



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**

**VOLUME 18**

**Held at :**

Library and Archives Canada  
Bambrick Room  
395 Wellington Street  
Ottawa, Ontario  
K1A 0N4

Wednesday, September 18, 2024

**Tenue à:**

Bibliothèque et Archives Canada  
Salle Bambrick  
395, rue Wellington  
Ottawa, Ontario  
K1A 0N4

Le mercredi 18 septembre 2024

**INTERNATIONAL REPORTING INC.**

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## **II**

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Commission Research Council / Conseil de la recherche de la commission	Geneviève Cartier Nomi Claire Lazar Lori Turnbull Leah West
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### **III Appearances / Comparutions**

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Government of Canada	Gregory Tzemenakis Barney Brucker
Office of the Commissioner of Canada Elections	Christina Maheux Luc Boucher Sébastien Lafrance Nancy Miles Sujit Nirman
Human Rights Coalition	David Matas Sarah Teich
Russian Canadian Democratic Alliance	Mark Power Guillaume Sirois
Michael Chan	John Chapman Andy Chan
Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland

## IV Appearances / Comparutions

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Sujit Choudhry

Mani Kakkar

Churchill Society

Malliha Wilson

The Pillar Society

Daniel Stanton

Democracy Watch

Wade Poziomka

Nick Papageorge

Canada's NDP

Lucy Watson

Conservative Party of Canada

Nando De Luca

Chinese Canadian Concern Group on  
The Chinese Communist Party's  
Human Rights Violations

Neil Chantler

David Wheaton

Erin O'Toole

Thomas W. Jarmyn

Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

Sikh Coalition

Balpreet Singh

Prabjot Singh

Bloc Québécois

Mathieu Desquilbet

Iranian Canadian Congress

Dimitri Lascaris

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Ottawa, Ontario

--- L'audience débute le mercredi 18 septembre 2024 à 9 h 45

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

**THE REGISTRAR:** Order, please. À l'ordre,  
s'il vous plaît.

This sitting of the Foreign Interference  
Commission is now in session. Commissioner Hogue is  
presiding. Cette séance de la Commission sur l'ingérence  
étrangère est en cours. La Commissaire Hogue préside.

The time is 9:45 a.m. Il est 9 h 45.

**COMMISSAIRE HOGUE:** Alors, bonjour tout le  
monde. Une autre magnifique journée à passer à l'intérieur.

Alors, Maitre Chaudhury, je pense que c'est  
vous qui commencez ce matin.

**Me SHANTONA CHAUDHURY:** Je vais déposer en  
preuve des résumés thématiques.

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

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



1 give you the highlights here.

2 First, the summaries may be incomplete.  
3 Second, the summary does not indicate the time of collection  
4 and these, I should specify, are summaries of intelligence  
5 and classified information generally that the Government of  
6 Canada holds.

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

12 The summary does not indicate the source of  
13 the information. The summary does not indicate corroboration  
14 or lack thereof, and the summary does not analyze  
15 information.

16 The Commission has been provided with the  
17 relevant intelligence and assessments which do indicate this  
18 information on reliability and corroboration.

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

24 Subject to the rules and the Commissioner's  
25 discretion to direct the hearings in accordance with the  
26 guiding principles, counsel may refer to these topical  
27 summaries in cross-examination after they have been entered  
28 into evidence today, but counsel must frame their questions

1 in a way that makes clear to the witness that the information  
2 in the topical summaries reflects a summary of Government of  
3 Canada intelligence holdings, not proven fact.

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

7 So first CAN.SUM.17, PRC Interest in Michael  
8 Chong.

9 **--- EXHIBIT No./PIÈCE No. CAN.SUM.000017:**

10 PRC Interest in Michael Chong

11 **MS. SHANTONA CHAUDHURY:** Second, CAN.SUM.18,  
12 Targeting parliamentarians.

13 **--- EXHIBIT No./PIÈCE No. CAN.SUM.000018:**

14 Targeting parliamentarians

15 **MS. SHANTONA CHAUDHURY:** Third, CAN.SUM.27,  
16 Email Operations Against parliamentarians.

