launched
19 its full-scale invasion of Ukraine in February 2022?

20 **HON. MARCO MENDICINO:** Well, you know, you're
21 asking for my opinion. I can't speak to the state of mind of
22 the Russian Government and the Regime, but what I can tell
23 you is that the invasion did coincide with disinformation
24 campaigns and, you know, other threats to foreign
25 interference, and that was something that I was alive to, the
26 government was alive to. And that's a big part of the reason
27 why we were so eager to move forward with the HASA MC
28 becoming Bill C-70. And I'm, again, quite pleased to see

1 that it is now law.

2 **MR. GUILLAUME SIROIS:** Thank you.

3 I'd like to go to page 6 now, just the page
4 following this one.

5 So I think it echoes a little bit what you've
6 been saying. I'm just going to read the paragraph for the
7 record:

8 "Russia engages in [Hostile Activity
9 State Actors] across Canada's
10 political system to influence
11 government decision-making, sway
12 public opinion, and undermine trust
13 of specific elected officials."

14 So that was obviously true in September 2020
15 and was true also during your tenure as Minister of Public
16 Safety?

17 **HON. MARCO MENDICINO:** Yes.

18 **MR. GUILLAUME SIROIS:** And there's strong
19 evidence to show that these efforts were directed
20 specifically against the Prime Minister, notably during the
21 blackface situation in 2019, the Freedom Convoy in 2021, and
22 even during the Tenet Media operation in 2023/2024.

23 Do you -- are you aware of these events
24 generally, that Russia was tied to disinformation campaigns
25 during these various events?

26 **HON. MARCO MENDICINO:** I may have missed it,
27 but I don't see anything in your last question that is in
28 this document.

MR. GUILLAUME SIROIS: Oh, no. It's not in this document. It's in other evidence that we've seen during this Commission. I'm wondering if you're aware of this at all?

HON. MARCO MENDICINO: I would be much more comfortable confining what I would say about Russia's hostile activities to the document that is here before us. I think it is fair and accurate and precise as to the type of examples of foreign interference that Russia has deployed in Canada.

MR. GUILLAUME SIROIS: That's fair.

Unfortunately, we don't have time to see the other documents.

But I am wondering if you know, like, undermining trust of specific elected officials, do you have any names, or parties, or which kind of -- who was targeted by Russia specifically?

HON. MARCO MENDICINO: Again, Your Honour, I would just repeat my last answer, and that is that I would be comfortable with what is in the document before you as a fair and accurate representation of what I was briefed on in terms of Russia's foreign interference activities in Canada.

MR. GUILLAUME SIROIS: That's fair. Thank you. We can continue in this document then, just because of the time -- limited time we have.

We can go at page 15, please.

I'm just going to read to you I think the --
yes, the first sentence of the first paragraph:

"Russia leverages numerous government

1 and non-government entities to
2 support its influence efforts."

3 The second sentence is:

4 "In addition to the highly capable
5 intelligence services, Russia
6 utilizes current and former senior
7 political figures, diaspora and
8 compatriot groups, cultural and
9 economic entities, the media, and its
10 diplomatic staff to carry out
11 interference and espionage
12 activities."

13 Is it in Canada also?

14 **HON. MARCO MENDICINO:** Well certainly we
15 talked previously about the use of foreign media as a means
16 of spreading disinformation and we talked about transnational
17 repression and diaspora communities being a potential target
18 in Canada, and I think that some of those examples are
19 consistent with, generally, the briefings that I would have
20 received as Minister of Public Safety.

21 **MR. GUILLAUME SIROIS:** As targets to Canada
22 specifically, but rather ---

23 **HON. MARCO MENDICINO:** Yes.

24 **MR. GUILLAUME SIROIS:** --- other countries?
25 Yes. Okay. I would now -- I think there's only one last
26 question that I can ask with the limited time.

27 Last page. The last sentence of last page.

28 And I don't -- obviously this is redacted. I

1 don't want to lead you to provide comments that are protected
2 by national security confidentiality, obviously, but I'm
3 interested about the cooperation between China and Russia and
4 the changing geopolitical landscape as a threat to national
5 security in Canada.

6 So with that context in mind, that China and
7 Russia are known to cooperate with each other on issues of
8 shared interests, I'm wondering if you can provide some
9 comments on a changing geopolitical landscape and the
10 implications for Canada's national security, especially since
11 the Russian invasion of Ukraine?

12 **HON. MARCO MENDICINO:** Well certainly I think
13 the illegal invasion into Ukraine has been a complicating
14 factor in our national security landscape, and we've talked a
15 little bit how it's coincided with foreign interference in
16 Canada, specifically through disinformation campaigns and
17 through cyber, potential cyber attacks in Canada. But beyond
18 that, I think that the document that you have before you is,
19 again, a fair and accurate representation of the ever-
20 evolving nature of that threat, and I take the point in the
21 last sentence that China and Russia have been known to
22 cooperate with each other on issues of shared interest. I
23 wouldn't go beyond that.

24 **MR. GUILLAUME SIROIS:** Okay. Thank you.
25 That's it.

26 **COMMISSIONER HOGUE:** Thank you.

27 Mr. Singh for the Sikh Coalition.

28 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

1 **MR. PRABJOT SINGH:** Thank you, Commissioner.

2 Mr. Mendicino, my name is Prabjot Singh. I'm
3 legal counsel for the Sikh Coalition. I'm going to focus my
4 questions today around transnational repression, and
5 particularly with regards to the lead up to the assassination
6 of Bhai Hardeep Singh Nijjar in June 2023.

7 If the Court Operator can bring up TSC60,
8 please? Thank you.

9 **--- EXHIBIT No. TSC0000060:**

10 Investigation of foreign interference
11 in the murder of Ripudaman Singh
12 Malik

13 **MR. PRABJOT SINGH:** And if you can scroll
14 down? Scroll down a little bit further.

15 So Mr. Mendicino -- just that second
16 paragraph. Scroll up a little bit. Yeah, that's good.
17 Thanks.

18 This is a letter that was sent to you by the
19 B.C. Gurdwaras Council in July 2022, several days after the
20 murder of Ripudaman Singh Malik in the Lower Mainland.

21 So I want to draw your attention to that
22 second paragraph in particular, where the letter urges you to
23 ensure that the investigation into the murder explore the
24 possible involvement of Indian intelligence agencies.

25 So these kinds of concerns around
26 extrajudicial killings were -- existed a year prior to the
27 assassination.

28 And the letter also asks that attention be

1 paid to whether Indian agencies or foreign actors have been
2 involved in influencing the media portrayal of the shooting
3 or the subsequent political discourse that is emerging across
4 the country.

5 Do you recall receiving this letter?

6 **HON. MARCO MENDICINO:** Not only do I recall
7 the letter, I recall engaging directly with the community
8 about this particular incident involving the killing of Mr.
9 Malik, as well as Mr. Nijjar. And I was very sensitive to
10 the concerns that were written in this letter, as well as the
11 conversations that I had.

12 I do want to point out that in my role as
13 Minister of Public Safety, it was not for me, and indeed it
14 would be inappropriate for the Minister of Public Safety to
15 direct the police to undertake any investigation. And so the
16 gist of the conversation was that I was in listening mode. I
17 was trying to obviously be sympathetic to the concerns that
18 were expressed, also to assure them that based on the
19 briefings that I had, that police were taking these cases
20 extremely seriously and that regarding any potential
21 connection between these killings and the Government of
22 India, that those were conversations that would go on within
23 the intelligence and the law enforcement community.

24 There were developments on that front, as you
25 know, but they came after my time as Minister of Public
26 Safety and the most significant development would be when the
27 Prime Minister made a statement in the House of Commons
28 regarding the killing of Mr. Nijjar.

1 **MR. PRABJOT SINGH:** So just to clarify your
2 answer, you're referring to a meeting with community leaders.
3 Is that the meeting that occurred in July of 2023?

4 **HON. MARCO MENDICINO:** There would have been
5 engagements before then, and I can't remember off the top of
6 my head, but that was one of a series of ongoing
7 conversations and engagements that I was having with the
8 community.

9 **MR. PRABJOT SINGH:** Thank you. So I want to
10 stick to 2022 for a second, and then we can move ahead to
11 2023. I want to suggest to you that in response to this
12 letter, that community organization did not receive a
13 response from the Ministry or yourself, and no further
14 engagement. Would you disagree with that fact?

15 **HON. MARCO MENDICINO:** I would. There was
16 engagement with the community. There may not ---

17 **MR. PRABJOT SINGH:** With the B.C. -- with the
18 B.C. Gurdwaras Council?

19 **HON. MARCO MENDICINO:** It may not have been
20 with the specific authors of this letter. I accept that.
21 But there was definitely ongoing engagement broadly with the
22 community about the killing of Mr. Malik, as well as Mr.
23 Nijjar. Absolutely there was.

24 **MR. PRABJOT SINGH:** So in the summer of 2022,
25 you'd agree that the contents of the letter communicate that
26 there was concern that India may be implicated in a violent
27 attack and engaging in disinformation around this specific
28 incident? Fair?

1 **HON. MARCO MENDICINO:** Yes.

2 **MR. PRABJOT SINGH:** Thank you. Outside of
3 this letter, were you aware of growing concerns within the
4 Sikh community in the summer of 2022 specifically, so we'll
5 stay with that timeline, that the Government of India and its
6 proxies had hired professional assassins to target Sikh
7 activists in the Lower Mainland of B.C.?

8 **HON. MARCO MENDICINO:** I would say that
9 generally I was aware that concerns were escalating in the
10 community around the extrajudicial killings of people who
11 were interpreted as being adversaries to the Government of
12 India from the community's point of view. Yes, I was aware.

13 **MR. PRABJOT SINGH:** In the summer of 2022?

14 **HON. MARCO MENDICINO:** You know, roughly.
15 You know, I don't want to be pinned down to a precise ---

16 **MR. PRABJOT SINGH:** Sure.

17 **HON. MARCO MENDICINO:** --- season. But I
18 would say coinciding ---

19 **MR. PRABJOT SINGH:** Prior to ---

20 **HON. MARCO MENDICINO:** --- with the killing
21 of Mr. Malik, there was definitely an escalation of concern,
22 and certainly leading up to the killing of Mr. Nijjar as
23 well.

24 **MR. PRABJOT SINGH:** And were you ever briefed
25 or made aware that between July 20th and 21st, 2022, an INSET
26 team in B.C. had visited the homes of multiple Sikh activists
27 to deliver a duty to warn, and communicating that they faced
28 an imminent threat to their life?

1 **HON. MARCO MENDICINO:** Yeah, I am unable,
2 according to the law, to talk about intelligence briefings in
3 this forum.

4 **MR. PRABJOT SINGH:** Are you aware that in
5 July of 2022 that members of the community received duties to
6 warn? We heard from a diaspora panel last week that spoke to
7 that fact, an individual who received one of those duties to
8 warn. So in general terms, are you aware that the RCMP
9 warned members of the community that they faced potential
10 threats to their lives?

11 **HON. MARCO MENDICINO:** I am not in a position
12 to dispute what you have summarized as the evidence of
13 members of the community. And I am not in a position to
14 discuss any briefings that I would have received on the
15 subject matter, according to the law.

16 **MR. PRABJOT SINGH:** And then during that
17 summer, I'm going to suggest that community representatives
18 directly communicated these concerns about transnational
19 repression to CSIS. And I'm going to assume and suggest
20 based off of your last answer, that you're not able to
21 provide any information or confirm that in this public forum.
22 Is that correct?

23 **HON. MARCO MENDICINO:** That's correct.

24 **MR. PRABJOT SINGH:** To your knowledge, no
25 threat reduction measures, or other steps were taken to
26 proactively counter these threats and India's capacity to
27 execute these assassinations in 2022. Is that correct?

28 **HON. MARCO MENDICINO:** Counsel, I think you

1 know the answer to that question. I am not able to disclose
2 in this environment what if any measures would have been
3 taken by the public safety or intelligence community.

4 **MR. PRABJOT SINGH:** So we heard from
5 officials from RCMP last week who gave evidence that in
6 scenarios where an individual receives a duty to warn, RCMP
7 may take some steps to inform the individual of how they may
8 be able to avoid any kind of harm, but no protective services
9 or other resources are provided to that impacted individual.
10 So in effect, this places us in a situation where political
11 activists who may be targeted by a foreign state are forced
12 to choose between retreating from public life, or continuing
13 their activism and exposing themselves to risk.

14 So I think you would agree the lack of any
15 resources in these scenarios would shock a lot of Canadians.
16 In effect, it puts us in a situation where these states
17 perpetrating repression may get their way one way or another,
18 either by forcing these individuals to retreat, or continuing
19 to expose them to harm. Is that fair, ---

20 **HON. MARCO MENDICINO:** No.

21 **MR. PRABJOT SINGH:** --- in the current
22 situation?

23 **HON. MARCO MENDICINO:** No, I would not agree
24 with that. And in fairness to you, counsel, I think your
25 question is embedded with many inaccurate assumptions and a
26 fair bit of supposition as to how the law enforcement and
27 intelligence community responds to threats of this kind.

28 **MR. PRABJOT SINGH:** So when an individual

1 receives a duty to warn, are they provided any protective
2 services or any other resources to protect them from harm and
3 continue exercising their Charter rights?

4 **HON. MARCO MENDICINO:** I think it's a fair
5 question and it's one that is best put to the RCMP and to
6 other actors within law enforcement. They are the experts,
7 and of course as a Minister, I have to respect operational
8 independence. You don't want elected officials dictating the
9 terms of an investigation, let alone the types of techniques
10 that you are describing in some detail, as to how we might
11 protect individuals who could be the threat of an
12 extrajudicial killing.

13 So I'm not saying your question is unfair
14 counsel, I'm saying I think those are the types of questions
15 that should be put to law enforcement who are the experts and
16 who enjoy that operational independence.

17 **MR. PRABJOT SINGH:** Thank you.

18 And those questions were put to RCMP about
19 those parameters, and they confirmed that no resources are
20 provided. So I'm asking you as the Minister of Public Safety
21 in a position to formulate policy, stepping away from
22 specific instances, from a policy perspective, individuals
23 who face the potential threats from foreign states for
24 transnational repression, if they receive duties to warn, and
25 they are not provided protective resources, you would agree
26 that that puts them in a very difficult situation that would
27 impact them being able to actually freely and meaningfully
28 exercise their Charter rights. Is that fair?

1 **HON. MARCO MENDICINO:** Again, you know, I
2 think your question is loaded with many assumptions. But the
3 responsibility of the Minister is to ensure that police have
4 the resources that they need to discharge their
5 responsibilities and their operational investigations,
6 including some of the techniques. But it is not for the
7 Minister to be directing police when it comes to the
8 discharge of those responsibilities.

9 So resources, yes. And I'm not privy to the
10 evidence, I wasn't here for the exchange that you had with
11 law enforcement, but they are the appropriate people to be
12 putting those questions to.

13 **MR. PRABJOT SINGH:** So again, to clarify my
14 question as I reiterated earlier, I'm not suggesting that the
15 Minister would direct officials or agencies on how to do
16 their jobs or interfere in an investigation. I'm asking from
17 a policy perspective, would you agree that individuals who
18 face the threat of transnational repression from foreign
19 states because of political activism, that there is a gap
20 where they're not provided protective services according to
21 the current legislation and mandate of the agencies and how
22 they function?

23 **HON. MARCO MENDICINO:** I don't agree with
24 that. And I know that it is important that we equip police
25 with the resources that they need to do the job, and that was
26 something certainly that I did, my predecessor did, my
27 successor is doing.

28 But you know, in terms of the operational

1 decisions that are taken to protect the people who may be
2 targets, how that is actually done, the job of the elected
3 branch would be to be sure that they've got the resources to
4 do that, and there may be some policy discussions that flow
5 from it as a result of the evolution of this particular type
6 of threat. But again, I think a lot of these questions are
7 best put to law enforcement.

8 **MR. PRABJOT SINGH:** Thank you.

9 Madam Commissioner, I have one final question
10 if that's okay?

11 **COMMISSIONER HOGUE:** Yes.

12 **MR. PRABJOT SINGH:** Thank you.

13 You mentioned this meeting that you had with
14 community leadership in July 2023, specifically with the Guru
15 Nanak Sikh Gurdwara following the assassination. In that
16 meeting you were informed of a particularly alarming
17 situation that following the assassination at Hardeep Singh's
18 funeral, there was an individual who was seen recording
19 videos and taking photographs of individuals attending, and
20 the Gurdwara leadership informed RCMP of that, escorted him
21 off the premises, and informed you of that incident.

22 Are you able to talk about any follow up that
23 was conducted, either in terms of investigation, or in terms
24 of outreach and engagement with the community who's reeling
25 from the assassination of a political leader, a community
26 leader, and then being surveilled at his very funeral by
27 Indian security agencies?

28 **HON. MARCO MENDICINO:** Certainly, in terms of

1 the investigation, I cannot according to the law.

2 But as far as engagement is concerned, yes,
3 we remain engaged. And I know that my successor has remained
4 engaged directly with the community, because these are
5 legitimate concerns. And I would say to you what I said to
6 them, which is that I know for a fact that law enforcement
7 and intelligence officials are taking this matter with the
8 utmost seriousness.

9 MR. PRABJOT SINGH: Thank you.

10 Commissioner, those are my questions.

11 COMMISSIONER HOGUE: Thank you.

12 Mr. Chantler for the Concern Group.

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

14 MR. NEIL CHANTLER: Good morning, Madam
15 Commissioner. Good morning, Minister. Neil Chantler for the
16 Chinese Canadian Concern Group.

17 Minister, I'll start with some questions
18 about the relationship between the Minister of Public Safety
19 and the RCMP. I don't expect this to be too controversial, I
20 expect you'll agree that the Minister plays an important
21 oversight role with respect to the RCMP and is ultimately
22 accountable for the RCMP to Parliament and to the Canadian
23 public?

24 HON. MARCO MENDICINO: Yes.

25 MR. NEIL CHANTLER: And concurrently, the
26 RCMP operates independently in its law enforcement
27 activities, meaning the Minister does not interfere with
28 operational decisions such as investigations or prosecutions?

1 **HON. MARCO MENDICINO:** Yes.

2 **MR. NEIL CHANTLER:** But the Minister can set
3 priorities for the RCMP, especially concerning issues such as
4 national security, public safety, and organized crime,
5 without infringing on the operational independence of the
6 RCMP?

7 **HON. MARCO MENDICINO:** That is correct.

8 **MR. NEIL CHANTLER:** And that is to say that
9 when an issue of national security arises the Minister has
10 some ability to influence the degree to which the RCMP
11 prioritizes the matter?

12 **HON. MARCO MENDICINO:** There is certainly a
13 conversation that occurs between the Minister and the various
14 agencies which I was ultimately accountable for in the
15 shaping of those priorities. I think that's fair.

16 **MR. NEIL CHANTLER:** I'm going to shift my
17 focus to the overseas police stations which you've talked
18 about. But first, as an aside, you were asked today by
19 Commission counsel about the concerns of one individual who
20 appeared before this Inquiry and suggested that the overseas
21 police stations should not have been shut down because they
22 were offering valuable services to the community.

23 I hope you will agree with me that such
24 concerns are enormously overshadowed by the preponderance of
25 CSIS intelligence suggesting these stations were being used
26 as bases for illegal activity?

27 **HON. MARCO MENDICINO:** I would agree that
28 there was a difference of opinion and probably still is about

1 exactly what the nature of these overseas police stations
2 was, vis-à-vis foreign interference, and that is why I leaned
3 heavily on my officials to give advice about what the threat
4 was; what was being done about it in my time was the issuance
5 of a CSIS alert, as you've heard, and then the RCMP deployed
6 some disruption techniques by placing marked cars in front of
7 the OPSS that I've been briefed about. That's all public.
8 And that I was briefed that to the extent that there were any
9 foreign interference activities associated with these
10 satellites, that they had been shut down at the time.

11 **MR. NEIL CHANTLER:** You'd agree we should be
12 cautious of such narratives which are consistent with the
13 very kinds of foreign interference and disinformation that we
14 are seeking to combat in this Inquiry?

15 **HON. MARCO MENDICINO:** Which narrative is
16 that?

17 **MR. NEIL CHANTLER:** The narrative that these
18 overseas police stations were in fact doing a public service,
19 they were performing valuable services for the Chinese
20 Canadian community.

21 **HON. MARCO MENDICINO:** Well, as I've said
22 throughout this morning, I do think we've got to be prudent
23 generally about how we talk about foreign interference, and
24 that as we move into the public space that it is measured by
25 the advice that we get from independent public officials with
26 expertise to assess, and where appropriate, to hand over that
27 intelligence to law enforcement so that they can be
28 prosecuted.

1 And again, I do think it is worth stressing
2 that Bill C-70 does provide additional tools to prosecute
3 people who may be acting at the direction of, or in
4 association with, one of our adversaries for the purposes of
5 undermining our democracy.

6 **MR. NEIL CHANTLER:** You were taken through
7 your interview summary earlier in your examination in-chief,
8 and you suggested that you were briefed on the presence of
9 these overseas police stations in late 2022 or early 2023.
10 Are you able to put any more precision on that?

11 **HON. MARCO MENDICINO:** I can't. I can't. I
12 think that's about as best as I can do.

13 **MR. NEIL CHANTLER:** I asked your colleague,
14 Deputy Minister Tupper about these the other day, and he said
15 that within days of the overseas police stations coming to
16 light there was a coordination meeting led by Public Safety.
17 I think I heard him say that we quickly came to an
18 understanding of the problem and some conclusions on the best
19 course of action. Were you at that meeting, or were you
20 briefed on that meeting?

21 **HON. MARCO MENDICINO:** Well, certainly I
22 would have been briefed, I just don't know within the
23 Institutional Report, maybe you've got a specific date in
24 mind, which meeting Mr. Tupper was referring to. But I can
25 tell you that I know Mr. Tupper as my Deputy Minister, took
26 this file seriously and had me briefed, and that occurred
27 sometime in late 2022 or 2023.