17 **--- EXHIBIT No./PIÈCE No. CAN.SUM.000027:**

18 Email Operations Against  
19 parliamentarians

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

23 **--- EXHIBIT No./PIÈCE No. CAN.SUM.000027.001:**

24 Tab A to PRC Email Operations  
25 Chronology Events, Email Tracking  
26 Link Campaign Targeting Canadian  
27 parliamentarians

28 **MS. SHANTONA CHAUDHURY:** CAN.SUM.28, CSIS

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CSIS Threat Reduction Measures

**MS. SHANTONA CHAUDHURY:** CAN.SUM.29, CSIS  
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**--- EXHIBIT No./PIÈCE No. CAN.SUM.000029:**

CSIS Warrant Application Process

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

**--- EXHIBIT No./PIÈCE No. CAN.SUM.000030:**

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

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

Thank you.

**COMMISSIONER HOGUE:** Thank you.

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

Good morning, Mr. Chong. Welcome.

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

**THE REGISTRAR:** So Mr. Chong, for the record,

1 could you please state your full name and spell your last  
2 name?

3 **MR. MICHAEL CHONG:** Michael David Chong, C-h-  
4 o-n-g.

5 **--- MR. MICHAEL CHONG, Affirmed/Sous affirmation solennelle:**

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

7 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

8 **MS. NATALIA RODRIGUEZ:**

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

10 So we'll start with some preliminary matters  
11 this morning, Mr. Chong.

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

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

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

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

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

20 Sorry. It should be 92.EN.

21 Thank you.

22 And this is the summary that was generated  
23 from your interview; correct?

24 **MR. MICHAEL CHONG:** Correct.

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

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

28 **MS. NATALIA RODRIGUEZ:** And do you have any

1 corrections, additions or otherwise modifications to make to  
2 this additional -- to this interview summary?

3 MR. MICHAEL CHONG: I do not.

4 MS. NATALIA RODRIGUEZ: And do you adopt the  
5 contents of this witness summary as part of your evidence  
6 before the Commission today?

7 MR. MICHAEL CHONG: I do.

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

10 --- EXHIBIT No./PIÈCE No. WIT0000092.EN:

11 FINAL Interview Summary - Michael  
12 Chong (Stage 2)

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

16 --- EXHIBIT No./PIÈCE No. WIT0000092.FR:

17 Résumé de l'entrevue FINALE - Michael  
18 Chong(étape 2).pdf

19 MS. NATALIA RODRIGUEZ: And do you also  
20 recall being interviewed by the Commission on February 15,  
21 2024 as part of Stage 1 of the Commission's work?

22 MR. MICHAEL CHONG: Yes.

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

26 MR. MICHAEL CHONG: Correct.

27 MS. NATALIA RODRIGUEZ: And an addendum to  
28 that Stage 1 interview was prepared covering the topics that

1 were relevant to Stage 2. And I'm now going to call it up,  
2 WIT18.1.EN.

3 **--- EXHIBIT NO./PIÈCE No. WIT0000018.001.EN:**

4 Interview Summary - Michael

5 Chong (Stage 1 Addendum)

6 **MS. NATALIA RODRIGUEZ:** And have you had a  
7 chance to review this addendum?

8 **MR. MICHAEL CHONG:** I have.

9 **MS. NATALIA RODRIGUEZ:** And do you have any  
10 corrections, additions, deletions or other modifications to  
11 make to this addendum today?

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

13 **MS. NATALIA RODRIGUEZ:** And do you adopt the  
14 contents of this addendum as part of your evidence before the  
15 Commission today?

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

17 **MS. NATALIA RODRIGUEZ:** Thank you. And for  
18 the record, the French translation is WIT18.1.FR, and it will  
19 also go in as an exhibit.

20 **--- EXHIBIT NO./PIÈCE No. WIT0000018.001.FR:**

21 Interview Summary - Michael

22 Chong (Stage 1 Addendum)

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

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

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

2                   **MS. NATALIA RODRIGUEZ:** And can you tell us a  
3 little bit about the two opposition motions that you  
4 sponsored, shortly after becoming Shadow Minister, with  
5 respect to the PRC?

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

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

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

27                   We felt that it was important for Parliament  
28 to take a position on this, and so I introduced, subsequently

1 in early 2021, a motion recognizing that a genocide was  
2 taking place against the Turkic Muslim minority in Xinjiang  
3 Province, a motion that was adopted by the House.

4 The motion also called on the Government of  
5 Canada to fulfil its obligations to prevent genocide under  
6 the *1948 Genocide Convention*.