28 **MR. NEIL CHANTLER:** Could that have been

1 September 2022, which was the month that the Safeguard
2 Defenders report came out and brought these overseas police
3 stations to light?

4 **HON. MARCO MENDICINO:** I think if you had a
5 specific reference in the Institutional Report that showed
6 that the Deputy Minister had meetings amongst officials
7 without me being there, of course I would agree with it. I
8 adopted the report earlier. But in terms of when I was
9 briefed -- and there is a difference between the pre-briefing
10 that gets done, the work that gets done by officials and the
11 briefing to the Minister himself in my case. But my
12 recollection is it was sometime in late 2022.

13 **MR. NEIL CHANTLER:** I'm going to ask you now
14 about the response to these stations. And could the Court
15 Operator please put up WIT144?

16 **--- EXHIBIT No. WIT0000144:**

17 In Camera Examination Summary: Shawn
18 Tupper, Tricia Geddes, Sébastien
19 Aubertin-Giguère

20 **MR. NEIL CHANTLER:** This is the *in camera*
21 examination summary of Deputy Tupper, and his colleagues.
22 And at the bottom of page 17 is where the issue of the
23 overseas police stations comes up.

24 **HON. MARCO MENDICINO:** Right.

25 **MR. NEIL CHANTLER:** You may not have read
26 this, but I'll take you to the next page in paragraph 66,
27 where Deputy Minister Tupper describes how the -- describes
28 the approach that was taken. And about 5 lines down he says:

1 "The OPS situation demonstrated the
2 value in looking to tools beyond
3 arrests and prosecutions. The RCMP
4 deployed uniformed officers to the
5 stations to make their presence known
6 and engage with the local community."

7 There's a general tenor that the approach was
8 different to these police stations then might have been
9 typical in another situation involving alleged organized
10 crime. And I'm going to ask you about the degree to which
11 your office as Minister of Public Safety at the time, may
12 have known about that different approach, the decision made
13 to approach things that way, or any influence you might have
14 had.

15 Can you tell me from your perspective as
16 Public Safety Minister at that time, was there any
17 consideration given to the broader political context that
18 this was an issue of national security that would have
19 implications for the Canada China relationship?

20 **HON. MARCO MENDICINO:** Look, we've talked in
21 general terms about the concerns that I would have had at the
22 time about a rapidly evolving nature of foreign interference
23 as deployed by certain adversaries. We've gone through some
24 of the examples, including overseas police stations. I will
25 say in response that of course I was mindful of the broader
26 geopolitical context of Canada China relations, the Russian
27 invasion into Ukraine.

28 But the central question at hand was how do

1 we prevent, mitigate, and otherwise enforce against this type
2 of foreign interference in the form of these overseas police
3 stations? And my thinking at the time was, one, let me
4 defer, as I should, to the intelligence and RCMP who were
5 tackling the issue head on through the issuance of a public
6 alert to raise awareness, but also through the disruptive
7 operations which had been put into place.

8 At the same time, we were moving forward with
9 Bill C-70. And Bill C-70 I agree with the passage in the
10 summary a little bit earlier on, was not a complete and total
11 response to overseas police stations. But it was another
12 arrow in our quiver, because it created new offences that
13 allowed us to go after people who were acting at the
14 direction of, or in association with, an adversary of foreign
15 state for the purposes of undermining the Canadian national
16 interest.

17 **MR. NEIL CHANTLER:** Sir, I understand you
18 were very alive to the issues at the time. My question
19 specifically is, was there any pressure from your office on
20 down to the RCMP as to how they should respond to this, how
21 they should prioritize it?

22 **HON. MARCO MENDICINO:** No.

23 **MR. NEIL CHANTLER:** And do you know if your
24 deputies or any -- at any level below you there were
25 considerations about the Canada Chinese relationship, any
26 fear that China might retaliate to an aggressive response to
27 these police stations?

28 **HON. MARCO MENDICINO:** Well again, we were

1 all mindful of the climate that we were in, and that the
2 Canada Chinese relationship was at a very sensitive juncture
3 at that point. But the primary focus was to deal with the
4 situation at hand. And in the context of these briefings we
5 were listening to the advice that we were getting from CSIS
6 and from the RCMP about how they were reducing that threat,
7 while at the same time pushing forward with policy and
8 legislative reforms to give them yet more tools so that if
9 overseas police stations were continuing to proliferate in
10 the form of these satellites of transnational repression,
11 that they had another tool that could use to go after those
12 individuals.

13 **MR. NEIL CHANTLER:** The Prime Minister was
14 briefed on the issue in October. Do you accept that? I
15 don't have the document reference handy.

16 **HON. MARCO MENDICINO:** You know, again, I
17 mean if -- I have no reason to dispute it. I don't know
18 which document or Institutional Report you're referring to.

19 **MR. NEIL CHANTLER:** Do you have any reason to
20 believe that the Prime Minister weighed on this decision as
21 to how to respond to these, this very delicate political
22 issue of these overseas police stations operating in Canada?

23 **HON. MARCO MENDICINO:** I know the Prime
24 Minister was routinely briefed on matters of intelligence and
25 national security, and I'm sure he took those briefings
26 extremely seriously, as did I.

27 **MR. NEIL CHANTLER:** Thank you for your
28 answers, sir.

1 Thank you.

2 COMMISSIONER HOGUE: Thank you.

3 Attorney General?

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

5 MR. BARNEY BRUCKER: Good morning.

6 You came into the role of Minister of Public
7 Safety after the fall of 2021 election. Is that correct?

8 HON. MARCO MENDICINO: Correct

9 MR. BARNEY BRUCKER: And did that timeframe
10 mark a return to basically being in the office for MPs and
11 parliamentarians?

12 HON. MARCO MENDICINO: It was the beginning
13 of, let's get back to business as usual prior to COVID, yes.

14 MR. BARNEY BRUCKER: Okay. And in your
15 experience with respect to warrants, do they generally need
16 to be reviewed in paper form in a secure environment?

17 HON. MARCO MENDICINO: Yes.

18 MR. BARNEY BRUCKER: Okay. Now, throughout
19 this Inquiry we've heard concerns about our elections and
20 electoral processes, trust in parliamentarians, our ability
21 to address and counter foreign interference, and concerns
22 about our democracy in general.

23 You spoke of a number of measures that were
24 in place when you assumed the chair as Minister of Public
25 Safety, some that were developed while you were in the chair,
26 and some that came after. And I didn't remember all of them,
27 but I did note the plan to protect democracy, the Panel of
28 Five, the SITE Task Force, threat reduction measures, Bill C-

1 76, and up to Bill C-70.

2 Now, we have heard from a witness previously
3 in this Inquiry that under this government, Canada has been
4 allowed to become a playground for foreign interference.
5 What do you say to that allegation?

6 **HON. MARCO MENDICINO:** I fundamentally
7 disagree with that characterization, and if anything, the
8 examples of the initiatives that were in place prior to my
9 tenure as Public Safety, in addition to the ones that I
10 pushed forward with all of my energy to see Bill C-70 come to
11 fruition. And I do want to give credit where credit is due,
12 I think my successor has done an exceptional job in that, and
13 Minister LeBlanc has made Canada an obstacle course for
14 foreign interference, as it should be. It should be tough to
15 undermine our democracy.

16 And that doesn't mean that we don't have to
17 keep adding those obstacles, and we've talked about some of
18 the areas where, through better information flow, more
19 transparency, more accountability, more enforcement tools,
20 navigating the complexities of intelligence to evidence so
21 that people can be brought to justice who are trying to
22 undermine our democracy through foreign interference, but
23 make no mistake about it, in my opinion Canada is an obstacle
24 for foreign interference, and we've got to make sure that we
25 make it even harder going forward.

26 **MR. BARNEY BRUCKER:** And we've heard from you
27 and from others that foreign interference is not specific to
28 Canada; it's a global problem. You've engaged, in your

1 capacity as Minister of Public Safety and in other aspects of
2 your parliamentary life, with partner democracies and have
3 exchanged ideas and information as to foreign interference in
4 our space and in their space.

5 Where do -- in your view, given that
6 background, where does Canada stand in respect of other
7 comparable democracies in its ability to detect, counter and
8 deter foreign interference?

9 **HON. MARCO MENDICINO:** I'm confident, Your
10 Honour, that Canada is doing everything in its capacity to
11 meet the challenges of foreign interference as they rapidly
12 evolve. And having chaired the Five Eyes when I was Minister
13 of Public Safety, I can tell you that our allies are very
14 much benefiting from our practices and the mechanisms that we
15 are putting in place as much as we are benefiting from those
16 experiences.

17 I do think that deploying more digital
18 diplomacy when it comes to working outside of government with
19 online platforms is essential. I would suggest that
20 artificial intelligence and the deployment of deep fakes is
21 extremely concerning to me and I believe that there is policy
22 and legislative work to be done there to ensure that both
23 sitting governments as well as political parties are required
24 to disclose when they use artificial intelligence as part of
25 their products of communications or engaging with the public
26 as a means to ward against that.

27 I do think that we have to be sure that
28 Elections Canada has all of the tools that it needs to go

1 after people who would attempt to undermine the process of
2 electing our members of Parliament. I believe there's work
3 to be done in the cooperation between the federal government
4 and subnational governments, including provinces and
5 territories and municipalities, which are sometimes an
6 afterthought because we spend so much of our time focusing on
7 the federal level of government, but rest assured that all of
8 the mechanisms that we have put into place situate us very
9 strongly among our allies and we all recognize that there is
10 still more work to be done.

11 **MR. BARNEY BRUCKER:** Thank you. Those are my
12 questions.

13 **COMMISSIONER HOGUE:** Thank you.

14 Question in re-examination?

15 **MS. LEILA GHAAHARY:** No, thank you.

16 **COMMISSIONER HOGUE:** So thank you very much
17 for coming. It was interesting and useful.

18 Thank you.

19 **HON. MARCO MENDICINO:** [No interpretation].

20 **COMMISSIONER HOGUE:** So we'll break for
21 lunch. We'll come back at 1:20.

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

23 This sitting of the Commission is now in
24 recess until 1:20 p.m.

25 --- Upon recessing at 12:07 p.m.

26 --- Upon resuming at 1:20 p.m.

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

28 This sitting of the Foreign Interference

1 Commission is now back in session.

2 The time is 1:20 p.m.

3 COMMISSIONER HOGUE: Good afternoon.

4 HON. MÉLANIE JOLY: [No interpretation].

5 COMMISSIONER HOGUE: Welcome.

6 HON. MÉLANIE JOLY: [No interpretation].

7 COMMISSIONER HOGUE: [No interpretation].

8 MR. JEAN-PHILIPPE MacKAY: [No
9 interpretation].

10 So I'm Jean-Philippe MacKay for the
11 Commission.

12 I would like to ask Madam Joly to be sworn
13 in.

14 THE REGISTRAR: [No interpretation].

15 Madam Joly, could you give your full name and
16 spell your last name for the record?

17 HON. MÉLANIE JOLY: Mélanie Joly, J-o-l-y.

18 THE REGISTRAR: [No interpretation].

19 --- HON. MÉLANIE JOLY, Affirmed:

20 THE REGISTRAR: [No interpretation].

21 MR. JEAN-PHILIPPE MacKAY: Thank you very
22 much.

23 --- EXAMINATION IN-CHIEF BY MR. JEAN-PHILIPPE MacKAY:

24 MR. JEAN-PHILIPPE MacKAY: The first point,
25 Madam Joly, there is simultaneous translation, so this is
26 relevant for both of us, we will try and speak at a
27 reasonable speed.

28 HON. MÉLANIE JOLY: M'hm.

1 **MR. JEAN-PHILIPPE MacKAY:** And the first
2 thing that I'd like to do with you is put into evidence two
3 summaries of interviews, WIT96 is the code of the document.
4 And it's the summary of an interview that took place February
5 28th, 2024, the first one we had with you.

6 Before giving your evidence today you had the
7 opportunity to review this document?

8 **HON. MÉLANIE JOLY:** Yes.

9 **MR. JEAN-PHILIPPE MacKAY:** And you accept
10 that this be filed as evidence for the Commission?

11 **HON. MÉLANIE JOLY:** Yes.

12 **MR. JEAN-PHILIPPE MacKAY:** There's an English
13 version, Madam Commissioner, that's also available, a
14 translation of the summary that's also filed as evidence.

15 **COMMISSIONER HOGUE:** That's fine.

16 **--- EXHIBIT No. WIT0000096.FR:**

17 Résumé d'entrevue: l'honorable
18 Mélanie Joly

19 **--- EXHIBIT No. WIT0000096.EN:**

20 Interview Summary: The Honourable
21 Mélanie Joly

22 **MR. JEAN-PHILIPPE MacKAY:** The second
23 document is WIT148.

24 What we see on the screen is the first page
25 of the summary of the interview we held with you on July 5th,
26 2024. Same question; you've had the opportunity to review
27 this document before your evidence today?

28 **HON. MÉLANIE JOLY:** Yes.

1 **MR. JEAN-PHILIPPE MacKAY:** And do you accept
2 that this be filed as evidence before the Commission?

3 **HON. MÉLANIE JOLY:** Yes.

4 **--- EXHIBIT No. WIT0000148:**

5 Résumé d'entrevue : l'honorable
6 Mélanie Joly

7 **--- EXHIBIT No. WIT0000148.EN:**

8 Interview Summary: The Honourable
9 Mélanie Joly

10 **MR. JEAN-PHILIPPE MacKAY:** First general
11 question, so I'd like you to describe your journey through
12 the Cabinet since you were elected 2025 [*sic*].

13 **HON. MÉLANIE JOLY:** I was elected in 2025
14 [*sic*]. I was named as Minister of Heritage till 2018, when I
15 became Minister Tourism, Official Languages and *Francophonie*
16 until 2019.

17 After the elections I was appointed Minister
18 of Economic Development and Official Languages; responsible
19 for Tourism as well. And in 2021, I was appointed Minister
20 of Foreign Affairs.

21 **MR. JEAN-PHILIPPE MacKAY:** And the elections
22 were in 2021?

23 **HON. MÉLANIE JOLY:** Yes.

24 **MR. JEAN-PHILIPPE MacKAY:** [No
25 interpretation].

26 **HON. MÉLANIE JOLY:** October.

27 **MR. JEAN-PHILIPPE MacKAY:** So generally
28 speaking -- after that we'll speak about foreign interference

1 more -- what is your mandate as role of Minister of Foreign
2 Affairs?

3 **HON. MÉLANIE JOLY:** Yes, Minister of Foreign
4 Affairs is turned outwards, so always to defend the interests
5 of Canada abroad, and also ensure that the Vienna Convention
6 be respected by our diplomats.

7 But I think that Foreign Affairs Canada is
8 quite a large department and one of the few departments, if
9 not the only one, that has a mandate oriented to foreign
10 topics, whereas the majority of departments are interested in
11 national policy.

12 **MR. JEAN-PHILIPPE MacKAY:** And when you
13 mentioned the Vienna Convention, what are your
14 responsibilities internally in terms of the presence of --
15 diplomatic presence of other countries in Canada?

16 **HON. MÉLANIE JOLY:** To ensure that Canadian
17 diplomats, and also foreign diplomats in Canada, conform to
18 the convention. My role is not necessarily surveillance or
19 monitoring, but all -- but consequences, if there are
20 violation of the Vienna Convention aspects.

21 But I think that before we go on it would be
22 worthwhile explaining the international context in which I
23 function since I've been appointed Minister of Foreign
24 Affairs.

25 **MR. JEAN-PHILIPPE MacKAY:** Yes, go ahead.

26 **HON. MÉLANIE JOLY:** Yes, that will give the
27 context ---

28 **MR. JEAN-PHILIPPE MacKAY:** [No

1 interpretation].

2 HON. MÉLANIE JOLY: --- for the rest of my
3 evidence.

4 I was appointed the end of October 2021 and
5 within a few weeks, less than a month, the information that I
6 was receiving within my department was that there were
7 100,000 Russian soldiers at the Ukrainian border, and that
8 there was a very high probability that Russia invade Ukraine.

9 So that became the priority, and we
10 concentrated mainly on that issue, because the invasion by
11 Russia of Ukraine becomes the greatest threat to
12 international security, which became a reality at the end of
13 February as we know. And then it followed a huge
14 international security crisis.

15 And since I was appointed not only was there
16 a war that broke out in Europe between Russia and Ukraine and
17 all its consequences, and also we saw war break out in Africa
18 in Sudan, and a war break out in the Middle East, and then
19 the -- and then Canada had to have six evacuations of its
20 citizens, never seen since the Second World War. And so
21 evacuation in Ukraine; evacuation of Sudan via Kenya;
22 evacuation in Haiti; evacuation also from Israel, from Gaza,
23 and from Jordan, and also from Lebanon. So the Department of
24 Foreign Affairs was in constant crisis management mode, as
25 all departments of Foreign Affairs in the West at that time.

26 But we had to be able to respect our goals
27 and do this in spite of all these crises. So we were able to
28 file an Indo-Pacific strategy, that includes our relationship

1 with China, because when I was appointed we were pursuing the
2 return of the Michaels in Canada.

3 It's important to understand that because we
4 had to establish a functional relationship with China, but
5 also we had to reform the Department of Foreign Affairs,
6 which had never been tested so much.

7 So we had to face the new challenges which
8 Canada faced internationally, but also look at how we would
9 manage vis-à-vis states with which we didn't agree. So we
10 developed a new vision of pragmatic diplomacy, and I could
11 refer to that through your questions. And now we're working
12 at a new policy on the Arctic.

13 So Canada finds itself in a context where our
14 foreign policy work is in the context of global insecurity
15 where Canada above all wants to protect our national
16 interests and our sovereignty in Canada. And we do that in
17 various ways. We do it via diplomacy, and also in terms of
18 security through parliamentary work, the work of Parliament
19 at the legislative level, and of the Executive.

20 But we have to be able to discuss with
21 countries with whom we don't agree, with whom we don't hold
22 the same values. And what's the big threat is the shadow of
23 an international conflict. So we have to make sure that we
24 do work of prevention to lead various parties to be able to
25 cooperate on certain aspects, and we're facing very, very
26 great tensions because the international system created after
27 World War II that was created in order to prevent major
28 conflicts, that whole system is being tested at the moment by

1 countries who don't have the same interests as us and don't
2 wish us the beset. And it's not only the case for Canada but
3 for quite a few Western democracies. And that's why this
4 Commission is very important, because we're talking about a
5 phenomenon that exists in a wider context.

6 **MR. JEAN-PHILIPPE MacKAY:** So if we looked at
7 -- look at the topic of foreign interference and the picture
8 you've just drawn, in what way does your role as Minister of
9 Foreign Affairs interact with the topic of foreign
10 interference? In the case of your mandate, what is the place
11 of foreign interference within that mandate?

12 **HON. MÉLANIE JOLY:** It's important, and I
13 have to say that for the first time I've been looking at its
14 importance in concrete terms, in terms of public policy; the
15 Indo-Pacific strategy which includes our strategy for China.
16 It's the first time that we have dedicated more resources at
17 GAC to approach this question.

18 **MR. JEAN-PHILIPPE MacKAY:** And what is this
19 Indo-Pacific strategy? Just so that we can understand what
20 it is exactly.

21 **HON. MÉLANIE JOLY:** Well, it's the first time
22 in decades that Canada has decided to position itself as a
23 credible player; a player who can be trusted as a Pacific
24 nation because we do have a huge western coast on the Pacific
25 Ocean. And so it's a strategy that involves 17 departments,
26 has a budget of \$2.3 billion, and which situates Canada in
27 the Indo-Pacific region, which goes to Asia until India. And
28 at the same time we include how we will manage the ship. I'd

1 say it's our sandbox, it's our playground. We're
2 establishing how we will engage with China on a diplomatic
3 level. So we're saying, one, we will always be defending our
4 national interests; and two, we will challenge -- we will be
5 challenging China when we need to, and we will also cooperate
6 with China when we need to.

7 **COMMISSIONER HOGUE:** [No interpretation].

8 **MR. JEAN-PHILIPPE MacKAY:** [No
9 interpretation].

10 **HON. MÉLANIE JOLY:** And when I talk about
11 cooperation, we stipulate exactly in what field and it's
12 especially in climate, environment sector; in terms of
13 everything related to health and prevention of pandemics, and
14 also everything related to nuclear arms non-proliferation.
15 So we can see that our relationship with China is much more
16 limited. So if we take the case of Canada as an example of
17 what happens with other foreign states that might be involved
18 in foreign interference in Canada.

19 **MR. JEAN-PHILIPPE MacKAY:** Does the necessity
20 of maintaining good relationship, economic relationship or
21 something, impede our response to foreign interference?

22 **HON. MÉLANIE JOLY:** I think if there's a
23 false choice between two things. It's maybe my personal
24 opinion but I think we have to do both. The proof is that I
25 was in charge of expelling Chinese diplomats, and at the same
26 time going on a diplomatic trip to China. We expelled Indian
27 diplomats, and at the same time we continued to have
28 diplomatic relations with India. So we have to be able to do

1 both things because those are two ways of defending our
2 interests and of having influence at the international level,
3 especially with our allies who are also engaged
4 diplomatically.

5 **MR. JEAN-PHILIPPE MacKAY:** If we look at what
6 you've done at Foreign Affairs since 2021, can you describe
7 the evolution of the place of the foreign interference file
8 in your daily work? Between 2021 and now, what has been the
9 evolution of the importance of the issue of foreign
10 interference?

11 **HON. MÉLANIE JOLY:** It's always been
12 important, but it became more and more important over time
13 because the international security crisis just continues to
14 get bigger. States that are not allies pose a problem in the
15 level of relationships we have with them. So we see that we
16 are more concerned about the intimidation of dissidents in
17 Western countries, so we're -- it's being spoken about much
18 more.

19 But I have to say that Canada is always the
20 first one to broach the topic at the G7, to raise that issue,
21 even at NATO, which is technically a defence alliance, a
22 military alliance, which I will speak at places like ASEAN,
23 the organization that includes all South Asian countries and
24 also at the G20, and we also do it on a bilateral level. But
25 I think that there was a crisis in consciousness within our
26 allied countries because we've raised that issue very often.
27 And Canada is a very multicultural society with many
28 different communities which sometimes include people who have

1 the respect of human rights to heart and who are not afraid,
2 as should be in our society, to speak up, to take the mic and
3 express their points of view. And sometimes the countries
4 they come from are not happy with that. So sometimes --
5 formerly they weren't able to know this because now with
6 social media and the digital era, they are much more aware of
7 what's happening.

8 So in terms of foreign interference, there
9 is, for me, the foreign interference that's happening in our
10 country, but there's also foreign interference, and
11 especially online disinformation, which is a more recent
12 phenomenon which impacts Canada and many Western democracies,
13 and that's of great concern, and I see that as a different
14 issue.

15 **MR. JEAN-PHILIPPE MacKAY:** We'll come back to
16 disinformation.

17 You've talked about Canadian society and the
18 fact that there are many communities, many diaspora
19 communities here. Are there perspectives and problems that
20 can affect -- or do the problems that can affect these
21 communities have an effect on your orientations in terms of
22 foreign policy?

23 **HON. MÉLANIE JOLY:** Well, Canada is a
24 defender of human rights throughout the world, and we will be
25 concerned then by the fact that there are violations of human
26 rights abroad. We are a democracy, so that's normal, and at
27 the same time I would say that's healthy.

28 **MR. JEAN-PHILIPPE MacKAY:** A more procedural

1 question; in terms of intelligence circulation and how you
2 consume intelligence as a Minister, so we understand that
3 there's a list of various mandates, when you were -- before
4 you came to Foreign Affairs did you have access to any
5 intelligence?

6 **HON. MÉLANIE JOLY:** No.

7 **MR. JEAN-PHILIPPE MacKAY:** And now, as a
8 Minister, in a general way, how are you exposed to
9 intelligence, and after that can you tell us how that
10 intelligence is of use to you in exercising your functions?

11 **HON. MÉLANIE JOLY:** I have a briefing twice a
12 month, generally, about intelligence that we may have
13 gathered, or our allies may have collected, especially the
14 Five Eyes. And often before going on a trip, because I am
15 out of the country much of the time, depending on the
16 destination, I will receive a briefing as well. My team is
17 briefed every week, and I want to say that -- how could I
18 say? In the context of my work, CSIS or the surveillance
19 agencies don't report to me, so the intelligence that I
20 receive is from abroad, it's from external sources. So I
21 will receive -- or about external phenomenon. I'll receive
22 intelligence on what's happening in Ukraine, in the Middle
23 East, in Asia, for example. And what I realized is that
24 because of the articles in media, especially *Globe and Mail*,
25 is that everything that was foreign interference in Canada I
26 could say that I didn't have access to it. After what we
27 learned from *The Globe and Mail* at the end of May 2023, I
28 made sure to ask the information from the departments, and

1 that there's a section in our documents that is linked
2 foreign interference, and after that, I created a position of
3 national security -- International Security Director within
4 my Cabinet.

5 **COMMISSIONER HOGUE:** I have a question for
6 you. Was it also the case if you had been called to go to
7 one of the countries that Canada sees as a perpetrator of
8 foreign interference, were you not given the information on
9 the interference activities or attempts to interfere from
10 this foreign country?

11 **HON. MÉLANIE JOLY:** I didn't go to those
12 particular countries very much, to tell you the truth, except
13 for India. And I got information on the fact that there were
14 concerns with the Indian diplomats; that's why I raised it
15 while I was there.

16 **COMMISSIONER HOGUE:** [No interpretation].

17 **MR. JEAN-PHILIPPE MacKAY:** I have a
18 hypothetical question. If some intelligence were to suggest
19 foreign interference activities from foreign diplomats in
20 Canada, do you wait for it to come to your attention, or to
21 the attention of your department?

22 **HON. MÉLANIE JOLY:** Say again?

23 **MR. JEAN-PHILIPPE MacKAY:** If an intelligence
24 agency finds something that goes against the Vienna
25 Convention, do you expect to get this information?

26 **HON. MÉLANIE JOLY:** Absolutely. I'm not in
27 charge of surveillance; I'm in charge of consequences. So
28 there's diplomatic measures that my department and myself

1 have to undertake because if there are allegations of FI, we
2 have to react.

3 **MR. JEAN-PHILIPPE MacKAY:** Another question
4 for procedure, exchange of information -- information, with
5 you departmental colleagues, with the Cabinet Ministers, with
6 the Prime Minister also, my question is on the duality of
7 foreign interference. There's the international aspect but
8 there's also the internal aspect right here in Canada, the
9 domestic aspect, because of the nature or the inherent nature
10 of FI, how do you coordinate? How is coordination done when
11 there's a decision that impacts several departments? How
12 concretely is it done?

13 **HON. MÉLANIE JOLY:** There's a recommendation
14 that goes all the way up to me. It was the case with Zhao
15 Wei, and I suppose you will have a question for me on that.
16 I expect CSIS and my department to cooperate, and that they
17 agree that there's a consensus and that a recommendation be
18 brought to me. If afterwards I have a recommendation, and
19 I'm informed, I will work with the Minister of Public Safety
20 on the issue. But if it stay with the departments and it
21 doesn't come to us I cannot be informed, so I cannot act.
22 But it's clear for me; foreign interference will never be
23 accepted, so as soon as I get information, I react, and I
24 have a very good toolbox. So there's no reason for me not to
25 use my tools in my toolbox if there are allegations of FI or
26 intelligence on FI.

27 **MR. JEAN-PHILIPPE MacKAY:** We will come back
28 to your toolbox, but let's talk about coordination between

1 departments. In your interview you said that in May 2023 you
2 were part of a group of Ministers with Minister Blair,
3 LeBlanc, Mendicino, to lead the pan-governmental response to
4 foreign interference. Could you give us the context in which
5 -- you talked about it earlier, but the context in which this
6 mission was undertaken and how things occurred?

7 **HON. MÉLANIE JOLY:** There were a few
8 meetings. I needed to know that there were diplomats that
9 were causing problems. There was never -- I never got
10 recommendations that there were diplomats that caused
11 problems at that time. And afterwards there were various
12 things, there was a shuffle and the creation of the
13 Commission, and you appeared in my life.

14 **MR. JEAN-PHILIPPE MacKAY:** So we understand
15 that it wasn't very long, the existence of this group of
16 Ministers.

17 **HON. MÉLANIE JOLY:** No.

18 **MR. JEAN-PHILIPPE MacKAY:** You said that you
19 had briefings to get a full overview of the situation.

20 **HON. MÉLANIE JOLY:** Yes.

21 **MR. JEAN-PHILIPPE MacKAY:** Of course, we
22 can't talk in detail of what you learned, but in general the
23 information that you received, were you under the impression
24 that the government information had underestimated the FI
25 threat?

26 **HON. MÉLANIE JOLY:** No. After that, knowing
27 if CSIS and Global Affairs, if they always agree, sincerely,
28 before reading that in the papers, I had never been informed.

1 And I want to say that I'm not interested in the fights
2 between departments. I expect a consensus, I expect
3 recommendations because, in the end, when there's foreign
4 interference, it has an impact on people. It's not just a
5 lofty concept. There's people's lives or their liberties
6 that are being endangered. That's why it's so important.
7 It's no theoretical in my mind, it's very, very pragmatic.

8 **MR. JEAN-PHILIPPE MacKAY:** And after these
9 information, this news -- this new perspective on foreign
10 interference, was there a change in how your foreign policy
11 was targeted, or was it -- was there an impact or did it
12 continue as is?

13 **HON. MÉLANIE JOLY:** I think that we
14 reorganized how we consumed and processed intelligence in my
15 office, and above and beyond it is part of the whole
16 portrait, of the whole scenario. But when I meet with a
17 country like India or China, that's one of the topics,
18 obviously, that I address within a slew of subjects that have
19 an impact on our bilateral relations, but also some topics
20 that are very geopolitical. We will talk about Ukraine, the
21 war, the Mideast conflict, depending on the country, but in
22 short, our meetings are very, very lengthy.

23 **MR. JEAN-PHILIPPE MacKAY:** You said that for
24 you, foreign interference is clear; it has to be acted upon
25 when there is intelligence on it. There were discussions,
26 some witnesses talked about the difference between foreign
27 interference and foreign influence, or diplomatic efforts.
28 And in your mind, does the distinction become hard to operate

1 with, a grey zone of some activities that are hard to
2 categorize? So in your work is that something that you are
3 faced with? Is that something that exists, this difficulty
4 to distinguish?

5 **HON. MÉLANIE JOLY:** I don't think that it's a
6 different interpretation. We know the Vienna Convention but
7 for the general population it's important to know that
8 influence is to try to, from a country or a proxy,
9 intermediaries, is to try to modify a policy from another
10 state, another country but openly, transparently. That's
11 what our thousands of diplomats are doing throughout the
12 world. And there's many countries, most countries that are
13 represented diplomatically in Canada, in Ottawa, that's what
14 they're doing every day, that's normal. People try to
15 influence, it's part of diplomacy; that's part of the DNA.
16 Foreign interference is completely different. Foreign
17 interference is the act of a country or its proxies in a
18 malicious, vexatious way and hidden; I would say covertly.
19 By acting covertly, not transparently, to influence, and not
20 just to influence but through intimidation, bullying people
21 who are part of our democratic system or our society, and
22 that's when the Vienna Convention puts the red line.

23 **COMMISSIONER HOGUE:** [No interpretation].

24 **HON. MÉLANIE JOLY:** So Canada does not do
25 foreign interference elsewhere.

26 **COMMISSIONER HOGUE:** But is it hard to write
27 that line? Because we've heard many times from many people,
28 namely one of the things that was raised by some is this grey

1 zone, the same thing being done could meet the threshold,
2 according to the goal pursued by the person acting in this
3 manner.

4 **HON. MÉLANIE JOLY:** I'll give you an example.
5 We believe in fundamental rights as a country. We believe in
6 the rights of women, for example. Of course we will be
7 working with many countries to try to counter the Taliban
8 regime in Afghanistan, and proactively, openly, we will make
9 sure that we're pushing for the issue of women's rights in
10 Afghanistan. We're not hiding it. No problem. There's many
11 things done throughout the world by Canadian diplomats on
12 that at the UN, in Geneva, in New York, et cetera. Whereas
13 the problem with authoritarian regimes, authoritarian
14 countries is that if there's dissidents, here in Canada
15 asking for better human rights in their country of origin, we
16 will never accept, we will never do repression outside of our
17 country on people who are talking against Canada. We won't
18 go to the states and say, "Those who are against our
19 government will suffer consequences." No. But there are
20 some states, some countries who will do that in our country,
21 they could do it physically or online. And that's where the
22 Vienna Convention is touchy. It's on the online issue,
23 because the Vienna Convention does not include anything
24 online, it predates that, and that's where it becomes
25 complicated. Otherwise, I think that in the Vienna
26 Convention there's many tools that we can use to send the
27 message. And after, if we send the message and it's not
28 being heard -- which is related to your question because it's

1 one thing to identify foreign interference, but it's
2 something else to see that it continues -- then we have to
3 keep on increasing, how could I say, the diplomatic measures
4 to counter that. And if we see that the diplomatic measures
5 are kept on and there's no change in behaviour, there's your
6 response. Do you understand what I'm saying?

7 **COMMISSIONER HOGUE:** So you will take other
8 measures, ---

9 **HON. MÉLANIE JOLY:** [No interpretation].

10 **COMMISSIONER HOGUE:** --- stronger measures?

11 **HON. MÉLANIE JOLY:** Yes, of course because in
12 the measures, and you'll probably bring me to that, if you
13 put a hierarchy, there's conversations between diplomats,
14 either in Ottawa with the embassies, or elsewhere in the
15 world. That's the first, that's the start. I'm not part of
16 those conversations; it's happening every day, probably right
17 now as we speak.

18 After that, there's official measures,
19 because there's a concern and we can see it. So officially
20 something is being done. After that, I could be told there's
21 an issue, so I will raise it. If the Minister raises it with
22 another Minister, it comes to another level, and then you
23 could decide, "Well, you know what, we will be cancelling
24 visas. We won't accept some diplomats on our soil. We will
25 also cancel whatever position you want to create in your
26 Embassy." After that we could say we have to have an
27 official meeting with the Ambassador. We met with the
28 Russian Ambassador at least 10 times on the war against

1 Ukraine, and every time it's very public. We show that the
2 country's behaviour is unacceptable, and it can be ramped up
3 all the way to sending back diplomats to their countries,
4 closing embassies, and completely cutting diplomatic ties.

5 So you see there's a gradation and you have
6 to decide at what level you intervene when there's a certain
7 level of foreign interference, and that's where the decision
8 comes in that I have to make diplomatically, considering
9 also, Madam Commissioner, that every time we do that, there's
10 repercussions.

11 **COMMISSIONER HOGUE:** That's also my question.
12 You'll be taking into consideration the way that the country,
13 the other country will be reacting, and everything has to be
14 weighed ---

15 **HON. MÉLANIE JOLY:** [No interpretation].

16 **COMMISSIONER HOGUE:** --- in the decision that
17 you're taking.

18 **HON. MÉLANIE JOLY:** There's three possible
19 impacts. Do we have Canadians in that country? Because all
20 at once they could become -- is their safety at risk? Could
21 there be arbitrary detention? Also, is there an economic
22 relationship, so jobs at stake? That also matters. And
23 could our diplomats be in trouble? And is their safety at
24 stake? So at Foreign Affairs, one of the things that I've
25 learned is that we're managing people's safety, and also
26 people's lives. There's not a lot of departments in Ottawa
27 that does that, but especially in a context where there's
28 several wars and an international crisis, of course we keep

1 that in mind.

2 **MR. JEAN-PHILIPPE MacKAY:** We heard one of
3 your civil servants talking about diplomatic measures, saying
4 that there was a scale, a gradation, and there's various
5 types of diplomacy; private contacts that are not in public,
6 or broadcast publicly, and eventually in increasing measures
7 it could reach the public eye.

8 So in general, this idea of gradation and the
9 private type of diplomacy and public diplomacy, I suppose
10 that the consequences on the bilateral relationship could
11 have you intervening publicly on some things?

12 **HON. MÉLANIE JOLY:** Yes. Once we start
13 official measures I get involved. Certainly the Ambassador
14 is called, summoned, as we say in English. At the beginning
15 of the war, I had summoned the Ambassador myself -- the
16 beginning of the war in Ukraine; that was the Russian
17 Ambassador that had been summoned. And it can go all the way
18 up to PNGs and making those people *persona non grata*, the
19 diplomat. That's my decision.

20 So I expect people from the department to do
21 their job, and I will do my job when I have to intervene. I
22 will work with the Prime Minister to make sure that he's
23 aware because he's expecting me to do my job. So when it
24 comes to declaring *persona non grata*, I will tell him,
25 because it's my responsibility but he will be informed, and
26 then when embassies have to be closed, or renaming
27 Ambassadors because we had severed all diplomatic relations,
28 we will be working together on that.

1 **MR. JEAN-PHILIPPE MacKAY:** We'll go back to
2 the PNG declaration of Mr. Zhao Wei later on, but in your
3 toolbox, your Ambassadors, Canadian Ambassadors have many
4 things that they can do; they can speak with foreign actors.
5 When you, at your level, are meeting your counterparts in
6 some countries that cause problems, like China you talked
7 about in a recent visit, at what point do you decide to deal
8 with foreign interference in a bilateral meeting? What will
9 be the thing that makes you decide to intervene with the
10 counterpart?

11 **HON. MÉLANIE JOLY:** Every time I meet with
12 counterparts, especially when there's a more difficult
13 relationship, I have my game plan, I prepare with Global
14 Affair specialists, and according to the dynamics of the
15 meeting I keep cards, sometimes, in my pocket until the last
16 minute, or sometimes I start by bringing them out, but I
17 speak about it in every meeting that I've had.

18 **MR. JEAN-PHILIPPE MacKAY:** Let's take the
19 example of your latest visit to China.

20 **HON. MÉLANIE JOLY:** [No interpretation].

21 **MR. JEAN-PHILIPPE MacKAY:** Could we see
22 COM113 [sic], the French version?

23 **--- EXHIBIT NO. COM0000613.FR:**

24 La ministre Joly rencontre le
25 directeur du bureau de la Commission
26 centrale des affaires étrangères et
27 ministre des Affaires étrangères de
28 la Chine, Wang Yi

1 **MR. JEAN-PHILIPPE MacKAY:** And this is a
2 public communiqué that we -- 6-1-3. Yes, something else.
3 Looking for COM613.

4 **--- EXHIBIT NO. COM0000613.EN:**

5 Minister Joly meets with China's
6 Director of the Office of the Central
7 Commission for Foreign Affairs and
8 Minister of Foreign Affairs, Wang Yi

9 **COMMISSIONER HOGUE:** [No interpretation].

10 **HON. MÉLANIE JOLY:** [No interpretation].

11 **MR. JEAN-PHILIPPE MacKAY:** [No
12 interpretation].

13 **MR. JEAN-PHILIPPE MacKAY:** I'd like to hear
14 you -- the Commission did see documents, it was seen
15 publicly, if we look at assessment of intelligence, there's a
16 certain picture of China that's been presented. And if we
17 looked at this communiqué, we can go down a bit, so there's
18 something that's quite positive discussed of opportunities,
19 challenges. So discuss the public aspect of the visit to
20 China that we can see here. And if we go to page 2 we can
21 see that you -- maybe scroll down further. Yes. At the last
22 paragraph we see you raise:

23 "...the importance of diplomatic
24 relationships which respect the
25 Vienna Conventions on consular and
26 diplomatic relationships." (As read)

27 So what does this document reflect of the
28 work that you do on a bilateral level with a partner that can

1 be difficult?

2 **HON. MÉLANIE JOLY:** I presented earlier the
3 vision that I presented to Canadians, which basically is to
4 be engaged diplomatically in a pragmatic way. So even when
5 we don't agree on everything, and certainly when we don't
6 hold the same values, we have to be able to speak to each
7 other, because I believe that not being engaged
8 diplomatically often -- most of the time shows weakness, not
9 strength, because I think diplomacy was invented specifically
10 to prevent conflicts and to have difficult conversations.
11 It's much easier to have diplomatic relationship with a
12 friendly country than with a country with whom we disagree.

13 In the case of the meeting with my
14 counterpart, Wang Yi, in China, it wasn't the first
15 conversation I'd had with him. I had a call with him in
16 spring 2022, then we met at the G20 in Indonesia; we had a
17 bilateral discussion. At that point, we also met at ACEAN,
18 and I went to the G20 of the leaders, including the Prime
19 Minister, where I spoke to my counterpart, Wang Yi, and the
20 Prime Minister had talks with Xi Jinping.

21 And later, I also met Wang Yi's successor,
22 Minister Qin Gang, and then later when Wang Yi replaced him,
23 I spoke with Wang Yi again and I saw him at the Munich
24 Security Conference in February.

25 So when I met him in China, I have already
26 had many conversations with him, and I talked about foreign
27 interference in every one of the meetings I had with him.
28 And so I arrived in Beijing. I prepared myself for hours

1 with the Canadian diplomats in Beijing, and the meeting with
2 Wang Yi was three and a half hours long.

3 So we met and then we had dinner, and we
4 talked about many, many topics of bilateral relationships,
5 including foreign interference, our economic relationships,
6 issues related to fentanyl, for example, and also to health
7 issues, including geopolitics and their support for Russia in
8 Ukraine, going through the Middle East.

9 So it was a very long discussion.

10 **MR. JEAN-PHILIPPE MacKAY:** So do you think
11 that these personal approaches that you have; we know that
12 that's part of your diplomatic responsibilities for Foreign
13 Affairs. So what is the -- what follows when you raise the
14 topic of foreign interference? Is there a goal?

15 **HON. MÉLANIE JOLY:** Yes.

16 **MR. JEAN-PHILIPPE MacKAY:** [No
17 interpretation].

18 **HON. MÉLANIE JOLY:** Yes, the goal is that it
19 cease because we don't accept foreign interference. We're
20 exerting pressure on the other country in order to make it
21 cease. And the goal is that that works. Not only that, but
22 also bringing light to what's happening, especially now with
23 the Commission, this helps us to decry unacceptable
24 behaviour. Is it perfect? No, but it's among the best tools
25 we have. And when we do it, you mustn't forget that the
26 other countries, including the G7 countries, don't look at
27 what we're doing. We're the only country in the world that
28 has a Commission of Inquiry into foreign interference, and

1 that sends a message that in Canada we respect rules, and we
2 want to respect the Vienna Convention. Why? Because Canada
3 is not a nuclear power. We make ourselves respected in the
4 world in the extent to which rules are respected.

5 After World War II, Canada was one of the
6 architects of the new world being created, one of rules-based
7 order to prevent conflicts, to solve conflicts, and so in
8 those circumstances we continue to defend those principles,
9 those rules, and we take many actions, including at the
10 diplomatic level, and a Commission of Inquiry.

11 **MR. JEAN-PHILIPPE MacKAY:** You talked about
12 disinformation as being a threat that's more and more present
13 and that's new and that keeps changing at the international
14 level. So what is the places at issue in foreign policy in
15 Canada, information coming from foreign states? We know,
16 because of the Institutional Report of your department, that
17 concrete actions have been undertaken through the Rapid
18 Response Mechanism of Canada relating to the Ukraine war;
19 there's Russian disinformation. So what's the place of
20 disinformation?

21 **HON. MÉLANIE JOLY:** Disinformation,
22 especially online disinformation, is a gangrene of our
23 democracy, and if we don't put an end to it, our society, our
24 social model is at stake because we see that with various
25 technological tools, with the emergence of AI, which really
26 impacts our understanding of the world, our perception of the
27 world is based on the information we get online.

28 For traditional media they have a very

1 different situation where their business model is -- doesn't
2 function. Many journalists have lost their jobs because
3 newsrooms have closed. So what's happening is there's a
4 fragility there. Gradually authoritarian countries who don't
5 wish us well and who don't necessarily believe in democracy
6 are taking advantage of this. What they're doing is that
7 they're finding ways of carrying out disinformation campaigns
8 to influence the population and create division; that's
9 certainly Russia's goal. And if we look at China, China
10 seeks to act more by going after dissidents.