7 So those were the two motions I introduced on  
8 the floor of the House of Commons.

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

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

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



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

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

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

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

25                   **MR. MICHAEL CHONG:** No. My understanding is  
26 that I was sanctioned because the Government of Canada had  
27 placed sanctions on four individuals and one entity in  
28 Xinjiang.

1                   **MS. NATALIA RODRIGUEZ:** But the  
2 countermeasures that the PRC took against you, the counter-  
3 sanctions against you personally, why would they target you  
4 personally as an individual, given the fact that, as you  
5 point out, you are not part of the government?

6                   **MR. MICHAEL CHONG:** My assumption is that  
7 they felt that I -- the motion that had been adopted by the  
8 House was -- had spurred the government to take some action  
9 to uphold their obligations.

10                  **MS. NATALIA RODRIGUEZ:** And how did you learn  
11 that you had been sanctioned by the PRC?

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

17                  **MS. NATALIA RODRIGUEZ:** And that was the  
18 first time that you learned of it?

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

20                  **MS. NATALIA RODRIGUEZ:** And subsequent to  
21 that, did the Government of Canada, including any security  
22 intelligence agencies or Global Affairs Canada, reach out to  
23 you to inform you that you had been sanctioned by the PRC?

24                  **MR. MICHAEL CHONG:** My recollection is that  
25 the Foreign Affairs Committee of the House of Commons had a  
26 briefly on the sanction to understand what it fully meant.

27                  **MS. NATALIA RODRIGUEZ:** Was there a meeting  
28 with you personally?

1                   **MR. MICHAEL CHONG:** To my recollection, no.

2                   **MS. NATALIA RODRIGUEZ:** Okay. And what is  
3 your understanding of the scope of the sanctions? What do  
4 they prevent you from doing, or what is the import of those  
5 sanctions?

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

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

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

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

26                  **MR. MICHAEL CHONG:** It hasn't impacted --  
27 well, it hasn't negatively impacted my work. In fact, it's  
28 only emboldened it because it confirmed, in our view, that

1 our work in opposition was being effective, to the point  
2 where the government of the PRC felt that it had to counter  
3 our work by sanctioning me. So it only confirmed, in our  
4 view, that we were being effective in the work that we were  
5 doing.

6 **MS. NATALIA RODRIGUEZ:** But what about you as  
7 a -- individually, personally, has it had an effect on you  
8 personally?

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

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

18 **MR. MICHAEL CHONG:** Sure.

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

21 **MR. MICHAEL CHONG:** Yeah, I think there are  
22 some MPs who feel pressure from these kinds of tactics  
23 because of the electoral considerations. I think that does  
24 impact their work.

25 **COMMISSIONER HOGUE:** Sorry, Mr. Chong. Can  
26 you tell me when you are saying about these tactics, what are  
27 you referring to in terms of tactics? Not the sanctions  
28 themselves?

1                   **MR. MICHAEL CHONG:** I'm talking more broadly  
2                   than just the sanctions. I'm talking about things such as,  
3                   you know, phone calls from the mission -- the PRC missions  
4                   here to MPs when they make statements, or when they take  
5                   certain actions in the House of Commons or its committees.

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

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

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

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

25                 **MR. MICHAEL CHONG:** I think it's -- I think  
26                 there is two answers to that question. One is some MPs wear  
27                 the sanctions as a badge of pride, and view it as, you know,  
28                 an indication that their work is effective. Other MPs, and

1 this is a much narrower group, I think, feel the negative  
2 pressure that comes from not just the sanctions, but from --  
3 or potential sanctions -- but from other actions of the PRC.

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

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

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

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

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

25 And if we just go down to the second  
26 paragraph -- yeah, there we go. And very crudely, the second  
27 paragraph states that the PRC sanctions did not extend to  
28 your family members. It's a bit more detail than that, but

1 I'm just summarizing for the sake of time.

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

4 "In May 2021 a CSIS Issues Management  
5 Brief was disseminated to a  
6 restricted distribution list which  
7 included the Minister of Public  
8 Safety Canada (PS), the Chief of  
9 Staff (CoS) to the Minister of  
10 P[ublic] S[afety], the Deputy  
11 Minister of P[ublic] S[afety], and  
12 the National Security Intelligence  
13 Advisor to the Prime Minister (NSIA).  
14 This brief provided information that  
15 MP Chong was of active interest to  
16 the PRC Mission in Canada. Document  
17 tracking procedures in place at the  
18 time could not confirm in every case  
19 that the intended recipient(s) had  
20 received or read the material."