11 So it's a problem that's of great concern
12 because how can we make decisions -- well, in democracy there
13 are facts, and people rely on the facts and that's how they
14 form their opinions. But if their facts are fake, if we
15 don't have a common understanding of what's happening in our
16 society, well, democracy cannot function and there's a
17 slippage towards authoritarianism in terms of executive
18 powers, and that's of great concern. That's why the problem
19 that we have with disinformation currently is that the
20 government's capacity to act, faced by technological
21 development and the tools that are used, well, it's not
22 obvious that we will be -- always be able to be ahead of the
23 curve. And there hasn't been enough development of
24 international rules in that topic.

25 So formerly I was Heritage Minister, of
26 Culture and Communications, and I was concerned with these
27 issues, and I know that there's not enough accountability by
28 digital platforms who are not doing the work that they should

1 be doing to counter disinformation. That's a huge issue.

2 So what we decided to do is to at least
3 establish a basis for international law. So as a Minister I
4 worked to create a first declaration on the integrity of news
5 online. So we worked with the Netherlands, a country that we
6 get along with very well, and believes in international law;
7 that's where the Court of International Law is, in The Hague.
8 And we were able to gather together about 30 countries; so
9 the US, European countries and some democracies in Africa and
10 Latin America, who subscribe to those principles. But there
11 are more than 190 countries in the world so if 30 countries
12 get together to do something, there's still a lot of work to
13 do in terms of establishing international rules. And in
14 Canada, we will be doing to detect disinformation campaigns
15 and to counter them. And that's why there's the work of the
16 RRM that you were talking about.

17 **MR. JEAN-PHILIPPE MacKAY:** So you talked
18 about your [no interpretation]. Madam Denham also talked
19 about it last week, that there's a reorientation that seems
20 intentional in terms of surveillance of the Canadian
21 ecosystem in relation to elections. The RRM has this task.
22 Why this intentional change of orientation, not of vocation
23 but a review of its mission in Canada?

24 **HON. MÉLANIE JOLY:** Yes, the RRM, or which in
25 French is the MMR.

26 **MR. JEAN-PHILIPPE MacKAY:** [No
27 interpretation].

28 **HON. MÉLANIE JOLY:** The Rapid Response

1 Mechanism team was developed when Canada was at G7 in 2018.
2 And this was created in order to detect disinformation
3 campaigns that were led by states and the RRM was turned
4 towards what was happening elsewhere. So the disinformation
5 campaigns aimed at Ukraine, for example, campaigns undertaken
6 by Russia. So we were able to detect that.

7 But also we realized that within the federal
8 state, there was no mechanism to detect disinformation
9 campaigns nationally, and that's why the RRM was used several
10 times in an electoral context, to see what was going on in
11 our country.

12 But as I said at the beginning of the
13 interview, the Global Affairs department is oriented towards
14 what's outside of the country, so the goal and I think that
15 there is work to be done to see how we could do this in
16 Canada. So it's not necessarily Global Affairs. Global
17 Affairs is concerned with relationships with other countries.

18 The second thing, is the RRM sufficient? Not
19 necessarily. They are people who are looking at trends but
20 what we need to do now is ensure that there's more
21 accountability from digital platforms on these issues,
22 because they do have responsibilities. They have a
23 responsibility in country, in Canada, and also in the US that
24 they have to assume. And there's a politicization of digital
25 platforms that's also happening; when there are owners of
26 digital platforms that take the position in the US elections,
27 that's a problem.

28 And also what we're seeing now is that we

1 have to find technological means to address this issue. It
2 can't just be people because the tools being used by foreign
3 states, for example, in English I'd say the bots, that
4 amplify campaigns, it's not something that's handcrafted;
5 it's created by technological tools. So in Canada we have to
6 be able to take technological measures or have them take
7 technological measures -- I'm not an expert but I'm convinced
8 there are people who can find solutions to that.

9 **MR. JEAN-PHILIPPE MacKAY:** [No
10 interpretation].

11 **HON. MÉLANIE JOLY:** And that expertise does
12 not lie within Global Affairs Canada.

13 **MR. JEAN-PHILIPPE MacKAY:** Ms.
14 (indiscernible) was saying despite this vocation that needs
15 to change, the reorientation for RRM in terms of elections,
16 that the RRM has an important role to play in the work of the
17 SITE Task Force, as concerns federal elections. Can you
18 explain to us what that role would be? What is the
19 importance of having Global Affairs Canada and the RRM
20 maintaining its participation within the SITE Task Force?

21 **HON. MÉLANIE JOLY:** Well, I'm not involved in
22 the issue of supervision of elections, but it's only because
23 the RRM is the only solution we have that they are
24 participating in SITE, the surveillance of elections. So
25 then one should wonder, well, what other department could
26 take care of this issue? Do we need another RRM somewhere
27 else or -- it's a question which must be solved. The
28 Commission should look at this, and I'm very ready to listen

1 to your recommendations. Because in 2018 we had a good idea
2 at Global Affairs in 2018, and that became a tool that was
3 important that could help us at the global level, we were
4 able to work with other states on the fact that we could
5 identify phenomena online. But now we've realized that it's
6 something that's essential in Canada. So I think we could
7 move to the next step.

8 **COMMISSIONER HOGUE:** And the problem that this
9 creates, because you're not the first to tell us that it's
10 not the mission ---

11 **HON. MÉLANIE JOLY:** [No interpretation].

12 **COMMISSIONER HOGUE:** --- of Global Affairs,
13 is it essentially a problem of resources, or does it go
14 beyond an issue of resources?

15 **HON. MÉLANIE JOLY:** Yes, it's beyond
16 resources.

17 **COMMISSIONER HOGUE:** [No interpretation].

18 **HON. MÉLANIE JOLY:** I think that in the 2022
19 or 2023 budget the department got more funds for the RRM, but
20 I think this mechanism or those mechanisms must work within a
21 department that's concerned with internal affairs.

22 **COMMISSIONER HOGUE:** And have you identified
23 a department or more departments that this experience
24 acquired by the RRM's could be easily transferred?

25 **HON. MÉLANIE JOLY:** I'm speaking about
26 opinions, not facts, but in any war or any conflict there is
27 a communications department, in some autocratic countries
28 it's a department of propaganda. Canada at the time created

1 a communications department in Second World War, and that
2 department became the CRTC, and various laws were created,
3 and that was all amalgamated under Canadian Heritage. But
4 Canadian Heritage deals with cultural issues, funding of arts
5 and culture, but there's a whole element related to
6 communications. The CRTC has, in an analog world is in a
7 position that cancelled the operating licence of RT, *Russia*
8 *Today*, which was being broadcast now. Can the CRTC face a
9 *Russia Today* campaign or identify it? I don't think that it
10 would have the resources to do so. But in the normal mandate
11 of Heritage Canada could we not think that maybe there's work
12 that's been done through work to identify disinformation
13 campaigns by foreign states? Possibly.

14 So there's that but there's also public
15 security, national security. So there is a solution
16 somewhere but if I look at the United States, for example, or
17 Great Britain, within the State Department in the United
18 States there is a team looking at information issues. But
19 same thing, like in Canada, linked to disinformation
20 throughout the planet, not necessarily just in the States.

21 **MR. JEAN-PHILIPPE MacKAY:** You spoke about
22 Russia and *Russia Today*, but with the RRM we understand that
23 the issue of ecosystem surveillance or observation of our
24 domestic ecosystem could be moved somewhere else. It could
25 be not under that mechanism, but for surveilling trends
26 towards other countries, this mission will always come back.
27 And on disinformation on Canada or in Canada under the guise
28 of foreign interference, we're using the RRM that would keep

1 looking at international trends. And now the question is
2 what is the link with our domestic surveillance?

3 **HON. MÉLANIE JOLY:** Let's give you the
4 example of *Russia Today*. I made a declaration of what
5 they're doing here in Canada. We identified that *Russia*
6 *Today* had been banned, the licence had been removed by the
7 CRTC. What they did is to continue their propaganda, because
8 it's a propaganda agency and *Russia Today's* goal in the West
9 is to divide democracies; I've spoken about it in testimony,
10 because *Russia Today* is Russia.

11 What they did is that they recruited
12 commentators, influencers in Canada who were online, extreme
13 right commentators to create division, they paid them. They
14 also created false independent media in Canada, fake
15 independent media for which these commentators were working,
16 and thereafter, they could be quoted by traditional media and
17 other political commentators generally. And *Russia Today* in
18 the meanwhile is making money, so it's paying for more
19 efforts in Russia against Ukraine and moreover, *Russia Today*
20 and Russia are targeting directly digital infrastructure in
21 Canada.

22 So we detected that, and we worked with the
23 Five Eyes on that issue. But the reality is that it's
24 happening here. It's a direct threat to our democracy.
25 That's why we identified it through the RRM. I made a public
26 declaration, a public statement so that Canadians be made
27 aware. There were lawsuits in the States against them also.
28 So there's this whole phenomena of foreign interference, but

1 also which is online disinformation. So that's why you said
2 FI and online disinformation are different, but they're the
3 same, because it's not the Vienna Convention that can help us
4 deal with online disinformation.

5 **MR. JEAN-PHILIPPE MacKAY:** So disinformation
6 is a manifestation of foreign interference, it's one of the
7 symptoms.

8 **HON. MÉLANIE JOLY:** Yes.

9 **MR. JEAN-PHILIPPE MacKAY:** So we understand
10 that there was a public statement on *Russia Today*. We
11 understand that it's just not disinformation; it's a public
12 statement of disinformation. In the interviews that we had
13 with you and with the civil servants, we spoke about the spam
14 campaign, the campaign against Mr. Chong. So I won't go back
15 on these events in detail, but for public dissemination of
16 disinformation events there's not a framework that allows
17 states to be denounced or attributed disinformation actions.
18 Madam Denham spoke about the public attribution framework
19 when there's a statement by the government. So what is your
20 personal role as a Minister? What is the power granted to
21 you? What is the responsibility that you hold in this
22 protocol or this public framework?

23 **HON. MÉLANIE JOLY:** Well, for cyber
24 incidents, there are international rules that have to be
25 complied with, but it has to take into consideration the
26 technological reality and the particular vulnerabilities that
27 could still be present in a system that was just the victim
28 of a cyber attack. So we keep that into consideration when

1 we decide to point fingers. And we've seen that other
2 countries were victims of cyber attacks and that they
3 attributed the act to somebody. And even if we didn't do it,
4 we still educate the public to the effect that there are
5 threats, digital cyber threats, against Canadian
6 infrastructures. And that's why I made a statement to
7 support the accusation made from Great Britain on the
8 People's Republic of China in one of the incidents that they
9 suffered.

10 **MR. JEAN-PHILIPPE MacKAY:** So for cyber
11 attribution there's a protocol on some types of events that
12 reach a certain level of impact. And the final issue is that
13 there's a public attribution, public blaming of who committed
14 the cyber attack. So there's conditions, there's various
15 partners that are involved, government partners. When the
16 conditions are not met to publicly attribute a cyber attack,
17 the other tools, the other diplomatic tools, can they be
18 used?

19 **HON. MÉLANIE JOLY:** Yes, of course. If
20 there's no attribution, there could be a summons of the
21 Ambassador or there could be diplomatic measures or refusal
22 of visas, et cetera, yes.

23 **MR. JEAN-PHILIPPE MacKAY:** In the
24 Institutional Report from your department, it says that there
25 were no activations of the public attribution framework for
26 cyber attacks on democratic processes. So do you confirm
27 that it's the case?

28 **HON. MÉLANIE JOLY:** Yes.

1 **MR. JEAN-PHILIPPE MacKAY:** I will ask you to
2 take the summary of interview, WIT148.

3 On the screen, please. Go to paragraph 16,
4 please.

5 There are details that are not in the
6 document for national security reasons. And under 16 you see
7 that you were made aware of cyber threats against Canada and
8 that you decided that it was not desirable to make a public
9 attribution of some activities, and it would go against
10 Canada's interests.

11 **HON. MÉLANIE JOLY:** Every time the only
12 question that we ask ourselves as department is, is it in our
13 own interest in the current situation based on the situation,
14 the state of the information system, the infrastructures, and
15 essentially, the need to attribute the cyber threat or not.

16 **MR. JEAN-PHILIPPE MacKAY:** With the cyber
17 threats against Canada you've authorized through a memorandum
18 that your Deputy Minister would take diplomatic measures to
19 signal that those activities were unacceptable.

20 **HON. MÉLANIE JOLY:** Yes.

21 **MR. JEAN-PHILIPPE MacKAY:** And after that you
22 authorized that a statement be published with some of your
23 counterparts, Ministers. So let's look at 473 in French,
24 please. It dates back to June 3rd, 2024.

25 **--- EXHIBIT No. COM0000473 FR:**

26 Le gouvernement du Canada publie une
27 déclaration sur les cyberactivités
28 malveillantes

1 --- EXHIBIT No. COM0000473 EN:

2 Government of Canada releases
3 statement on malicious cyber activity

4 **HON. MÉLANIE JOLY:** [No interpretation].

5 **MR. JEAN-PHILIPPE MacKAY:** It's a public
6 statement, and in this communiqué with your two colleagues,
7 it says that Canada has been targeted by cyber malfeasance,
8 and some states are named. If you go down? Some foreign
9 states like the People's Republic of China, North Korea,
10 Russia, Iran, trying to target computer systems in the
11 private and public sector. And then is the PRC that is the
12 origin of most cyber attacks or cyber threats against Canada.

13 So that's not a cyber attribution, formally.

14 **HON. MÉLANIE JOLY:** No, that's a declaration,
15 a statement to raise people's awareness. We know that there
16 are threats, we inform the people that there are threats, but
17 we're not naming particular incidents.

18 **MR. JEAN-PHILIPPE MacKAY:** If there's a
19 diplomatic goal for those states that are named here, that
20 they be told indirectly that their activities are seen and
21 detected by Canada?

22 **HON. MÉLANIE JOLY:** Well, by saying it
23 publicly, it has an impact on the diplomatic relationship.
24 And there's states and countries that we don't have a
25 relationship with, like North Korea and Iran.

26 **MR. JEAN-PHILIPPE MacKAY:** [No
27 interpretation].

28 **HON. MÉLANIE JOLY:** So even if we don't have

1 a diplomatic relationship with those states we still have to
2 be careful.

3 **MR. JEAN-PHILIPPE MacKAY:** We can go back to
4 WIT148, where we deal with the situation with the
5 Interparliamentary Alliance on China, paragraph 17. And here
6 in August 2023, the United Kingdom asked for Canada's
7 support, and it was more concrete in March 2024. So tell us
8 what happened. We see it in public attributions that there
9 are international efforts when it's your department asking to
10 make a public attribution, getting support elsewhere. So how
11 significant is it for cyber attributions, and more generally,
12 diplomatically, to get support from allies of Canada.

13 **HON. MÉLANIE JOLY:** The United Kingdom will
14 ask for support from Canada, and also the Five Eyes,
15 Australia, New Zealand, the States and us. And it's also
16 important for us to do it if there's a cyber incident,
17 because that way we're not isolated diplomatically. So the
18 more you're isolated, the impacts are stronger
19 diplomatically. That's why the fact of being in a coalition
20 helps us to mitigate our risks.

21 **MR. JEAN-PHILIPPE MacKAY:** We could leave the
22 document there.

23 When you talk about the declaration of
24 *persona non grata* of Zhao Wei, your civil servants spoke
25 about how it happens and how it occurs. Please tell us how
26 this person was declared PNG and describe your personal
27 involvement and what were the things that were considered.

28 **HON. MÉLANIE JOLY:** At that time, there were

1 concerns with the Chinese police stations. There were RCMP
2 investigations, and at the same time we were managing the
3 Chinese balloons on top of our territory and the American
4 territory, and I was having conversation with Tony Blinken,
5 the Foreign Secretary at that time. So when *The Globe and*
6 *Mail* article is published in May, it's all part of the
7 concerns that we're having with what China is doing. And you
8 see that there's unacceptable, unconscionable behaviour
9 happening from one diplomat, Zhao Wei.

10 So I read *The Globe and Mail*, the article,
11 and I was not aware of Zhao Wei in particular, that's why I
12 ask for a recommendation. So for me it's obvious that the
13 situation is unbearable, and he has to leave, absolutely. So
14 that's why the question that I'm asking at that time is how
15 -- well, it's already been decided that he has to leave. How
16 do we manage the impacts, diplomatically? And I said
17 earlier, Madam Commissioner, the diplomatic repercussions,
18 the impacts are, are Canadians in danger in China; will there
19 be job losses in Canada because there will be economic
20 sanctions? And also, are there diplomats in -- Canadian
21 diplomats in China that could be in danger?

22 And so after looking at all these issues, I
23 made the decision to declare Zhao Wei *persona non grata*, and
24 after that, as we've seen, when you make a decision -- there
25 was a decision, a reaction was to declare Jennifer Lalonde,
26 who was our consulate in Geneva [sic] at that time.

27 **MR. JEAN-PHILIPPE MacKAY:** You said that the
28 decision was made. You said it's after reading *The Globe and*

1 *Mail* that it was obvious at that point that ---

2 **HON. MÉLANIE JOLY:** Yes, that was the
3 recommendation that is made to me, to declare him PNG.

4 **MR. JEAN-PHILIPPE MacKAY:** During his
5 testimony, your Deputy Minister, Mr. Morrison, refused a
6 suggestion that we were making that if there wasn't -- hadn't
7 been *The Globe and Mail* article, Zhao Wei would not have been
8 kicked out on May 8th, and Mr. Morrison said that he was
9 already in -- it was already in the cards to consider sending
10 him back, whether it's Zhao Wei or somebody else. But that
11 *The Globe and Mail* article and the name with the allegation
12 of foreign interference accelerated the decision-making
13 process. In your decision-making process and what you
14 considered in your mind, this publication; that it's in the
15 public space, that there's the name, with foreign
16 interference accusations, what would have been the impact?
17 If you're saying that it was clear that the decision was made
18 and a recommendation was made to you, but personally, in
19 those circumstances, what was the impact of this public-
20 facing article?

21 **HON. MÉLANIE JOLY:** Well, I see that there is
22 information linked to Canadian diplomats in Canada and I
23 hadn't been informed. So that's why it highlights that we
24 have to change our system on how information is transmitted
25 and consumed. So that's why we created the International
26 Security Officer position in my office, and we asked that the
27 department in its intelligence reports to include something
28 on foreign interference. Because, as you know, CSIS is not

1 under my direction. So there may be, I would say, a gap in
2 the transfer of information. So with Zhao Wei, in itself,
3 like I said, the situation was unbearable because there were
4 already challenges linked to how Chinese diplomats were
5 behaving, namely with the police stations, and those police
6 stations are clearly foreign interference because they don't
7 comply with the Vienna Convention, because it's not declared
8 diplomats with diplomatic visas. And then our territorial
9 safety, the Canadian -- balloons that were floating over our
10 territory.

11 So declaring him *persona non grata*, normally
12 when you declare someone PNG normally you choose, and I said
13 it earlier, the type of person. Sometimes it could be --
14 normally it could -- it's a position. It doesn't target a
15 particular person, a particular diplomat, but we had
16 information that said it was this person in particular,
17 rather than his position. If you give me the example of
18 India when there are credible allegations that there were
19 agents from the Indian government that murdered somebody here
20 in Canada, Mr. Nijjar, a citizen, we targeted a position, a
21 liaison agent, who -- from their service, their intelligence
22 service, but for Zhao Wei, we're targeting one person.

23 COMMISSIONER HOGUE: I have a question.

24 HON. MÉLANIE JOLY: [No interpretation].

25 COMMISSIONER HOGUE: You talked about two
26 changes to the creation of a Director's post ---

27 HON. MÉLANIE JOLY: [No interpretation].

28 COMMISSIONER HOGUE: --- in your Cabinet?

1 HON. MÉLANIE JOLY: [No interpretation].

2 COMMISSIONER HOGUE: And also one at CSIS ---

3 HON. MÉLANIE JOLY: [No interpretation].

4 COMMISSIONER HOGUE: --- to have a section.

5 HON. MÉLANIE JOLY: [No interpretation].

6 COMMISSIONER HOGUE: So those changes were
7 already implemented?

8 HON. MÉLANIE JOLY: Yes.

9 COMMISSIONER HOGUE: And when would that have
10 been done?

11 HON. MÉLANIE JOLY: For the way in which
12 intelligence reaches us, in the following weeks because we
13 realized that there is a problem. The political levels have
14 to be made aware of what's happening between the agencies.

15 COMMISSIONER HOGUE: And the Director's post
16 was filled when?

17 HON. MÉLANIE JOLY: Well, we already had
18 someone who was in charge of all these cases, and we added to
19 their functions the position of Director of National
20 Security.

21 COMMISSIONER HOGUE: And until now have
22 these ---

23 HON. MÉLANIE JOLY: [No interpretation].

24 COMMISSIONER HOGUE: --- changes been
25 productive?

26 HON. MÉLANIE JOLY: Yes, very much. So
27 because with the Minister we have a lot of issues to be
28 addressed, we're almost always in a situation of crisis. And

1 if there's not someone on our team who's not following what's
2 going on in terms of intelligence and foreign interference,
3 well, honestly, there's so many crises every day that we
4 can't act in a proactive way. Any issue of foreign
5 interference, we can't always manage it, and it becomes a
6 crisis in the media, so we have to address it proactively.
7 So as soon as we see that there's something that can be
8 difficult, we have to address it.

9 My responsibility is to protect Canadians,
10 it's not to manage media pressure. My priority is that
11 people feel safe and that they can use their right to freedom
12 of expression within the country, and that people who want to
13 go into politics don't feel intimidated because there are
14 foreign diplomats exerting pressure on them. That's totally
15 unacceptable, that's why.

16 **MR. JEAN-PHILIPPE MacKAY:** Could you please
17 put up CAN.SUM16, which is a thematic summary on the
18 declaration of *persona non grata* for Mr. Zhao Wei.

19 **--- EXHIBIT No. CAN.SUM.000016:**

20 Declaration of Zhao Wei as PNG

21 **MR. JEAN-PHILIPPE MacKAY:** [No
22 interpretation].

23 So you already spoke about the main issues,
24 so paragraph 5 of this document, we can see that -- it's in
25 English; the French version will be sent to us soon -- that
26 there are a number of documents from CSIS referring to the
27 interest that China might have concerning MP Michael Chong,
28 which were produced and sent to GAC before May 2021. We know

1 that you were elected later, or appointed later, in 2021.
2 And when were you made aware of the intelligence mentioned
3 here that we can't discuss the nature of here, but when were
4 you made aware of this?

5 **HON. MÉLANIE JOLY:** I wasn't informed of
6 anything related to Zhao Wei until there was a publication in
7 [no interpretation].

8 **MR. JEAN-PHILIPPE MacKAY:** Actually, I'm
9 talking about Mr. Chong here.

10 **HON. MÉLANIE JOLY:** [No interpretation].

11 **MR. JEAN-PHILIPPE MacKAY:** Of the specific
12 situation of intelligence that would have been sent before
13 May 2021 ---

14 **HON. MÉLANIE JOLY:** [No interpretation].

15 **MR. JEAN-PHILIPPE MacKAY:** --- concerning
16 Michael Chong, were you informed about that at some point ---

17 **HON. MÉLANIE JOLY:** [No interpretation].

18 **MR. JEAN-PHILIPPE MacKAY:** --- in 2023 or
19 whenever?

20 **HON. MÉLANIE JOLY:** No. I read in the press
21 that there had been attempts, that had been foreign
22 interference against Michael Chong much later. So the only
23 time we discovered something related to Michael Chong was
24 when there was a disinformation campaign launched against
25 him, and then we decided to put a whole process in place to,
26 first of all, make sure there was a report; secondly, that
27 Michael be informed; third, that we summon the Ambassador.
28 And then that the report be made public, that the public be

1 aware that Michael was the victim of a disinformation
2 campaign against him.

3 And after that, the department contacts
4 Tencent, the company which owns WeChat, so that
5 disinformation be removed. But we know that up till now
6 Tencent has not done anything.

7 **MR. JEAN-PHILIPPE MacKAY:** It was mentioned
8 that in the decision for declaring Mr. Zhao Wei as *persona*
9 *non grata*, whether there was a link to Mr. Chong, and the
10 answer was that Mr. Zhao Wei did not engage in foreign
11 interference activities towards Michael Chong.

12 **HON. MÉLANIE JOLY:** I think that Zhao Wei had
13 been exhibiting problematic behaviour and was not respecting
14 the Vienna Convention; we had information to that effect.
15 And so that we needed to act. And that's why, when the
16 department came and gave me the recommendation of declaring
17 him *persona non grata*, I approved it.

18 **MR. JEAN-PHILIPPE MacKAY:** And following the
19 expulsion of Mr. Zhao Wei, there were changes made to the
20 organization in terms of consuming intelligence in your
21 Cabinet. And so at that point there was a group of Ministers
22 that was created to lead the response, and we understand
23 that's in the wake of these events that this group was
24 constituted, for a very brief period of time, as you've said.

25 **HON. MÉLANIE JOLY:** Yes, and at the time, but
26 you haven't referred to this yet, I know, but when we met the
27 -- we met together as a group of Ministers, and the Privy
28 Council Clerk is there too, I was asking if there were other

1 diplomats in the country who are problematic. I wanted to
2 know because I'm not afraid of sending someone home if
3 they're problematic.

4 **MR. JEAN-PHILIPPE MacKAY:** And at the time,
5 you're saying from May until now?

6 **HON. MÉLANIE JOLY:** No, currently ---

7 **MR. JEAN-PHILIPPE MacKAY:** [No
8 interpretation].

9 **HON. MÉLANIE JOLY:** --- there are no
10 diplomats in that situation.

11 **MR. JEAN-PHILIPPE MacKAY:** Earlier you
12 alluded to the situation related to Mr. Nijjar's murder, and
13 the consequences on the diplomatic relationship with Canada,
14 was declared by the Deputy Minister. But simply in the wake
15 of this event and in relation to other activities related to
16 India, the evolution of this relationship has been what;
17 where are we now?

18 **HON. MÉLANIE JOLY:** There is the RCMP
19 investigation that led to arrests.

20 **MR. JEAN-PHILIPPE MacKAY:** My question is on
21 diplomatic relationships.

22 **HON. MÉLANIE JOLY:** It's a tense diplomatic
23 relationship. I can't state it more forthrightly. It was a
24 huge violation of Canadian security, and there's a huge
25 concern related to the security of Canadians that's -- there
26 are credible allegations -- I repeat what I said earlier --
27 stating that there would have been agents from India that
28 were involved in the murder of a Canadian on Canadian soil.

1 So when I was informed of this in the summer of 2023, very
2 quickly what I did is to determine what the principles
3 governing our diplomatic relationship would be.

4 One is seeking truth, and that's what
5 happened. Secondly, protecting Canadians; what happened to
6 one person should not happen to anyone else. And the third
7 one, to protect Canada's sovereignty, in a diplomatic sense.
8 And that's why I contacted my counterpart, my Indian
9 counterpart, and I asked him India's cooperation to shed
10 light on the matter, to respond to our security concerns.

11 And then the Prime Minister met with Prime
12 Minister Modi in India during the G20, and then the Prime
13 Minister made a public statement. After that, I worked with
14 several countries to inform them about what had happened.

15 And the best example of a decision that
16 wasn't rational and had huge consequences and which is
17 counterproductive is India's decision to expel 41 of our
18 diplomats, which is a reaction that goes against the Vienna
19 Convention. Because what we did is that the Prime Minister
20 made his statement in the House of Commons, and then I
21 announced that, as I said earlier, that the person who
22 occupies the liaison officer of R&AW, of the intelligence
23 organization in Canada is declared *persona non grata*.

24 India replies a few weeks later, in spite of
25 several conversations I had, in spite of my discussions with
26 several countries, India reacts by expelling 41 diplomats.
27 And still now, that is totally unacceptable.

28 But we continue to have diplomatic

1 relationships in spite of everything because it's important
2 to have one, but we have continued to ask for their
3 cooperation and to ensure that there was accountability for
4 this crime.

5 **MR. JEAN-PHILIPPE MacKAY:** Thank you, Madam
6 Joly.

7 Madam Commissioner, those are my questions.

8 **COMMISSIONER HOGUE:** Thank you very much.
9 We'll take a 20-minute break. So we'll come
10 back at 3:12 or 3:10.

11 **HON. MÉLANIE JOLY:** [No interpretation].

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

13 This sitting of the Commission is now in
14 recess until 3:10 p.m.

15 --- Upon recessing at 2:52 p.m.

16 --- Upon resuming at 3:12 p.m.

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

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

20 The time is 3:12 p.m.

21 **--- HON. MÉLANIE JOLY, Resumed:**

22 **COMMISSIONER HOGUE:** So the first one is
23 counsel for Concern Group, Mr. Chantler.

24 **HON. MÉLANIE JOLY:** [No interpretation].

25 **COMMISSIONER HOGUE:** It's the Concern Group.
26 He will tell you who he is.

27 **HON. MÉLANIE JOLY:** Thank you.

28 **--- CROSS-EXAMINATION BY MR. NEIL CHANTLER:**

1 **MR. NEIL CHANTLER:** Good afternoon, Minister
2 Joly.

3 **HON. MÉLANIE JOLY:** [No interpretation].

4 **MR. NEIL CHANTLER:** My name is Neil Chantler
5 and I'm counsel for the Chinese Canadian Concern Group. Are
6 you comfortable with me asking my questions in English?

7 **HON. MÉLANIE JOLY:** Of course. I'll answer
8 in French, but I'll be [no interpretation].

9 **MR. NEIL CHANTLER:** And are you comfortable
10 answering in English or should I put my headphones on?

11 **HON. MÉLANIE JOLY:** [No interpretation].

12 **COMMISSIONER HOGUE:** Put your headphones on.

13 **MR. NEIL CHANTLER:** Okay. Thank you.

14 I'm going to start by asking you about an
15 issue that you only touched on briefly with your evidence
16 today. But I know it's something that you have a lot of
17 experience with, and that is China's interest in the Canadian
18 Arctic.

19 And perhaps I'll start just with a general
20 proposition. Would you agree that China's interest in our
21 Arctic is part of a much broader strategy of geopolitical
22 influence and control? And it's very much connected to the
23 issues of foreign interference in our democracy that we are
24 here exploring in this Inquiry.

25 **HON. MÉLANIE JOLY:** I think that the Arctic
26 issue is wider than that. I think China, for a long time,
27 has been trying to become an official member of the Arctic
28 Council, where Canada, Scandinavian countries, the United

1 States, and Russia are members.

2 I'll go back on that. The other thing is
3 that China declared itself being a near-Arctic state, so a
4 state which is near the Arctic, which we will agree that it
5 is absurd. And what happened is that with the invasion by
6 Russia of Ukraine, the Arctic Council stopped its operations
7 politically. There were no political meetings between Canada
8 and the countries, Scandinavian countries, United States, and
9 Russia. Finland and Sweden joined NATO, so essentially the
10 eight countries that were part of the Arctic Council, the
11 eight Arctic countries, there are seven that part of NATO.
12 And what is happening currently is that Russia, which in the
13 past did not want to look at China as involved in the Arctic,
14 Russia is working a lot in Ukraine, depends a lot more on
15 China and allows China to be more involved in Arctic issues,
16 which is an issue in itself.

17 So that's why Canada is working on a new
18 strategy on Arctic that I hope I'll be able to talk about in
19 public in coming weeks. And at the same time, our goal is to
20 clearly work with Arctic countries that have common interests
21 with us, of course the United States and Scandinavian
22 countries, to ensure that we protect the Arctic and that in
23 the end, we be able to have decisions linked to the Arctic
24 taken by Arctic countries, in compliance with our
25 international laws.

26 As your question if foreign interference is
27 being done by China related to the Arctic, I think your
28 question is too wide and I would need to have more

1 specificity on what you want me to answer on. I'm just
2 giving you general context on what I think of China and the
3 Arctic.

4 **MR. NEIL CHANTLER:** Thank you. I have other
5 issues to cover, and I'll move on ---

6 **HON. MÉLANIE JOLY:** Yeah.

7 **MR. NEIL CHANTLER:** --- given the time.

8 **HON. MÉLANIE JOLY:** Okay.

9 **MR. NEIL CHANTLER:** Could the Court Operator
10 please pull up COM 363? This is the NSICOP Report. At PDF
11 26, paragraph 37.

12 **--- EXHIBIT No. COM0000363:**

13 NSICOP Special Report on Foreign
14 Interference in Canada's Democratic
15 Processes and Institutions

16 **MR. NEIL CHANTLER:** You'll see the heading
17 "Exploiting ethnocultural communities". I don't expect
18 you've read this section recently or in any detail, but,
19 essentially, this section talks about foreign states. It
20 says,

21 "In the period under review, foreign
22 states sought to exploit cultural and
23 linguistic ties with ethnocultural
24 communities and groups in Canada..."

25 And it goes on.

26 **HON. MÉLANIE JOLY:** M'hm.

27 **MR. NEIL CHANTLER:** If we could scroll down
28 to PDF 28, paragraph 40, this describes the involvement of

1 Chinese diplomatic staff in influencing community
2 organizations. And the sentence that starts with "These
3 organizations" in the middle of paragraph 40,
4 "...often have close relationships
5 with the PRC Embassy and consulates
6 and may rely on financial support for
7 their activities, may benefit from
8 reciprocal favours, including
9 financial and economic incentives or
10 other honours and awards to cooperate
11 with PRC authorities, or may simply
12 support the PRC because of a sense of
13 national pride."

14 Now a few days ago at this inquiry I had
15 officials from CSIS agree with the findings of the NSICOP
16 Report in this regard, and I recognize that not all activity
17 between community groups and diplomatic staff constitute
18 foreign interference, but is this radar -- is this type --
19 sorry, is this type of foreign interference activity on your
20 radar as Minister of Foreign Affairs and how concerned are
21 you about it, especially when it comes to activities
22 community organisations are involved with around election
23 time? And have you engaged with the Chinese ambassador on
24 this issue?

25 **HON. MÉLANIE JOLY:** So first of all, of
26 course the report is important, it speaks for itself. And I
27 think that there is interference; we've seen it in the Zhao
28 Wei case, and sometimes there's influence.

1 Currently, while we speak, I have no
2 recommendations from my department to send back Chinese
3 diplomats, have them PNGed, as we say in English, and to send
4 them outside of Canada. I think that the work of shedding
5 light on this is fruitful, and why? It's because we're
6 giving many, many signals that it is unacceptable. I think
7 that we're the country in the world that is projecting it the
8 most.

9 So to your question, did I discuss with the
10 Ambassador, I'd say I've had better than that. I've had
11 several conversations with his boss, the Minister of Foreign
12 Affairs, during my visit in China, like I said earlier in my
13 testimony.

14 **MR. NEIL CHANTLER:** And what has the response
15 been? How are they reacting to these allegations that we are
16 making against China in a role its Ambassador and consular
17 staff are playing?

18 **HON. MÉLANIE JOLY:** Your question is
19 relevant; you won't be surprised by my answer, but it's been
20 denied every time. So if he denies it, officially and
21 unofficially, it doesn't mean that their behaviour will not
22 change. So that's why we have to shed light on the issue,
23 and that's why we have to work with other countries in the
24 world to be able to have support to put pressure, to exert
25 pressure, because Canada cannot always, by itself, put enough
26 pressures on China. The more countries are together, the
27 more pressure can be exerted.

28 **MR. NEIL CHANTLER:** Thank you. My next issue

1 is in regards to the Chinese overseas police stations. Could
2 the Court Operator please pull up WIT 148? And I apologize,
3 this is the English version of your interview summary.

4 HON. MÉLANIE JOLY: M'hm.

5 MR. NEIL CHANTLER: Page 9 under the heading,
6 "Chinese Police Stations," paragraph 31. Here you say -- you
7 noted that:

8 "...the Royal Canadian Mounted Police
9 is currently investigating the
10 matter.

11 HON. MÉLANIE JOLY: M'hm.

12 MR. NEIL CHANTLER: "GAC has also taken a
13 series of steps with the Chinese
14 embassy to request that these police
15 stations cease operating on Canadian
16 soil."

17 HON. MÉLANIE JOLY: Yeah.

18 MR. NEIL CHANTLER: Now you were interviewed
19 by Commission counsel on July 5th of this year. At least as
20 of that date, those stations were still operating on Canadian
21 soil; is that what we're to take from your evidence?

22 HON. MÉLANIE JOLY: What I would say is that
23 when I learn through the Safeguard Defender articles that
24 there are police stations -- Chinese police stations in
25 Canada, and elsewhere in the world, what I do is not only I
26 ensure that measures are taken by us, diplomatic measures by
27 our department, but I also ensure to talk about it at G7,
28 because Safeguard Defenders is showing that it's not only in

1 Canada, they are present in other G7 countries. I also
2 talked about it at the G20, I also talked about it at NATO,
3 even though it's a military alliance, it's not necessarily
4 relevant, but it's to talk about what is happening, our
5 relationship with China.

6 And what I also do is that I decide to use my
7 toolbox, my diplomatic toolbox. I ensure that I refuse the
8 setting up of new positions in the Chinese Embassy, and I
9 refuse a visa; I deny a visa to a Chinese diplomat in Canada.
10 So that's how I show, whereas the RCMP is still doing its
11 investigating. And obviously I raised with the Minister of
12 Foreign Affairs at the G20 the issue of those police
13 stations, those Chinese police stations.

14 Politically they've always denied, but you've
15 heard, I think, that diplomatically in the department, even
16 though officially, politically, they're always denying, that
17 we received departmental information saying that those police
18 stations were not operational in Canada anymore. So for us,
19 they admitted that they existed.

20 **MR. NEIL CHANTLER:** The discussions are
21 ongoing, I take it?

22 **HON. MÉLANIE JOLY:** No. What I said is that
23 diplomatically they did admit that they were in existence,
24 but that they would not be operational, functional, anymore.
25 Us, politically, when I'm talking about the Foreign Affairs
26 Minister, he's always denied it, but the RCMP continues to
27 investigate.

28 But what I can tell you -- how can I tell

1 you? My job is not to take care of what's happening in the
2 country. My job is to ensure that China ceases its
3 activities and that there are diplomatic impacts. I deal
4 with diplomatic impacts. Currently, are they still operating
5 or not? That's the RCMP, that's the Department of Public
6 safety that can give you an answer because I don't have that
7 information currently as we speak.

8 **MR. NEIL CHANTLER:** Thank you very much.

9 **HON. MÉLANIE JOLY:** [No interpretation].

10 **COMMISSIONER HOGUE:** Thank you.

11 **MR. NEIL CHANTLER:** Those are my questions,
12 Madam Commissioner.

13 **COMMISSIONER HOGUE:** Mr. Singh for the Sikh
14 Coalition.

15 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

16 **MR. PRABJOT SINGH:** Thank you, Commissioner.
17 Ms. Joly, my name is Prabjot Singh for the
18 Sikh Coalition.

19 If we can pull up WIT96, please? And we can
20 go to page 5, the bottom of page 5.

21 So Ms. Joly, just before we start, I want to
22 clarify something just so we can get a little bit of a
23 baseline.

24 In your witness statement from the Phase 1 of
25 the Inquiry, it sounds like you weren't briefed of Indian
26 foreign interference until the spring of 2023. In your
27 testimony earlier, you alluded to an earlier briefing
28 potentially when you travelled to India. Are you able to

1 clarify when you first learned about Indian foreign
2 interference?

3 **HON. MÉLANIE JOLY:** What I learn, I think in
4 February 2023, I know that I'm going to India for the first
5 time in my position for a bilateral visit because two, three
6 weeks later I go as the Minister of Foreign Affairs before
7 G20, because I know that India was in charge of the G20
8 meeting that year. So I have information, I'm briefed on the
9 fact that India has complaints or concerns on the fact that
10 there's a pro-Khalistan movement in Canada. So I have to be
11 ready to, how can I say, to counter India's arguments, but I
12 don't have information at that time as to foreign
13 interference from India in Canada on, particularly,
14 representatives of the Sikh community. That I learned later.

15 **MR. PRABJOT SINGH:** So given the fact that
16 you're appointed Minister of Foreign Affairs in 2021, I'm
17 struggling to understand why you wouldn't have been briefed
18 about this threat earlier, given some of the concerning
19 activities of India in Canada, given the intelligence that
20 Canadian agencies have, and the significance of this
21 information in order for you to effectively represent India's
22 -- Canada's interests abroad and with your partners. Were
23 you ever given an explanation for why you weren't briefed on
24 this earlier?

25 **HON. MÉLANIE JOLY:** Well, I said earlier,
26 Canada -- at the Department of Foreign Affairs, I'm not in
27 charge of surveillance agencies in Canada, CSIS or all the
28 other surveillance agencies, or police agencies like the

1 RCMP. That's the Minister of Public Safety who's in charge,
2 who can see the intelligence. And what was shown is that
3 there was a problem, a communication gap, because the
4 information did not come up to my office on what diplomats in
5 Canada were doing. So if there was, how can I say,
6 pressures, as we know it was the case, against Sikh
7 dissidents, and it wasn't necessarily done through diplomats,
8 it was under the Public Safety Minister's purview.

9 So it's a sad but normal reason for the
10 Minister of Foreign Affairs not to be informed. The first
11 time that I really heard that there were -- there was a
12 Canadian who had been murdered in Canada, Mr. Nijjar, and
13 that we thought that there were Indian government agents that
14 were involved, that was in August 2023, and that's where I
15 was involved in the issue. Before that, unfortunately, I had
16 not been informed

17 **MR. PRABJOT SINGH:** And so given that reality
18 -- that's incredibly helpful, actually -- I think you would
19 agree that that's an incredibly alarming and unfortunately
20 tragic gap in communication that you only learned about
21 India's activities several months before an assassination
22 occurred in Canada. That would have been or should have been
23 information you should have known in order to potentially,
24 considering the tools that your Ministry has to combat
25 foreign interference, had you had that awareness earlier,
26 there may have been more actions that could have been taken?
27 Is that fair?

28 **HON. MÉLANIE JOLY:** Well, what happened with

1 Mr. Nijjar was completely unacceptable, and I often heard it
2 said that there were Sikh members who -- members of the Sikh
3 communities who did not feel safe. But was the security
4 agencies' work done properly; was it complete? I don't know.
5 It's not my responsibility. But we know that it had tragic
6 consequences and Mr. Nijjar was killed. And I know that
7 there's still concerns in the community, in terms of
8 activities of India.

9 At the same time, what I needed to manage was
10 that India was saying that India [sic] was not protecting its
11 diplomats, which was completely false. They were saying that
12 Canada does not respect the Vienna Convention, which also was
13 false.

14 So in the context of diplomatic tension with
15 India, even before the Prime Minister announced, or made his
16 statements in the House of Commons about Mr. Nijjar's murder,
17 what I did to ensure that we have no problem with the fact
18 that India was trying to say that we had a double standard,
19 was to expel the Indian diplomats here in Canada. And that's
20 when I became really involved in the file of threats against
21 the community.

22 **MR. PRABJOT SINGH:** Thank you for that
23 context. I just wanted to hone in on that point that there
24 was a communication gap, which I think that you do accept.

25 So when we're looking at this extrajudicial
26 killing that occurred in Canada, I think you described it as
27 a massive violation of Canada's sovereignty. I think you'd
28 agree that it's also the most egregious example of foreign

1 interference we've seen. Out of all the countries that
2 target Canada or Canadian institutions, Russia, China, North
3 Korea, Iran, no other country has assassinated a Canadian
4 citizen in Canada. Is that fair?