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

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

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

25 So this issues management brief that is  
26 referenced in the third paragraph, the last sentence there  
27 says that the tracking procedures could not confirm that  
28 every intended recipient had received or read that material,

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

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

"Three CSIS intelligence reports  
referencing this matter were sent to  
restricted distribution lists at  
relevant Government of Canada



1 departments and agencies prior to May  
2 2021. The reports were disseminated  
3 by secure email to individuals and  
4 departmental contacts for  
5 distribution to appropriate  
6 recipients."

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

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

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

26 **MR. MICHAEL CHONG:** Well, to me it seems that  
27 it's either one of two things. It's inconsistent with the  
28 practice of this government, or alternatively, it's alarming

1 incompetence not to be reading and actioning intelligence  
2 that is being sent up the chain to the highest levels.

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

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

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

19 **--- EXHIBIT No./PIÈCE No. CAN008242:**

20 MD on Accountability

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

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

28 And I just want to take you to the second

1 page, the third bullet point, just because it provides a  
2 little bit more information there.

3 Third bullet. Yes. Sorry, go down a little  
4 bit more. Yeah, where it says "Prior to May..." We just want  
5 to see that full bullet. Yeah.

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

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

14 So we have:

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

1                               Public Safety, and others at Public  
2                               Safety Canada."

3                               So this document seems to have some more  
4                               information about who received intelligence products pre-May  
5                               of 2021 related to the PRC's interest in you. And I just  
6                               wanted to get your comments on this list?

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

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

22                             **MS. NATALIA RODRIGUEZ:** So we'll get to that.  
23                             I just want to take you back to CAN.SUM17, which is the  
24                             Topical Summary, and I want to take you to the sixth  
25                             paragraph.

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

28                             "On June 25<sup>th</sup>, 2021, at the first

1 meeting with MP Chong, CSIS provided  
2 him an unclassified security briefing  
3 to sensitize him to threat activities  
4 of concern, and to provide advice  
5 regarding best security awareness  
6 practices. MP Chong met with CSIS a  
7 number of times following this  
8 briefing."

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

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

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

16 "MP Chong met with CSIS a number of  
17 times following this briefing."

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

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

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

24 And just for the parties' awareness, this  
25 document is not currently in the party database, but it will  
26 be made available, and the document ID will be indicated at  
27 that time.

28 Thank you.

1                   So can you tell me who prepared this  
2 document?

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

4                   **MS. NATALIA RODRIGUEZ:** Okay. And when did  
5 you prepare this document?

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

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

10                  And why did you put this document together?

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

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

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

28                  And before you go on, were any of these

1 meetings, to your understanding, classified meetings?

2 MR. MICHEAL CHONG: No, they were not.

3 MS. NATALIA RODRIGUEZ: Okay. Were ---

4 MR. MICHAEL CHONG: At the end of the first  
5 meeting, CSIS officials indicated to me that they would like  
6 to keep the channels of communication open. I agreed. And  
7 then subsequent to that, they reached out to me three teams,  
8 in meeting two, three, and four, asking to meet, and I  
9 agreed, and we met.

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

12 MR. MICHAEL CHONG: That's correct.

13 MS. NATALIA RODRIGUEZ: Okay.

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

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

19 MR. MICHAEL CHONG: No.

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

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

24 MS. NATALIA RODRIGUEZ: Okay. Thank you.  
25 And you said that the purpose appeared to be them soliciting  
26 information from you? Is that right?

27 MR. MICHAEL CHONG: That's right.

28 MS. NATALIA RODRIGUEZ: And were you given

1 any information in these meetings?

2 MR. MICHAEL CHONG: No, I was asked  
3 questions.

4 MS. NATALIA RODRIGUEZ: Okay. So fair to say  
5 that in none of these meetings you were told that you were of  
6 PRC interest or your family was of interest to the PRC?