5 **HON. MÉLANIE JOLY:** Not that I know, no. I
6 have no other examples to provide. However, has Russia
7 carried out extraterritorial murders? Yes. I'm thinking of
8 what happened in Great Britain, and what happened in Germany.
9 So obviously there are other states don't have our best
10 interests at heart who have done it in our partner friends,
11 such as [no interpretation].

12 **MR. PRABJOT SINGH:** Thank you. Yeah. Just
13 honing in on that for Canada, where Canada is quarterbacking
14 the response, this is unprecedented.

15 And so you mentioned that once you were
16 briefed about the intelligence about India's involvement, you
17 engaged in discussions with your Foreign Affairs Minister
18 counterpart, India expelled 41 diplomats. Is it fair to say
19 that India has been adamant in denying responsibility and
20 acknowledging its problematic actions in this case?

21 **HON. MÉLANIE JOLY:** Yes, that's true.

22 **MR. PRABJOT SINGH:** And last September, after
23 the ---

24 **HON. MÉLANIE JOLY:** And, sincerely, that is a
25 problem.

26 **MR. PRABJOT SINGH:** And last September after
27 the Prime Minister's announcement about India's involvement,
28 the RRM actually observed a coordinated disinformation

1 campaign targeting Canada; correct?

2 **HON. MÉLANIE JOLY:** Yes, a disinformation
3 campaign that was coordinated in Canada and against the Prime
4 Minister specifically. And it was a disinformation campaign
5 which was, unfortunately, quite efficient, because even
6 Canadian traditional media referred to the fact that there
7 were Indian media who were saying that the Prime Minister,
8 for example, had drugs on his plane, which is completely
9 absurd. And we saw that in Canadian media who took up these
10 allegations and became involved in this disinformation
11 campaign against Canada. And Madam Commissioner, it shows
12 how there's a problem where disinformation from other states
13 can also influence our own media ecosystem here and can have
14 an impact on our democracy.

15 **MR. PRABJOT SINGH:** And you spoke earlier
16 today about the tools available to Canada to respond to
17 foreign interference. Now most of those are actually
18 diplomatic, whether that's private communications, whether
19 that's public denouncements, PNG diplomat sanctions,
20 downgrading ties.

21 **HON. MÉLANIE JOLY:** M'hm.

22 **MR. PRABJOT SINGH:** So I'm hoping that you
23 can tell us more about Canada's approach to India's foreign
24 interference after this incident. We know that, you know,
25 that diplomat who was the R&AW station chief was PNGed.

26 **HON. MÉLANIE JOLY:** [No interpretation].

27 **MR. PRABJOT SINGH:** Trade talks were
28 suspended in September, but in concrete terms, can you talk

1 about how India will be held accountable in a way that's
2 effective in countering and deterring India's constant
3 attacks against Canada and the Sikh diaspora, and does that
4 include holding those officials accountable who actually
5 orchestrated and ordered this assassination on Canadian soil?

6 **HON. MÉLANIE JOLY:** I think there are two
7 things there. There's the work done by the RCMP here,
8 because that work continues. There were arrests, as you
9 know, and at the same time the RCMP continues to carry out
10 its investigation, and we respect that. We're a rules-based
11 country, so we respect the independence of the investigation.

12 The other thing is on a diplomatic level we
13 maintained a diplomatic relationship, but we also exerted a
14 lot of pressure because it's a very tense relationship, it's
15 very difficult now. And we're asking for the collaboration
16 of the Indian government because we want to make those who
17 were involved in this murder accountable, and especially we
18 want to prevent any other murders occurring because the
19 threat is there. And that's why earlier I said that there
20 were three principles: We will continue to seek the truth,
21 to shed light on what's happening, to exert diplomatic
22 pressure to get the collaboration. We're going to work with
23 the US and other countries. We will also let the RCMP do its
24 work.

25 The second thing, we will work to keep
26 Canadians safe, to protect Canadians. That's the message I
27 want to give. And that's why the more this is made public,
28 the more the Commission advances in its work, and I talk

1 about it in other countries, we better protect Canadians.

2 And, thirdly, it's protecting our
3 sovereignty. If we let this happen, it means that any
4 country can continue to do this and feel very comfortable
5 operating in Canada without consequences.

6 **MR. PRABJOT SINGH:** Madam Commissioner, just
7 one quick follow up just to clarify that response?

8 **COMMISSIONER HOGUE:** Just to clarify, not
9 another question ---

10 **MR. PRABJOT SINGH:** Sure, so I ---

11 **COMMISSIONER HOGUE:** --- because you're ---

12 **MR. PRABJOT SINGH:** --- specifically was
13 asking about whether those Indian officials who orchestrated
14 and ordered the assassination will also be held accountable
15 under the strategy.

16 **HON. MÉLANIE JOLY:** Yes, that's the goal, but
17 we have to shed light on what happened exactly. That's why
18 the RCMP is doing that work. I have nothing to protect the
19 diplomatic relationship. My goal is to shed light on what
20 happened and that the people involved be held responsible.
21 Why? Because Canada thinks that when somebody kills
22 somebody, the person who has done the murder has to be held
23 responsible. That's how our system functions.

24 **MR. PRABJOT SINGH:** Thank you. Those are my
25 questions.

26 **COMMISSIONER HOGUE:** Thank you.

27 So the next one is Maître Sirois for the
28 Russia Canadian Democratic Alliance.

1 And I have a question for you, ---

2 HON. MÉLANIE JOLY: [No interpretation].

3 COMMISSIONER HOGUE: --- Madam Joly. I want
4 to make sure I've understood clearly.

5 HON. MÉLANIE JOLY: [No interpretation].

6 COMMISSIONER HOGUE: You were appointed
7 Minister of Foreign Affairs in October 2021?

8 HON. MÉLANIE JOLY: Yes.

9 COMMISSIONER HOGUE: You said that it was in
10 the summer of 2023, in May, ---

11 HON. MÉLANIE JOLY: [No interpretation].

12 COMMISSIONER HOGUE: --- that you were
13 briefed on Zhao Wei?

14 HON. MÉLANIE JOLY: [No interpretation].

15 COMMISSIONER HOGUE: So in May 2023. Between
16 October 2021 and a moment you were briefed on ---

17 HON. MÉLANIE JOLY: [No interpretation].

18 COMMISSIONER HOGUE: --- about this event,
19 were you also briefed on what we always call the threat
20 landscape? Do you get -- are you told what's going on with
21 the various countries where you will be travelling to which
22 are identified by intelligence agencies as being actors
23 involved in foreign interference, or was there no time during
24 that almost two years that you received that information?

25 HON. MÉLANIE JOLY: It's not how it happens,
26 because I think it would be the Minister of Public Safety.
27 As soon as I became Minister of Foreign Affairs, a war began,
28 so the primary goal was to manage the consequences of that

1 war. And is Russia carrying out foreign interference in
2 Canada? Yes. But at the same time, we're summoning the
3 Ambassador.

4 COMMISSIONER HOGUE: I understand. I don't
5 know what you did.

6 HON. MÉLANIE JOLY: [No interpretation]

7 COMMISSIONER HOGUE: I just want to know
8 whether you were briefed by anybody; by CSIS ---

9 HON. MÉLANIE JOLY: [No interpretation].

10 COMMISSIONER HOGUE: --- or a Deputy Minister
11 or documents sent to you?

12 HON. MÉLANIE JOLY: [No interpretation].

13 COMMISSIONER HOGUE: Were you briefed on the
14 landscape ---

15 HON. MÉLANIE JOLY: [No interpretation].

16 COMMISSIONER HOGUE: --- in terms of what
17 countries are suspected of carrying out foreign interference?

18 HON. MÉLANIE JOLY: Yes, I was told that we
19 had problems with Iran, with India, with China.

20 COMMISSIONER HOGUE: Problems of foreign
21 interference?

22 HON. MÉLANIE JOLY: No, but specifically
23 foreign interference, ---

24 COMMISSIONER HOGUE: [No interpretation].

25 HON. MÉLANIE JOLY: --- I don't remember
26 being briefed about that.

27 COMMISSIONER HOGUE: [No interpretation].

28 HON. MÉLANIE JOLY: But what I would also add

1 is that the reality of what was happening, and I can also say
2 that CSIS doesn't come to see me to talk to me about this.
3 But it's as though I begin to have interactions with the
4 country that I acquire a broader picture.

5 **COMMISSIONER HOGUE:** By means of briefings?

6 **HON. MÉLANIE JOLY:** Yes, briefings, through
7 the actions that I'm carrying out. For eight months we're
8 working only on Russia. So the war began in February, so
9 until summer, that's what I was involved with.

10 So then I begin to work on the China
11 strategy, Indo-Pacific strategy, so that's the topic after.
12 In that context I start to work on India, but I started to
13 work even more on India when I'm preparing for the G20. I
14 know our relationship with India is complex and problematic,
15 so I being dealing with that, both in the Indo-Pacific
16 strategy, especially in January 2023. So that's how I work
17 on various files.

18 **COMMISSIONER HOGUE:** Thank you.

19 **HON. MÉLANIE JOLY:** [No interpretation].

20 **COMMISSIONER HOGUE:** Maître Sirois, it's your
21 turn.

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

23 **MR. GUILLAUME SIROIS:** Guillaume Sirois, for
24 the Russia Canada Democratic Alliance.

25 So I want to come back to the issue of online
26 disinformation ---

27 **HON. MÉLANIE JOLY:** [No interpretation].

28 **MR. GUILLAUME SIROIS:** --- that we call

1 online propaganda.

2 HON. MÉLANIE JOLY: M'hm.

3 MR. GUILLAUME SIROIS: So I want to come back
4 and speak about all those events of *Tenet Media*.

5 HON. MÉLANIE JOLY: [No interpretation].

6 MR. GUILLAUME SIROIS: I know your statement
7 of September 13th, following the revelations about *Tenet*
8 *Media*.

9 HON. MÉLANIE JOLY: M'hm.

10 MR. GUILLAUME SIROIS: So you were saying
11 that Russia propaganda is targeting the elections in our
12 country.

13 HON. MÉLANIE JOLY: [No interpretation].

14 MR. GUILLAUME SIROIS: [No interpretation].

15 HON. MÉLANIE JOLY: Not just elections but
16 democracy. When RT funds commentators, they can talk about
17 medicine, about COVID vaccines. They can talk about issues
18 related to the Freedom Convoy. It's very broad, it's not
19 just based on democracy and elections, there are more public
20 affairs topics.

21 MR. GUILLAUME SIROIS: That makes it
22 difficult to detect and evaluate the impact. They might be
23 opinions that Canadians already held.

24 HON. MÉLANIE JOLY: The goal is to polarize,
25 to create division and chaos, to really emphasis what's not
26 working in our society rather than have a more journalistic
27 approach and saying, well, here's what's going on, here are
28 the facts.

1 **MR. GUILLAUME SIROIS:** If we emphasizing what
2 doesn't work in our society this much, it can have an impact
3 on the government in position?

4 **HON. MÉLANIE JOLY:** Yes, there's -- it
5 creates a lot of social tension, frustrations,
6 dissatisfaction.

7 **MR. GUILLAUME SIROIS:** In terms of the
8 government in power?

9 **HON. MÉLANIE JOLY:** It goes beyond just the
10 government.

11 **MR. GUILLAUME SIROIS:** [No interpretation].

12 **HON. MÉLANIE JOLY:** The government's elected
13 but it's more than that. It's a general dissatisfaction in
14 terms of what's happening in society, and it really affects
15 the confidence, not just in institutions, not towards people
16 like me. I have the responsibility for the Global Affairs
17 department, but even the social fabric that people don't get
18 along with each other, they don't agree with each other. So
19 that's why it's corrosive, that's why I said it's a gangrene
20 earlier.

21 **MR. GUILLAUME SIROIS:** [No interpretation].

22 **HON. MÉLANIE JOLY:** And we mustn't think that
23 Canada is immune to this.

24 **MR. GUILLAUME SIROIS:** Thank you. I really
25 appreciate your evidence and your candour.

26 You talked about several tools, and each one
27 has its own importance, its role to play. But I understand
28 that for reasons they're not -- that the best of foreign

1 information or disinformation, we talk about the RRM, social
2 media companies. I want to talk about a possible solution
3 that was presented by several people and that might be more
4 proactive instead of defensive to counter online
5 disinformation and propaganda online, and I'd like to know
6 what you think.

7 The first that I'd like to mention is that of
8 renewing Canada's efforts to reach ordinary Russians and
9 Russians in living in other countries to really shed light on
10 Putin's lies and the true cost of Putin's invasion of Ukraine
11 for the average citizen, Russian citizen.

12 **HON. MÉLANIE JOLY:** Yes, we did that already.
13 I'll give you an example. Alexeï Navalny's widow came to
14 Ottawa. I had a conversation with her, a public conversation
15 with her over the media. And Yulia Navalnaïa was there, and
16 we support her organization based in Vilnius, Lithuania.

17 I'll give you another example. When I was in
18 Poland I went and gave an interview to a clandestine radio
19 station operating from Poland that was aiming to an audience
20 in Biélorussia to tell them what we were doing, what's
21 Canada's done, why we impose sanctions. So really to enter
22 into this very closed universe, Biélorussia, so that they can
23 have access to information other than just the propaganda
24 that's circulating there. We're working with several
25 countries on that. The Americans have Radio Free Europe,
26 that was created in the Second World War actually.

27 **MR. GUILLAUME SIROIS:** And we use as evidence
28 that Russia was using a firehose of falsehoods?

1 HON. MÉLANIE JOLY: [No interpretation].

2 MR. GUILLAUME SIROIS: [No interpretation].

3 HON. MÉLANIE JOLY: [No interpretation].

4 COMMISSIONER HOGUE: A freestyle translation.

5 (LAUGHTER)

6 MR. GUILLAUME SIROIS: [No interpretation].

7 HON. MÉLANIE JOLY: [No interpretation].

8 MR. GUILLAUME SIROIS: So I'm wondering if
9 that's an approach we could use, a kind of firehose of truth
10 in order to target Russians that are victims of a very
11 repressive regime in Russia.

12 HON. MÉLANIE JOLY: Yes. And we have to say
13 that this war between Russia and Ukraine, while we're
14 supporting Ukraine and we're exerting very strong, extreme
15 pressure against Russia through sanctions that are -- go up
16 to the economic level, it's like Putin's regime and COVID,
17 it's not against the Russian people who are held hostage by
18 this corrupt regime.

19 MR. GUILLAUME SIROIS: And so give them tools
20 to counter Putin's lies?

21 HON. MÉLANIE JOLY: Exactly.

22 MR. GUILLAUME SIROIS: So you talked about
23 the Global South.

24 HON. MÉLANIE JOLY: [No interpretation].

25 MR. GUILLAUME SIROIS: We know that Russia is
26 also interfering ---

27 HON. MÉLANIE JOLY: [No interpretation].

28 MR. GUILLAUME SIROIS: --- in Asia [*sic*] and

1 Latin America, in terms of propaganda. It's a cognitive war,
2 is what it's called by some people. So are there efforts to
3 be made at that level to counter this and have our own
4 cognitive war to counter what's happening in Russia,
5 especially as regards Ukraine?

6 **HON. MÉLANIE JOLY:** Yes, I gave a little
7 course on pragmatic diplomacy on why we have to speak with
8 states, even states with whom we disagree, because if we
9 don't do it, we not only lose our influence at the
10 international level, but we're also encouraging countries who
11 are -- maybe are not sure where they stand to coalesce with
12 Russia and China. So it's important that we could be able to
13 discuss with countries in the Global South and counter new
14 coalitions. So with countries with whom we don't usually
15 speak so much. I give an example, that's why I went to
16 Africa this summer to discuss with South Africa. Canada has
17 been trying to put a lot of pressure on that regime that was
18 supporting apartheid at times so that it could make a
19 transition to democracy. The first country that Nelson
20 Mandela visited outside South Africa was Canada. So we have
21 that whole history but had never been a Foreign Affairs
22 Minister that went to South Africa, except for Mandela's
23 wake.

24 I went to Côte d'Ivoire, Ivory Coast, I went
25 to meet with various countries in Asia because of the Indo-
26 Pacific strategy. I went to Philippines, Indonesia, Vietnam,
27 Cambodia. I could go on. In my mandate, I've visited 50 or
28 60 countries.

1 **MR. GUILLAUME SIROIS:** [No interpretation].

2 **HON. MÉLANIE JOLY:** So it's fundamental to
3 work with the Global South, and Canada, I said earlier that
4 we're not a nuclear power, but we are a diplomatic power
5 because we are well-respected, especially in the Global South
6 countries because we have a positive history, and we have
7 this role to play to counter Russian disinformation, but also
8 defend our interests. But let me tell you, if you go to
9 Egypt, there's immense panels with RT. They are throughout
10 the world, RT. So we're in our reality here, but the power
11 of *Russia Today* is very, very strong everywhere else.

12 **MR. GUILLAUME SIROIS:** You're making us
13 travel through the world today, I appreciate it. And in my
14 last 30 seconds I want to bring it back to the mission of our
15 Commission; to protect our democratic institutions and our
16 democracy. This information war that Canada could have
17 through the war could have an impact on better protecting our
18 elections, our democratic institutions.

19 **HON. MÉLANIE JOLY:** Yes. Each Embassy has a
20 budget to support local organizations. It's called the CRLI,
21 the Support Local Organizations. One of the priorities in
22 that fund is the independence of media, and supporting local
23 media. So in Moldavia they're supporting local media trying
24 to fight against Russian interference. In Poland, I talk
25 about Belarus, in the Baltic countries also. So that's just
26 one example, but there's a lot of work being done to support
27 local organizations throughout the world.

28 In Russia, it's a challenge but we're working

1 with other countries to make sure that information is
2 reaching Russians.

3 **MR. GUILLAUME SIROIS:** I have no more time,
4 but thank you.

5 **HON. MÉLANIE JOLY:** [No interpretation].

6 **COMMISSIONER HOGUE:** [No interpretation].

7 Mr. Lew for the Conservative Party.

8 **--- CROSS-EXAMINATION BY MR. NOAH LEW:**

9 **MR. NOAH LEW:** Thank you, Commissioner.
10 Minister Joly, in your first witness
11 statement, you noted that, quote, "Certain countries are
12 testing the rules that have ensured global stability", and
13 that they're testing democracies. You also made statements
14 to that effect earlier this afternoon. Do you acknowledge
15 that authoritarian regimes, including China, Russia, and Iran
16 and its proxies, are increasingly seeking to challenge the
17 rules based international order, including through foreign
18 interference?

19 **HON. MÉLANIE JOLY:** [No interpretation].

20 **MR. NOAH LEW:** And would you agree -- would
21 you agree that these efforts are increasingly coordinated?

22 **HON. MÉLANIE JOLY:** I don't have any evidence
23 to that effect, no.

24 I'll give you an example, if you'll allow me.
25 Russian disinformation campaigns, and from China are
26 completely different. From Russia they are trying to divide,
27 I've said it earlier. I gave the example of *Russia Today*,
28 extreme right commentators, et cetera.

1 The disinformation campaigns from Russia
2 [sic] are targeting Chinese dissidents in Canada. So they
3 will try, for example, as we've seen with my colleague, for
4 who I have enormous respect, Michael Chong, they were
5 targeting him. But there's no coordination, as far as I
6 know, between China and Russia for their disinformation
7 campaigns.

8 **MR. NOAH LEW:** I assume that you will agree
9 that influencing Canada's foreign policy is a significant
10 objective of foreign interference targeting in Canada.
11 Correct?

12 **HON. MÉLANIE JOLY:** Yes, but I would say that
13 often -- yes. Foreign Affairs policy, yes, but I'm thinking
14 about China. It targets dissidents towards what's happening
15 in Canada, but what's happening in China. So Canada's
16 position, maybe they'll see it as threats for their own
17 system, which is not necessarily linked to Canada's foreign
18 policy. But I'm not saying that it's acceptable; it's
19 completely unacceptable, but it's not exactly the same goal.

20 **MR. NOAH LEW:** Broadly speaking though, I
21 assume that you agree that Canada's foreign policy is at
22 least one target for foreign interference. As Minister of
23 Foreign Affairs, do you feel that you have a heightened duty
24 to be aware of and resist foreign interference efforts?

25 **HON. MÉLANIE JOLY:** Yes, absolutely. I think
26 it's very, very important.

27 **MR. NOAH LEW:** Minister Joly, in your first
28 witness summary you said, and again I quote:

1 "...one of the major challenges
2 Canada faces is on the rise of online
3 disinformation as a vector for
4 foreign interference."

5 And you've spoken again about that
6 extensively today.

7 **HON. MÉLANIE JOLY:** [No interpretation].

8 **MR. NOAH LEW:** Can you confirm again for us
9 that you believe that online disinformation is a significant
10 and dangerous form of foreign interference?

11 **HON. MÉLANIE JOLY:** Yes, indeed. And I think
12 it's above and beyond foreign interference. I think they're
13 separate a bit because I think that the problem with the
14 disinformation campaign is that it -- there's no
15 international standards to solve it, whereas the foreign
16 interferences could be under the Vienna Convention. And
17 there's foreign states that are trying to influence, and yes,
18 it's part of foreign interference.

19 **MR. NOAH LEW:** In that same witness summary,
20 you also said that foreign interference is a hostile activity
21 undertaken by a foreign state or by its proxies. And you
22 again mentioned that today.

23 Can you confirm once more that you recognize
24 that foreign interference can also come from non-state
25 actors, including but not limited to proxies of foreign
26 states?

27 **HON. MÉLANIE JOLY:** Yes. Yes, absolutely.
28 *Russia Today* is an example.

1 **MR. NOAH LEW:** Okay. Thank you.

2 Minister Joly, on October 17th, 2023, you
3 tweeted, and I quote:

4 "Bombing a hospital is an unthinkable
5 act, and there is no doubt that doing
6 so is absolutely illegal."

7 Do you remember that?

8 **HON. MÉLANIE JOLY:** Yes, absolutely.

9 **MR. NOAH LEW:** That tweet was in reference to
10 the explosion at Al-Ahli Hospital in Gaza. Correct?