7 MR. MICHAEL CHONG: No.

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

11 MR. MICHAEL CHONG: That's correct.

12 MS. NATALIA RODRIGUEZ: Okay. And you don't  
13 consider these meetings to be briefings?

14 MR. MICHAEL CHONG: I consider the first  
15 meeting, meeting one on Thursday, June 24<sup>th</sup>, to be a  
16 briefing, ---

17 MS. NATALIA RODRIGUEZ: Right.

18 MR. MICHAEL CHONG: --- but not the other  
19 three.

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

26 MR. MICHAEL CHONG: I'm very certain it was  
27 on the 24<sup>th</sup> because on the 25<sup>th</sup> in the afternoon I was I think  
28 picking up my son from high school or something like that.



1 So I couldn't have been both at home and in downtown Toronto  
2 at the same time.

3 MS. NATALIA RODRIGUEZ: Fair enough. So just  
4 to go back then to this first briefing, June 24<sup>th</sup>, 2021, this  
5 was the first briefing that you had had with CSIS; correct?

6 MR. MICHAEL CHONG: That's correct.

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

9 MR. MICHAEL CHONG: The purpose of the  
10 briefing was to begin briefing all MPs about the nature of  
11 foreign interference threat activities and how they could  
12 protect themselves against foreign interference threat  
13 activities.

14 MS. NATALIA RODRIGUEZ: And in your evidence  
15 in Stage 1, you referred to it as a briefing of general  
16 application?

17 MR. MICHAEL CHONG: That's right.

18 MS. NATALIA RODRIGUEZ: Is that right? Okay.  
19 And was there anything conveyed to you that was actionable?  
20 Anything you could take away and implement in your life to  
21 try and protect yourself?

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

28 MS. NATALIA RODRIGUEZ: Okay. Fair enough.

1                   And was it conveyed to you in that briefing  
2                   in 2021 that you were of PRC interest, that your family was  
3                   of PRC interest, anything of that nature relating to you  
4                   specifically?

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

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

8                   Now, I want to understand whether, in your  
9                   view, CSIS should have conveyed that information to you in  
10                  that June briefing.

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

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

28                  **MS. NATALIA RODRIGUEZ:** Okay. And so we know

1       that by this time, June of 2021, there is the issues  
2       management brief and there's three other pre-May of 2021  
3       intelligence products which seem to indicate that you are of  
4       PRC interest and your family as well.

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

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

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

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

26              And so subsequent to that, in December 2019,  
27      the Clerk of the Privy Council went to the Prime Minister  
28      seeking approval for a broader action plan to protect

1 Parliament against -- and other parts of our democracy  
2 against this existential threat. The Prime Minister withheld  
3 his approval.

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

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

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

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

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

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

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

28 **MS. NATALIA RODRIGUEZ:** So you're basing it

1 on what is in those reports.

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

4 **MS. NATALIA RODRIGUEZ:** So we know that in  
5 May of 2023 you did have a classified briefing in which  
6 information was conveyed to you. I just wanted to just be  
7 clear.

8 In these meetings, you did not -- you were  
9 not conveyed that information, the ones that are listed in  
10 this document. At any time between your unclassified  
11 briefing in June of 2021 and your classified briefing on May  
12 2nd, 2023, were you told by any government official,  
13 including anyone from our security and intelligence agencies  
14 or departments, that you were of -- a target of PRC interest  
15 and your family as well?

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

17 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.  
18 And we can take the document down. Thank  
19 you.

20 Yeah, we can take that one down as well.  
21 Thanks.

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

1                   Was this reporting the first time that you  
2                   had heard this information?

3                   **MR. MICHAEL CHONG:** Yes, it was the first  
4                   time.

5                   **MS. NATALIA RODRIGUEZ:** And what was your  
6                   reaction upon learning this?

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

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

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

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

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

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

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

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

3                   **MR. MICHAEL CHONG:** I was contacted -- I was  
4 contacted earlier that day and asked if I could be willing to  
5 meet with the Prime Minister. I indicated I was willing to  
6 meet with him. I did not know -- I assumed it was tied to  
7 The Globe and Mail report, but I did not know that.

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

13                  **MS. NATALIA RODRIGUEZ:** Okay. And in the  
14 addendum to your Stage 1 summary, you indicate that the  
15 briefing confirmed the information reported in The Global and  
16 Mail. Is that correct?

17                  **MR. MICHAEL CHONG:** That is -- that is  
18 correct.

19                  **MS. NATALIA RODRIGUEZ:** And you also indicate  
20 that CSIS Director David Vigneault provided additional  
21 details in that briefing than what had been reported.

22                  **MR. MICHAEL CHONG:** That is correct. He,  
23 under threat reduction measures, under law, declassified  
24 certain parts of the July 2021 intelligence assessment and  
25 read them to me at that time.

26                  **MS. NATALIA RODRIGUEZ:** And by "declassify" -  
27 - I just want to make sure that we're clear with the  
28 terminology -- he provided you with classified information.

1 Is that what you mean?

2 **MR. MICHAEL CHONG:** That's right. Under  
3 threat reduction measures.

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

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

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

14 Thank you.

15 And the second paragraph there:

16 "Following a brief discussion that  
17 included the Prime Minister, NSIA,  
18 CSIS Director, and Mr. Chong, the  
19 Prime Minister and four PMO staffers  
20 exited the room. Director Vigneault  
21 then informed Mr. Chong that, given  
22 the parameters of the CSIS Act, the  
23 information he would be sharing would  
24 fall under section 12.1, threat  
25 reduction measures, and emphasized  
26 what was being shared next was  
27 classified information. CSIS'  
28 Director proceeded to verbally share



1 key elements of CSIS Intelligence  
2 Assessment 2021-22/31 titled 'PRC  
3 Foreign Interference in Canada: A  
4 Critical National Security Threat'  
5 with Mr. Chong. Director Vigneault  
6 also raised the defensive briefing  
7 Mr. Chong had previously received.  
8 Mr. Chong indicated he appreciated  
9 the brief, noting that the content  
10 was general."

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

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

16 **MS. NATALIA RODRIGUEZ:** And he also raised  
17 the defensive briefing that you had previously received.  
18 This is in reference to the June 2021 unclassified briefing.  
19 Is that right?

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

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

23 "Director Vigneault sought to clarify  
24 and articulate the accurate  
25 interpretation of the word 'target'  
26 in the CSIS Intelligence Assessment  
27 Report and to correct the mistaken  
28 narrative referenced in media

1 articles with reference to Mr. Chong.  
2 Director Vigneault also emphasized  
3 CSIS intelligence did not reflect  
4 direct physical threats to him or  
5 members of his family. CSIS had no  
6 intelligence of PRC intent to cause  
7 physical harm."

8 So after this briefing, you did not  
9 understand the term "target" to mean any intent to do  
10 physical harm to you or to your extended family. Is that  
11 correct?

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

14 What Mr. Vigneault indicated was that ---

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

21 **MR. MICHAEL CHONG:** Sure.

22 What Mr. Vigneault indicated was that the PRC  
23 was gathering covertly information about me and my family in  
24 order to potentially target them in the future rather than  
25 the PRC was targeting me and my family presently.

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

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

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

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

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

4                   **MR. MICHAEL CHONG:** --- and my family  
5 presently in -- for future potential targeting. That's the  
6 nuance he wanted to clarify about The Globe and Mail report.

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

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

13                   The Government of Canada explains that  
14 "target" means a heightened interest in an individual for the  
15 purpose of influence activities.

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

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

21                   **MR. MICHAEL CHONG:** I think it's much broader  
22 than that.

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

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

27                   **MS. NATALIA RODRIGUEZ:** --- that we'll see in  
28 a second.

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

2                   **MS. NATALIA RODRIGUEZ:** So in your Stage 2  
3 interview summary, you indicate that the May 2nd classified  
4 briefing that you received was occurring pursuant to an  
5 emergency and under exigent circumstances and that it did not  
6 appear to be a controlled way to release information.

7                   I just wanted you to expand on that notion.

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

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

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

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

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

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

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

5                   **MR. MICHAEL CHONG:** Yes.

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

7                   Okay. Thank you.

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

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

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

27                  I think, for example, in the United Kingdom  
28 Parliament just a couple of years ago, a PRC agent had

1 infiltrated the House of Commons and MI-5 decided to publicly  
2 release her name through the Speaker's Office in order to  
3 inform not just the 600 or so members of Parliament, but the  
4 entire country, that this individual was a threat.

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

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

16 Can you explain what you mean by this culture  
17 of secrecy?

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

22 There are countless examples of where we  
23 learn about classified information from abroad rather than  
24 from our own government. There are countless examples of  
25 this in the last decade where, you know, American news  
26 sources or British news sources will report on information  
27 that they have learned via their intelligence community that  
28 originated in Canada that even our news organizations and our

1 public and our Parliament is not yet made aware of.