11 **HON. MÉLANIE JOLY:** Listen, I don't have the
12 information in front of me. If you show me I could look at
13 it. I don't know, and you haven't filed it as evidence.

14 **MR. NOAH LEW:** Do you recall on October 21st,
15 2023, when your own government concluded that that explosion
16 that we're talking about at Al-Ahli Hospital, was not caused
17 by an Israeli bomb, but by an errant rocket from Gaza?

18 **HON. MÉLANIE JOLY:** Listen, I don't know if
19 it's part of the mandate. I want to know what is the link
20 between foreign influence and the question you're asking me.

21 **MR. NOAH LEW:** So the link is ---

22 **MS. HELENE ROBERTSON:** [No interpretation],
23 I don't see the relevance of those questions.

24 **COMMISSIONER HOGUE:** [No interpretation].
25 Are you making an objection?

26 **MS. HELENE ROBERTSON:** [No interpretation]
27 explain the relevance.

28 **MR. NOAH LEW:** I'm happy to explain it.

1 **COMMISSIONER HOGUE:** Mr. Lew, can you explain
2 how it is relevant?

3 **MR. NOAH LEW:** Yeah, I can. So that tweet on
4 October 17th was grounded in disinformation spread by the
5 Gaza Health Ministry, which is an arm of the Hamas terrorist
6 group, which itself is a proxy of Iran. So in tweeting that
7 -- and I'll note that as of today, almost a year later, the
8 tweet remains up and has 2.6 million views. In tweeting
9 that, the Foreign Minister engaged in and propagated
10 disinformation that was spread by a proxy of a foreign state,
11 which is a form of foreign interference.

12 **MS. HELENE ROBERTSON:** If I could, the
13 mandate of this Commission is foreign interference into
14 Canada's domestic -- democratic processes, and I'm still not
15 seeing the link.

16 **COMMISSIONER HOGUE:** I agree. I fail to see
17 the relationship with what we are tasked to do.

18 **MR. NOAH LEW:** Okay. Then I'll end the
19 questioning there. Thank you.

20 **HON. MÉLANIE JOLY:** [No interpretation].

21 **COMMISSIONER HOGUE:** Thank you.

22 Counsel for Jenny Kwan, Ms. Kakkar or
23 Mr. Choudhry? Ms. Kakkar.

24 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

25 **MS. MANI KAKKAR:** Good afternoon,
26 Commissioner. Good afternoon, Ms. Joly.

27 **HON. MÉLANIE JOLY:** [No interpretation].

28 **MS. MANI KAKKAR:** I wanted to ask you some

1 questions around your testimony regarding your knowledge and
2 briefings of FI. You testified that you're not in charge of
3 surveillance, but you are in charge of consequences. And you
4 can correct me if at some point I misunderstood the
5 translation, that you have a very good toolbox, but no reason
6 -- that you have no reason not to use. Is it fair to say
7 that you can't use your toolbox if you don't know of certain
8 incidents?

9 HON. MÉLANIE JOLY: [No interpretation].

10 MS. MANI KAKKAR: I wanted to take you to
11 paragraph 7 of WIT96, if we can just pull that up? While
12 it's being pulled up, it does say that you indicated that:

13 "...prior to the spring of 2023, no
14 incidents of foreign interference in
15 elections or democratic processes had
16 been brought directly to...[your]
17 attention."

18 HON. MÉLANIE JOLY: That's true.

19 MS. MANI KAKKAR: I wanted to start by asking
20 brought directly to your attention by whom? Who would you
21 have expected to bring it to your attention?

22 HON. MÉLANIE JOLY: My department.

23 MS. MANI KAKKAR: Okay. And given that your
24 department was -- part of your department, the GAC RRM, had
25 been sitting on the SITE Task Force, given that you started
26 on October 26th, 2021, shortly after the election, are you
27 able to confirm that no one in your department gave you any
28 information or briefings around the FI that they had seen

1 during the fall 2021 election?

2 **HON. MÉLANIE JOLY:** No. I arrived after.
3 Nobody told me about things linked to the elections. And
4 personally, the Minister of Foreign Affairs is not involved
5 in the SITE Task Force.

6 **MS. MANI KAKKAR:** Given the foreign element
7 of this, do you think this information should have been
8 brought to your attention?

9 **HON. MÉLANIE JOLY:** I don't think that it is
10 the job of the Minister of Foreign Affairs to monitor
11 elections in Canada. And I think it's because the RRM is
12 under the Foreign Affairs Department that it's like that.
13 And it's because there's no other capacities in other
14 departments, but if it was identified that there are foreign
15 agents that are involved, yes, the Department of Foreign
16 Affairs should be involved, and yes, the Minister should be
17 involved. So that's how I see the issue.

18 **MS. MANI KAKKAR:** Based on testimony we've
19 seen and documents that have come to light in this
20 Commission, there does seem to be information about
21 consulates, funding, slush funds, which involve foreign
22 actors that I believe you would say are within the purview of
23 your Ministry. Should you have known about that?

24 **HON. MÉLANIE JOLY:** I'm trying to understand
25 your question. Could you specify what you mean?

26 **MS. MANI KAKKAR:** Absolutely. You haven't
27 had the benefit of being here for eight plus weeks, so I
28 appreciate that.

1 There were SITE Task Force reports, for
2 example, that talked about consulates in Toronto and
3 Vancouver having slush funds that they used to fund specific
4 organizations in the diaspora community to potentially
5 deplatform or to interfere with messaging during the
6 elections, and the 2021 Election, shortly after which you
7 became Minister.

8 Given the involvement of consular members of
9 let's say the PRC, and this could apply to anyone else or any
10 other country, should you have been made aware of that?

11 **HON. MÉLANIE JOLY:** Yes, because that's a
12 type of foreign interference. There has to be consequences
13 in that case.

14 **MS. MANI KAKKAR:** So in this case there's a
15 clear gap between what you have said you should have been
16 made aware of and what you were made aware of. Do you have a
17 sense of why or how you can address this so it doesn't happen
18 in the future?

19 **HON. MÉLANIE JOLY:** I think that it has been
20 solved because when we saw that the information was not sent
21 up to me, we changed the process, the -- how can I say, the
22 intelligence distribution mechanism. Now I think that the
23 Commission in its work should make a clear recommendation on
24 how there could be work between GAC and CSIS, because I think
25 that coordination was identified as a challenge. That's why
26 HASA had done some work.

27 In fact, the first time I heard about foreign
28 interference is when my colleague talked about HASA. I

1 didn't know before that that it was an issue. The first case
2 that I heard specifically was Zhao Wei in spring of 2023. So
3 there you go. And what I knew is that there had not been
4 challenges in the 2019, 2021 elections because the committee
5 that were there said there were no challenges.

6 **MS. MANI KAKKAR:** So I wanted to clarify this
7 point nonetheless, and I believe you've answered it again,
8 when you were answering the Commissioner's question earlier
9 about having a briefing around the threat landscape, you had
10 stated very clearly that you hadn't been given any briefings
11 about FI or the threat landscape before the summer of 2023.
12 Did I correctly understand that?

13 **HON. MÉLANIE JOLY:** [No interpretation].

14 **MS. MANI KAKKAR:** At this time I'd like to
15 take you to CAN47008.

16 **--- EXHIBIT NO. CAN047008 0001:**

17 Diplomatic notes

18 **MS. MANI KAKKAR:** This document was produced
19 by the government. It contains a diplomatic note and a
20 summary of efforts made since fall 2021 with the Chinese
21 Embassy in Ottawa, or otherwise to address issues of foreign
22 interference. Have you seen this document prior to the
23 Commission?

24 We can scroll through the document if that
25 would help, because that's fairly redacted at the top.

26 **HON. MÉLANIE JOLY:** Yes, I've seen it. Yes.

27 **MS. MANI KAKKAR:** And when would you have
28 seen this document, approximately?

1 **HON. MÉLANIE JOLY:** When preparing to come
2 here.

3 **MS. MANI KAKKAR:** Prior to preparing to come
4 here, had you seen this document closer in time to, let's
5 say, 2021/2022?

6 **HON. MÉLANIE JOLY:** No.

7 **MS. MANI KAKKAR:** Those were the time periods
8 of the events that were described.

9 **HON. MÉLANIE JOLY:** No.

10 **MS. MANI KAKKAR:** No. Would this be the kind
11 of document you would review in your work?

12 **HON. MÉLANIE JOLY:** No, because normally the
13 way that the department works is that the department sends me
14 "Advice to Minister" notes. So if the Advice to Minister
15 goes all the way up to me, it's a note written by the Deputy
16 Minister directly to me. So there's many things, section 16,
17 CSIS but this, no.

18 **COMMISSIONER HOGUE:** Well, if a note is sent
19 to the diplomat or a foreign state representative, are you
20 informed of that?

21 **HON. MÉLANIE JOLY:** Well, depending on what
22 it is. There's many, many diplomatic notes but if it's very,
23 very important, yes. But if there's an issue, how is it
24 addressed? Here's the recommendation to address it. So we
25 summon the Ambassador, or we recommend a PNG, so a *persona*
26 *non grata*. That's the way it will work rather than, "Here's
27 all the diplomatic notes that we sent."

28 **COMMISSIONER HOGUE:** And if there's

1 diplomatic notes?

2 HON. MÉLANIE JOLY: [No interpretation].

3 COMMISSIONER HOGUE: You'll understand that
4 I'm not in your position, ---

5 HON. MÉLANIE JOLY: [No interpretation].

6 COMMISSIONER HOGUE: --- I'm not at Foreign
7 Affairs, I just want to ask you a question. What I want to
8 understand...

9 HON. MÉLANIE JOLY: [No interpretation].

10 COMMISSIONER HOGUE: And I will give you a
11 few more minutes.

12 MS. MANI KAKKAR: Thank you.

13 COMMISSIONER HOGUE: If a diplomatic note is
14 sent, you told me that there's various levels; there's a
15 graduation of sanctions, if you will. If a diplomatic note
16 has to be written, it has to be done formally in writing.
17 What I understand from your testimony is that you're not
18 necessarily consulted for that, or even informed once it's
19 been sent.

20 HON. MÉLANIE JOLY: I'll give you a ---

21 COMMISSIONER HOGUE: Is that what I'm
22 understanding?

23 HON. MÉLANIE JOLY: Yes. Here's an example.
24 We have Canadians that are in horrible situations throughout
25 the world, unfortunately. They could be detained
26 arbitrarily. It can happen, often, that our consular agents
27 send a note to a country in Africa, in Asia, demanding
28 access, consular access to meet with this Canadian citizen in

1 a prison somewhere, detained somewhere. It doesn't go
2 through me.

3 There's a lot of notes, of communications
4 that don't go through my office. There's hundreds every day.
5 So no, but for example if it's a case that becomes very
6 important, like the police stations, the Chinese police
7 stations, yes, of course it will come to me.

8 **COMMISSIONER HOGUE:** So even diplomatic notes
9 that are complaining about foreign interference would not
10 necessarily be brought to your attention?

11 **HON. MÉLANIE JOLY:** Yes.

12 **COMMISSIONER HOGUE:** [No interpretation].
13 [No interpretation]. You can go on.

14 **MS. MANI KAKKAR:** Thank you, Commissioner.

15 That actually leads in nicely, because I'd
16 like to ask you about specific events named here, or specific
17 notes, and your awareness of them.

18 So I'd like to start with one that's
19 mentioned, actually where we are here, on the second
20 paragraph. It says that:

21 "Importantly, the issue was raised on
22 [January 17th, 2022] by then-Deputy
23 Minister of Foreign Affairs [...],
24 directly to her counterpart [...]."

25 And if we scroll down a little bit further,
26 and we stop there, the second bullet also talks about, I
27 believe, that same exchange. I wanted to ask, where you
28 aware of this meeting before it took place?

1 **HON. MÉLANIE JOLY:** I think that then I had
2 just been appointed. The two Michaels had just come back,
3 and so there's work that's done to recreate the diplomatic
4 relationship with China, and also to finalize, how can I say
5 it, the last details related to the arbitrary detention of
6 the two Michaels, including the fact that they have access to
7 their personal items that stayed in China. So I remember
8 that that took place. And I was also in touch with the two
9 Michaels at the time. And I know that my Deputy Minister
10 meets her counterpart, and we are thinking of how we can
11 recreate our diplomatic relationship with China.

12 And not only that, we have information that
13 Russia will be invading Ukraine, and so there are concerns as
14 to what China could do to prevent Russia invading Ukraine.

15 **MS. MANI KAKKAR:** I appreciate the context
16 and I don't envy you in your job. I'm sure there are many,
17 many difficult situations happening simultaneously. But I
18 just wanted to understand if you were aware of this
19 particular meeting?

20 **HON. MÉLANIE JOLY:** I remember there was a
21 meeting with the Deputy Minister at the time and her
22 counterpart, but I can't say that that specific date that I
23 was aware of and had a conversation with her right after this
24 meeting.

25 **MS. MANI KAKKAR:** Okay. Are you able to ---

26 **HON. MÉLANIE JOLY:** [No interpretation].
27 ...January 17, 2022. I know the date because my birthday's
28 the 16th, so I'm in Ukraine on the 17th of January, a month

1 before the invasion by Russia.

2 **MS. MANI KAKKAR:** I can't imagine that is how
3 you intended to celebrate your birthday, but nonetheless, I
4 can appreciate memories aren't complete, but it seems like
5 you have some recollection of this, but not a concrete
6 recollection of having a conversation about this after or
7 before.

8 Do you have any recollection of the issue
9 that was raised? In brackets you'll note it says that
10 explicit concerns were raised:

11 "...about the activities of the United
12 Front Work Department in Canada)."

13 Are you familiar with, or at the time were
14 you familiar with what that was or what it meant?

15 **HON. MÉLANIE JOLY:** Yes, because I remember
16 that China wanted to create a United Front Work Department in
17 Canada position in Canada, and we refused.

18 **MS. MANI KAKKAR:** Had you ever been briefed
19 prior to that point about the United Front Work Department's
20 connection to FI?

21 **HON. MÉLANIE JOLY:** No.

22 **MS. MANI KAKKAR:** We've now learned through
23 this Commission that that particular department in the PRC
24 has a direct link to a lot of PRC FI activity. Would that
25 have been helpful for you to know at that time?

26 **HON. MÉLANIE JOLY:** [No interpretation].
27 What I do in the development of the Indo-Pacific strategy,
28 well, it's because I know that there's a general problem of

1 foreign interference so I try and delineate the problem and
2 make sure that resources are attributed.

3 And the other thing that we do, because I
4 believe that at the time Canada did not know how China was
5 operating in Canada and elsewhere in the world, we decided to
6 create a China Bureau at Global Affairs. And so it meant
7 that we were able to understand better how China operates in
8 Canada, and also how we can understand even from our
9 Ambassador -- Embassy in Washington and in Great Britain and
10 at NATO and at the UN, how China will operate. So we decided
11 to create that bureau, because we were aware at that point
12 that we had an issue as to understanding China's objectives.
13 That's why we put in place a strategy and we invest 35
14 million, I think, in the creation of a bureau which will
15 determine how China will operate.

16 **MS. MANI KAKKAR:** I apologize for the lag.
17 It takes a little bit for the translation to finish.

18 **HON. MÉLANIE JOLY:** [No interpretation].

19 **MS. MANI KAKKAR:** But I was going to ask you,
20 in the creation of this department, did you ensure that there
21 would be proper information flow? And the reason I ask is
22 because the United Front Work Department's link to foreign
23 interference in Canada was known, according to at least the
24 SITE Task Force documentation and reports in 2021 at this
25 time.

26 **HON. MÉLANIE JOLY:** I note you're referring
27 to SITE but I'm sorry, I don't have any information related
28 to SITE. It's not intentional but really I was not involved

1 in terms of what was [no interpretation].

2 MS. MANI KAKKAR: I appreciate that. My
3 question is more specific to the group that you just talked
4 about being created to deal with ---

5 HON. MÉLANIE JOLY: [No interpretation].

6 MS. MANI KAKKAR: Yes.

7 HON. MÉLANIE JOLY: [No interpretation].

8 MS. MANI KAKKAR: Did that particular group
9 have a connection to, whether it's CSIS or whatever agency it
10 would be necessary, so that information could flow to them in
11 a timely manner?

12 HON. MÉLANIE JOLY: In the context of the
13 setting up of the China Bureau, the truth is that Canada
14 needed more diplomats who could speak Mandarin and who could
15 understand how China functions, so experts in all aspects of
16 Chinese internal policy and foreign policy. So that's one
17 thing that was created.

18 The other thing was the Indo-Pacific strategy
19 was creating more resources for foreign interference. But in
20 the context of the Indo-Pacific strategy, there were 17
21 departments involved, including Public Safety, including
22 CSIS. So CSIS has the resources necessary in order to better
23 understand how China operates, in terms of the Indo --
24 through the Indo-Pacific strategy, but it's not necessarily
25 that it's CSIS and Global Affairs that were able to better
26 coordinate their efforts through this Indo-Canadian strategy.
27 So that shows that here, too, there was an issue because that
28 information was not always well-transmitted, certainly not to

1 my office.

2 COMMISSIONER HOGUE: I think I understand.

3 HON. MÉLANIE JOLY: It's not complicated.

4 The Zhao Wei case showed that we had to make sure that all
5 Ministers were made aware as soon as there was a foreign
6 state. So it showed that foreign interference was real, and
7 also that we had to be concerned about it and that GAC was
8 just looking outside the country but that we also had to
9 start looking at what was going on inside the country.

10 COMMISSIONER HOGUE: Yeah, I understand.

11 HON. MÉLANIE JOLY: [No interpretation].

12 MS. MANI KAKKAR: I appreciate you generously
13 offered me more time and I don't want to overstep on that.
14 Commissioner, do you mind letting me ---

15 COMMISSIONER HOGUE: We stopped the clock,
16 actually. So it means that you're already over your time.

17 MS. MANI KAKKAR: I'm over my time. Can I
18 have just a moment to ask some final questions -- ask a final
19 question?

20 COMMISSIONER HOGUE: A final question.

21 MS. MANI KAKKAR: Okay. I think the
22 question, and I was going to take you through some more of
23 these events, actually if we could just scroll down?

24 Ms. Joly, you'll notice that there's a number
25 of other events in which foreign interference is discussed by
26 members of your Ministry, of bureaucracy, with their
27 counterparts. And in particular, there's one that I want to
28 focus on as my last question. September 1st, 2022. It says

1 that:

2 "...interference in internal and
3 legislative process[es]."

4 We have put this question to some of your
5 colleagues and they weren't able to answer. Do you have any
6 sense of what is meant here by "internal and legislative
7 process"?

8 **HON. MÉLANIE JOLY:** No. No, because on
9 August [sic] 8th I met Wang Yi in Bali, and I raised this
10 issue, but I raised it in a very general way. So I don't
11 know what this refers to.

12 **MS. MANI KAKKAR:** And it's just a final
13 thought, but it is interesting to me that without you having
14 any significant briefings about the threat landscape or FI,
15 it seems like your Ministry is taking certain actions. So it
16 is surprising to someone on the outside what those
17 informational gaps are and how GAC is operating to use all of
18 its tools in toolkit to counter FI.

19 But I appreciate your testimony, and thank
20 you for answering my questions.

21 **HON. MÉLANIE JOLY:** [No interpretation].

22 **COMMISSIONER HOGUE:** Thank you.

23 Counsel for Michael Chong, Mr. Harland.

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

25 **MR. FRASER HARLAND:** Good afternoon.

26 I prepared my questions in English, so I will
27 be asking them in English.

28 **HON. MÉLANIE JOLY:** Okay.

1 **MR. FRASER HARLAND:** But I understand that
2 you will answering French.

3 **HON. MÉLANIE JOLY:** M'hm.

4 **COMMISSIONER HOGUE:** And you speak French
5 well.

6 **MR. FRASER HARLAND:** That's kind, thank you.
7 I'd like to start with some -- so my
8 questions are going to be about the decision to declare Zhao
9 Wei *persona non grata* ---

10 **HON. MÉLANIE JOLY:** Yeah.

11 **MR. FRASER HARLAND:** --- and to understand a
12 bit more about why that happened and why it happened when it
13 happened.

14 So I'd like to just start with some PNG
15 basics, if we can call them that. And you covered them a
16 bit, but just to go over it.

17 I understand that the power to declare a
18 foreign diplomat *persona non grata* is a power of the Minister
19 of Foreign Affairs. Is that right?

20 **HON. MÉLANIE JOLY:** M'hm.

21 **MR. FRASER HARLAND:** And just if you can say
22 yes for the record?

23 **HON. MÉLANIE JOLY:** [No interpretation].

24 **MR. FRASER HARLAND:** And when Zhao Wei was
25 declared *persona non grata*, that would have been your
26 decision then?

27 **HON. MÉLANIE JOLY:** [No interpretation].

28 **MR. FRASER HARLAND:** Okay. And in their

1 testimony, Global Affairs officials referred to declaring a
2 foreign diplomat *persona non grata* as a last resort. And I
3 understand that you have diplomatic tools that lie along a
4 spectrum, with some that are less severe, and then PNG would
5 be one of the most severe? You'd agree that it's generally
6 considered a last resort?

7 **HON. MÉLANIE JOLY:** Yes, for various reasons.
8 Because not only is it a strong diplomatic message, but it's
9 more for that because there are repercussions. So if we
10 carry out an action, China will respond, or the other country
11 will respond. And Canada's goal is to never lose a diplomat
12 in another country, because we lose eyes and ears in the
13 country to which it's difficult to have access and where the
14 media reality is very different. And so it's a way that
15 someone helps people understand how things are done in China
16 and how we can defend our interests in China depends on these
17 diplomats.

18 So it's always important to know before we
19 expel a diplomat from Canada, we have to make sure the
20 reaction will be proportional so if we expel one person, so
21 another person will be expelled, not two or three. And you
22 saw that with India 41 were expelled.

23 **MR. FRASER HARLAND:** Yes.

24 **HON. MÉLANIE JOLY:** And secondly, how we're
25 able to ensure that there's not just expelling our diplomats
26 but also that there's not a much broader repercussions, so
27 job losses because there were economic sanctions, and I've
28 already mentioned that earlier.

1 **MR. FRASER HARLAND:** And so, because of that
2 possible retaliation, you want to be sure that you have a
3 strong justification before taking this last resort step. Is
4 that fair?

5 **HON. MÉLANIE JOLY:** Yes, but in Zhao's case
6 it was untenable; he had to leave. So it was more when he
7 was going to go because in my mind it was clear that [no
8 interpretation].

9 **MR. FRASER HARLAND:** Okay. So I want to dig
10 into the reasons in that particular case. You recall that on
11 the 1st of May 2023, *The Globe and Mail* had reported that
12 Zhao Wei was engaged in targeting my client, Mr. Chong?

13 **HON. MÉLANIE JOLY:** M'hm.

14 **MR. FRASER HARLAND:** And then between the 2nd
15 of May and the 8th of May, Mr. Chong and other
16 parliamentarians raised this issue repeatedly in Question
17 Period and they called on the government to expel Zhao Wei.
18 Is that something you remember?

19 **HON. MÉLANIE JOLY:** [No interpretation].

20 **MR. FRASER HARLAND:** Okay.

21 **HON. MÉLANIE JOLY:** I even remember of one
22 parliamentary committee meeting where I appeared, but I don't
23 have my agenda with me. So when that was happening, the war
24 in Sudan had just broke out, so I left and I went to Kenya
25 because the previous weekend I tried to work with the
26 Americans to ensure that our diplomats had left Khartoum,
27 which was now a battlefield. And after that, I worked for
28 the evacuation of Canadians in Sudan. And I worked to ensure

1 that they be sent out.

2 So the question was, do we use Canadian Army
3 planes. So I was working with Defence Minister Anand at the
4 time, and we wondered if they would be evacuated from
5 Khartoum, which was -- was it safe enough or not, or Djibouti
6 and Kenya. So I spoke with my Kenyan counterparts, so we'd
7 make sure the Canadians were sent to Kenya. And I went to
8 Kenya to make sure that that departure was going well because
9 we were in a situation of crisis.

10 So I don't think that I was present at all
11 the Question Periods that you're referring to, but I know
12 that I came back from Kenya and then I went before the
13 parliamentary committee the following afternoon, and there
14 Michael, your client, asked me why is that person not PNGed.
15 In my mind, the decision had already been taken, but I
16 answered, "Dear Michael, the decision does not just involve
17 you, it's also the various repercussions." And I said --
18 I've said this five times here, the repercussions for
19 Canadians in China for jobs and for diplomatic personnel.

20 So I agree with him that it's unacceptable
21 and that he has to leave because we have to make sure that
22 it's no longer a threat for the country, but at the same
23 time, the issue of knowing how to get there and how we can
24 analyze those things.

25 So then I work with the department, and then
26 the expulsion takes place on the 6th and on the 7th he's
27 declared *persona non grata*, and then the 8th we learned that
28 our diplomat, Jennifer Lalonde, has also been expelled from

1 China.

2 **MR. FRASER HARLAND:** Okay. So I appreciate
3 all of that context. I guess, fundamentally what I'm
4 wondering is if you would agree that one of the key reasons
5 underlying your decision to PNG Mr. Zhao Wei was the PRC's
6 targeting of my client. Would you agree with that?

7 **HON. MÉLANIE JOLY:** Yes, I think at the time
8 I'm asking for that information because Zhao Wei is a
9 problem, but I understand that my Deputy Minister said that
10 he didn't know that -- but I decided that he had to go.

11 **MR. FRASER HARLAND:** So there's a problem,
12 but not necessarily in relation to Mr. Chong, is that ---

13 **HON. MÉLANIE JOLY:** He was accused of foreign
14 interference, that's it. So any diplomat that doesn't
15 respect the Vienna Convention and that has done it repeatedly
16 and it's a pattern, at that point we have to get rid of him.

17 My goal is not to protect foreign diplomats
18 in Canada, it's to protect Canadian interests. Zhao Wei is
19 not respecting and not protecting, he's in violation of the
20 Vienna Convention.

21 **MR. FRASER HARLAND:** I'm wondering if you'd
22 agree that it was made to look to the media, and to the
23 public, and Mr. Chong himself, that this was a response to
24 the PRC's targeting of him and his family. *The Globe* reports
25 it on the 1st of May, he gets a TRM briefing on May 2nd, he
26 raises it repeatedly in the House of Commons, and then on May
27 8th Zhao Wei is on his way home.

28 So surely to a reasonably informed member of

1 the public and to Mr. Chong, they say it's because of what
2 was in *The Globe* that Mr. Zhao Wei is sent home.

3 **HON. MÉLANIE JOLY:** I understand that that's
4 the public's perception, but this was the first time I heard
5 about the situation, and I told that to a client recently.
6 Foreign interference -- how can I say that? It's not
7 partisan issue. I find it horrible what happened to Michael,
8 and this should not happen to any politician, to any member
9 in this country. We are a democracy; we should be confident
10 and know that we do have our place as a citizen.

11 So despite all this suffering from Michael,
12 if this allowed to create this Commission and GAC and CSIS,
13 if it allowed to create this situation, then there will be
14 something good that will come out of it, and this is my
15 perspective.

16 And what I also told my colleague, that it's
17 not just about China, it's also India, Iran, all those
18 countries when they do things and they are targeting
19 parliamentarians or members of the diaspora, this is even
20 worse. This is completely unacceptable, and when this
21 happens we will react. I do not see Foreign Affairs as a
22 political battle. Foreign Affairs we are on a higher level,
23 and we are responsible for Canadians' interests, and I am
24 leading the foreign policy of Canada.

25 **MR. FRASER HARLAND:** Okay. That's helpful.

26 Deputy Minister Morrison testified that CSIS
27 had shared intelligence with Global Affairs on Zhao Wei at
28 least as early as 2021. But it did not go beyond what he

1 called the working level. Is that your understanding of the
2 movement from intelligence to GAC as well?

3 **HON. MÉLANIE JOLY:** So if my Deputy Minister
4 said that, I guess that's the case. I was not informed. So
5 the way my Cabinet is informed is -- pushes me to ask the
6 question to the Clerk, to ask the question to the Minister,
7 and I ask them, "Are there any other diplomats that are
8 problematic?" Because I need to be aware of that. And I was
9 not informed that there were any more problematic diplomats.
10 And I have no recommendations right now as to if there are
11 any diplomats to expel.

12 **MR. FRASER HARLAND:** And if you or your
13 officials had received that intelligence earlier -- and we
14 know it was from 2021 -- you wouldn't have needed Mr. Zhao
15 Wei's name to appear in *The Globe and Mail* before acting, you
16 could have acted earlier?

17 **HON. MÉLANIE JOLY:** [No interpretation].

18 **MR. FRASER HARLAND:** Is that fair?

19 **HON. MÉLANIE JOLY:** [No interpretation].

20 **MR. FRASER HARLAND:** Okay.

21 **HON. MÉLANIE JOLY:** You know, there are so
22 many diplomatic measures that I take each day, each month and
23 they do not feature in the media.

24 [No interpretation].

25 **MR. FRASER HARLAND:** And would it also be
26 fair to say that there's a concern that if this hadn't
27 appeared in *The Globe and Mail*, you wouldn't have been able
28 to know about it and you wouldn't have PNGed Zhao Wei at the

1 time?

2 HON. MÉLANIE JOLY: [No interpretation] it's
3 hypothetical.

4 MR. FRASER HARLAND: But you didn't learn
5 about it until it was put in *The Globe and Mail*?

6 HON. MÉLANIE JOLY: ...a fact. However, many
7 other things could have happened, but yes, I do understand.
8 With this article I am aware of the situation and then
9 reacted.

10 I also think that foreign interference is
11 getting worse and worse because there is an international
12 security crisis. I know that in the frame of this Commission
13 we are analyzing what's happening in Canada, but I also see
14 what's happening outside of Canada, what's happening abroad,
15 and I am comparing with other countries too.

16 I think it is important to work together.
17 The goal of autocracies is to have impact on our democracy
18 and on our citizens, so the whole democratic model is at
19 stake here.

20 MR. FRASER HARLAND: Another thing Mr.
21 Morrison said was that Mr. Zhao Wei's position became
22 untenable -- that was his word, "Untenable" -- after *The*
23 *Globe and Mail* reporting. And what I want to suggest to you,
24 that it wasn't *The Globe's* reporting that made Zhao Wei's
25 presence in Canada untenable. It was his conduct in Canada
26 that made his presence untenable. Isn't that right?

27 HON. MÉLANIE JOLY: That is my interpretation
28 for sure. There was a violation of the Vienna Convention,

1 and that is why that person was targeted. So, yes, I agree.

2 MR. FRASER HARLAND: Okay. And again, if you
3 had known about his conduct earlier, he would have been
4 expelled earlier?

5 HON. MÉLANIE JOLY: [No interpretation].

6 MR. FRASER HARLAND: Okay. Those are my
7 questions, Commissioner.

8 [No interpretation].

9 HON. MÉLANIE JOLY: [No interpretation].

10 COMMISSIONER HOGUE: [No interpretation].
11 Attorney General.

12 MR. MATTHEW FERGUSON: Madam Commissioner,
13 you granted the HRC our minutes.

14 COMMISSIONER HOGUE: Oh, yes. I'm sorry.
15 There's a few minutes for Mr. Matas.

16 HON. MÉLANIE JOLY: [No interpretation].

17 COMMISSIONER HOGUE: Human Rights ---

18 HON. MÉLANIE JOLY: [No interpretation].

19 COMMISSIONER HOGUE: --- Coalition.

20 HON. MÉLANIE JOLY: OK.

21 MR. DAVID MATAS: I will also ask my
22 questions in English.

23 HON. MÉLANIE JOLY: Your French is all right.

24 MR. DAVID MATAS: Thank you.

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

26 MR. DAVID MATAS: The -- we've heard, as I
27 understood it from what you said before and also from a
28 previous witness, that Global Affairs is concerned about

1 foreign interference, not just by foreign states, but also
2 interference by foreign non-state entities.

3 **HON. MÉLANIE JOLY:** [No interpretation].

4 **MR. DAVID MATAS:** Yes. Now, Global Affairs,
5 when it's dealing with interference with foreign states, has
6 tools like diplomatic initiatives, which are not available
7 when dealing with foreign non-state entities. And my
8 question is, what tools does Global Affairs have to deal with
9 or counter foreign interference with non-state entities?

10 **HON. MÉLANIE JOLY:** So then we have sanctions
11 against those individuals.

12 **MR. DAVID MATAS:** I understand. And one can
13 see on the internet, from Global Affairs, a list of persons
14 who were sanctioned, and one can see the reasons that they're
15 sanctioned. Now, if someone makes a request for sanctions
16 and the request is granted, one can see the result. If
17 someone makes the request for sanctions and the request is
18 denied, is the person who makes the request ever informed?

19 **HON. MÉLANIE JOLY:** So at GAC, there's no
20 process that allows someone to ask for sanctions and then get
21 information in return. The sanctions and penalties regime
22 was put in place approximately in 2018, and then there are
23 two different legislation, pieces of legislation. So if --
24 first there needs to be a violation of human rights to have
25 sanctions, or corruption issues. So what we do, GAC -- and,
26 also, I want to say this should not be based on intelligence,
27 it should be open-source information that's available to the
28 public. I would like to give an example.

1 In Haiti, we decided to sanction several
2 former politicians based on corruption. And we also targeted
3 members of the economic elite in order to reach a democratic
4 process in Haiti. The goal was to have a transition
5 committee in order to put an end to the political crisis.

6 So if there are any representations this will
7 be made through groups that will come to the Ministry or to
8 my office and we can work hand in hand with those groups.
9 And sometimes we decide to move forward and other times, the
10 sanction group is overwhelmed and then we have to prioritize;
11 sometimes some sanctions have not been established yet, but
12 they are in the pipeline.

13 So since 2018 -- actually since my arrival,
14 and the invasion of Ukraine by Russia, since then, I think we
15 had approximately 4,000 to 5,000 individuals who have been
16 sanctioned.

17 **MR. DAVID MATAS:** Thank you. Yes, I
18 understand there's different legislation, and there's
19 different sanction lists, and that the process is informal.
20 Would you favour a consolidation of the various sanction
21 regimes and a more formal process of decision for and
22 against?

23 **HON. MÉLANIE JOLY:** I'm ready to reshape this
24 sanction process; however, there are challenges. When we
25 sanction, we also need security agencies to follow up with
26 all those people. When we sanction those individuals, it is
27 important for those entities, individuals, to cease their
28 operations in Canada, and that's what I am worried about.

1 There are challenges; are we able to do this follow up for
2 each individual that has been sanctioned? Five thousand
3 (5,000) people, that's a lot of people. So we need to make
4 sure that if those people try to enter Canada, that they will
5 be denied entry.

6 **MR. DAVID MATAS:** Thank you.

7 Madam Justice, I realize my time is short, so
8 I'll leave it at that. Thank you very much.

9 **HON. MÉLANIE JOLY:** [No interpretation].

10 **COMMISSIONER HOGUE:** Thank you.

11 Now it's your turn.

12 **MS. HELENE ROBERTSON:** Thank you.

13 **--- CROSS-EXAMINATION BY MS. HELENE ROBERTSON:**

14 I am Helene Robertson; I am Attorney General
15 for Canada. I have a few questions for you.

16 **HON. MÉLANIE JOLY:** M'hm.

17 **MS. HELENE ROBERTSON:** [No interpretation]
18 the counsel for the Sikh Coalition said that you accepted his
19 hypothesis that there was a gap, an informational gap,
20 between security agencies and your office regarding foreign
21 interference in Canada. Was that your testimony?

22 **HON. MÉLANIE JOLY:** So what I was saying is
23 that I did not receive the information before it was
24 mentioned in May 2023 in an article, and that's an
25 informational gap.

26 **MS. HELENE ROBERTSON:** Thank you.

27 Madam Commissioner asked you if before May
28 2023 you were aware of foreign interference. My question is,

1 are you made aware of important issues related to foreign
2 interference today, nowadays?

3 **HON. MÉLANIE JOLY:** Yes. As I was
4 mentioning, the way the information is organized, make sure
5 that all information we receive, whether it's about Asia,
6 Africa, other countries, this information gets to my office
7 and then there is a section specifically about foreign
8 interference. And we also created this special role I
9 mentioned earlier. And as I said to the Commission, twice a
10 month I will be briefed by the team and made aware of what is
11 happening. When there are critical aspects that I need to be
12 aware of, the team will let me know. And before I leave for
13 professional travel, I'm also briefed.

14 **MS. HELENE ROBERTSON:** Thank you.
15 Michael Chong's counsel asked you a few
16 questions regarding Zhao Wei's PNG status.

17 **HON. MÉLANIE JOLY:** M'hm.

18 **MS. HELENE ROBERTSON:** How do you take this
19 decision? How do you make the decision to expel a diplomat?
20 Is it your decision or is it based on recommendations from
21 your senior officials?

22 **HON. MÉLANIE JOLY:** It is based on
23 recommendations, and it is my responsibility to reach a
24 decision, and I work together with the Prime Minister's
25 office.

26 **MS. HELENE ROBERTSON:** Thank you.
27 I have two questions for you that are left.

28 **HON. MÉLANIE JOLY:** [No interpretation].

1 **MS. HELENE ROBERTSON:** First of all, how is
2 Canada positioned regarding the threats of foreign
3 interference on the international frame?

4 **HON. MÉLANIE JOLY:** I spoke to this earlier.
5 We are the only country in the world to have this type of
6 Commission on Foreign Interference. We're the first country
7 of the G7 to speak to this.

8 And so to put the emphasis on this issue,
9 we're not a very old country with colonies throughout the
10 world, so we respect international law and we expect other
11 countries to do as much.

12 Why is it so important right now? Because if
13 countries that have the greatest amount of military might are
14 able to impose their position, their point of view or their
15 approach, well then it will be to the detriment of Canada
16 because we will be more vulnerable in that type of situation.
17 And so if we don't make sure that the Vienna Convention is
18 respected and international laws are respected, we can
19 imagine that transnational interference will increase,
20 especially if there's more conflict in the world. So in a
21 society that's very multicultural, with people from the
22 diaspora coming from throughout the world, the influence,
23 intimidation -- interference and intimidation, well, we have
24 to be able to shed a light on this. And that is why when
25 Michael Chong's lawyer is asking questions, well, for me,
26 this is a question of national interest. It's not a partisan
27 issue at all. It's not a political game that's being played.
28 I think that we all need to work together, all

1 parliamentarians need to work on this.

2 **MS. HELENE ROBERTSON:** Thank you. And here's
3 my last question. What is your level of trust in the
4 resilience of our democracy faced with foreign interference?

5 **HON. MÉLANIE JOLY:** I think our democracy has
6 never been so strongly tested. I think it's strong and it's
7 resilient, but we have to have our eyes wide open, and it's
8 not just us, I think that this is all of the West.

9 **MS. HELENE ROBERTSON:** Thank you.

10 **HON. MÉLANIE JOLY:** Thank you very much.

11 **COMMISSIONER HOGUE:** [No interpretation]

12 Mr. MacKay, [no interpretation]?

13 **MR. JEAN-PHILIPPE MacKAY:** Yes, very briefly.

14 **--- RE-EXAMINATION BY MR. JEAN-PHILIPPE MacKAY:**

15 **MR. JEAN-PHILIPPE MacKAY:** I'd like to ask
16 for document COM.SUM4 to be put up.

17 It's a summary of a memo to Cabinet as to [no
18 interpretation].

19 **HON. MÉLANIE JOLY:** Yes, yes. [No
20 interpretation].

21 **MR. JEAN-PHILIPPE MacKAY:** [No
22 interpretation].

23 **HON. MÉLANIE JOLY:** [No interpretation].

24 **MR. JEAN-PHILIPPE MacKAY:** We have the French
25 version.

26 **HON. MÉLANIE JOLY:** [No interpretation].

27 **MR. JEAN-PHILIPPE MacKAY:** They're on the
28 screen. So earlier on you were asked if you had received any

1 specific briefings on foreign interference before a certain
2 point in time in 2023. And in your answer you spoke to HASA.
3 And so could you explain to us the contact that you had with
4 this brief to Cabinet, and then I'll show you a specific
5 paragraph.

6 **HON. MÉLANIE JOLY:** I remember that the
7 department informed me that there was a coordination issue
8 with regards to foreign interference, and that we had to make
9 sure that different agencies would work together. So there's
10 a process that was created with a procedure to be followed.
11 At that time, a memo to Cabinet was written so that it would
12 become the official process that would be used by Canada and
13 throughout the federal apparatus.

14 **MR. JEAN-PHILIPPE MacKAY:** [No
15 interpretation].

16 **HON. MÉLANIE JOLY:** And so I said, "Yes,
17 that's a great idea."

18 **MR. JEAN-PHILIPPE MacKAY:** [No
19 interpretation].

20 **HON. MÉLANIE JOLY:** [No interpretation].

21 **MR. JEAN-PHILIPPE MacKAY:** Sorry, I don't
22 want to interrupt you.

23 **HON. MÉLANIE JOLY:** [No interpretation].

24 **MR. JEAN-PHILIPPE MacKAY:** And we see that
25 this is presented to the Cabinet in May 2022.

26 **HON. MÉLANIE JOLY:** Yes.

27 **MR. JEAN-PHILIPPE MacKAY:** And in the context
28 of the presentation of this brief, do you receive information

1 or briefings on the nature of the issue?

2 HON. MÉLANIE JOLY: No.

3 MR. JEAN-PHILIPPE MacKAY: [No
4 interpretation].

5 HON. MÉLANIE JOLY: No, and at the time in
6 May 2022 it was the beginning of the war in Ukraine, so my
7 question was how are we going to be able to manage the
8 Russian threat to Canada, and this is what I had in my mind.
9 And also, to find out if essentially other countries were
10 adopting the same approach.

11 MR. JEAN-PHILIPPE MacKAY: [No
12 interpretation].

13 HON. MÉLANIE JOLY: How can I say this; it's
14 not linked to information but more to see if the process is
15 similar to what we see elsewhere, because we're not the only
16 country facing this issue, especially at a time -- well, when
17 the Ukraine war started, the tectonic plates of world
18 geopolitics changed. We started to move around. And that is
19 why I was asking the question, if it was a good way to manage
20 the crisis.

21 MR. JEAN-PHILIPPE MacKAY: So other than this
22 brief that was presented to you, to you and your colleagues,
23 you didn't receive any additional ---

24 HON. MÉLANIE JOLY: [No interpretation].

25 MR. JEAN-PHILIPPE MacKAY: --- briefings?

26 HON. MÉLANIE JOLY: No.

27 MR. JEAN-PHILIPPE MacKAY: Those are all my
28 questions. Thank you.

1 HON. MÉLANIE JOLY: Thank you.

2 COMMISSIONER HOGUE: [No interpretation]

3 HON. MÉLANIE JOLY: Am I free?

4 COMMISSIONER HOGUE: Yes, thank you, Madam

5 Minister.

6 HON. MÉLANIE JOLY: [No interpretation].

7 COMMISSIONER HOGUE: I know that your time is

8 precious, ---

9 HON. MÉLANIE JOLY: [No interpretation].

10 COMMISSIONER HOGUE: --- and we appreciate

11 the time that you've spent before the Commission. So, yes,

12 you are now free.

13 HON. MÉLANIE JOLY: [No interpretation].

14 COMMISSIONER HOGUE: Thank you.

15 Tomorrow morning, 9:30.

16 THE REGISTRAR: Order, please.

17 This sitting of the Foreign Interference

18 Commission is adjourned until tomorrow, the 11th of October


19 2024 at 9:30 a.m.

20 --- Upon adjourning at 4:51 p.m.

C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,
hereby certify the foregoing pages to be an accurate
transcription of my notes/records to the best of my skill and
ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officielle,
certifie que les pages ci-hauts sont une transcription
conforme de mes notes/enregistrements au meilleur de mes
capacités, et je le jure.



Sandrine Marineau-Lupien