2 So you know, I think we're in a new era of  
3 information and I think the problem with keeping information  
4 secret is that you're going to end up with leaks and rumours  
5 that only undermine our institutions. And so I think the  
6 government needs to release a lot more information in a  
7 controlled manner in order not only to harden our  
8 institutions against these threats, but also to pre-empt  
9 rumour and leaks from happening, which are inevitable in an  
10 information age.

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

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

24 And the second part to the answer is that in  
25 this day and age, I think we have been an example of what  
26 happens when you don't release intelligence. Arguably, our  
27 national security has been more damaged in the last 36 months  
28 because of the government's inability to release intelligence

1 in a controlled and thoughtful manner than it would have been  
2 if they had released classified information in a controlled  
3 and thoughtful manner.

4 And so I think there's been tremendous damage  
5 done to national security in the last several years because  
6 of the way classified information has been released in this  
7 uncontrolled manner.

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

10 **MS. NATALIA RODRIGUEZ:** And have you had any  
11 further briefings, whether classified or unclassified, since  
12 May of 2023?

13 **MR. MICHAEL CHONG:** No.

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

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

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

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

24 **MS. NATALIA RODRIGUEZ:** Sure. Okay. So you  
25 can share that with us.

26 **MR. MICHAEL CHONG:** Sure. So about a year  
27 ago, I was approached by an individual here in Ottawa that I  
28 faintly recognized, and after -- who offered to provide



1 assistance, politically, political support and assistance.

2 MS. NATALIA RODRIGUEZ: Do you know what kind  
3 of political support and assistance?

4 MR. MICHAEL CHONG: Help with elections, help  
5 with political advice here on the Hill, just general  
6 political support, ---

7 MS. NATALIA RODRIGUEZ: Okay.

8 MR. MICHAEL CHONG: --- as a volunteer. And  
9 subsequent to that meeting, I had a faint recollection that I  
10 recognized this individual, and I looked this individual up  
11 and it turned out that they were previously employed by the  
12 Privy Council Office and they had been terminated for cause  
13 20 years ago for being a threat to the security of Canada,  
14 and for disloyalty to Canada, and for being an agent of the  
15 People's Republic of China.

16 I sought information from CSIS and from the  
17 NSIA about whether or not this individual still constituted a  
18 threat to the security of Canada and I did not receive an  
19 answer.

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

23 MS. NATALIA RODRIGUEZ: Okay. And who  
24 provided that response to you?

25 MR. MICHAEL CHONG: That response to me was  
26 provided by the NSIA.

27 MS. NATALIA RODRIGUEZ: And who was that at  
28 the time?

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

2                   **MS. NATALIA RODRIGUEZ:** Jody Thomas. Thank  
3 you. I want to take you to Can.Sum.18. And this is -- I  
4 referenced this document earlier without pulling it up. It's  
5 a Topical Summary which was entered into evidence earlier  
6 this morning. It's entitled *Targeting of parliamentarians*.  
7 And as with the other Topical Summary, it is also subject to  
8 a page of caveats.

9                   And if we can keep going past the caveats? I  
10 just want to look at the second -- if we keep going down,  
11 please? Thank you. No, go up now. Just between paragraphs  
12 2 and 5. Just so we can see that. Yes. Thank you.

13                  So paragraph 3 says:

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

22                  and paragraph four reads:

23                         "As one example, the PRC took initial  
24 steps to try to influence MPs to vote  
25 against a February 2021 motion in the  
26 House of Commons recognizing the PRC  
27 treatment of Uyghur and other Turkic  
28 Muslims as a genocide. This included

1 diplomatic activities with the intent  
2 to influence MPs to vote against the  
3 motion. The motion passed 266-0."

4 So I just wanted to ask you, you've had a  
5 chance to review this document as well? Is that right?

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

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

11 **MR. MICHAEL CHONG:** Not at the time, no.

12 **MS. NATALIA RODRIGUEZ:** Are you aware of any  
13 attempts to influence today, looking back?

14 **MR. MICHAEL CHONG:** I can't recall.

15 **MS. NATALIA RODRIGUEZ:** Okay. Thank you.  
16 I'm going to take you to CAN.12593\_R01.

17 **--- EXHIBIT No./PIÈCE No. CAN012593 R01:**

18 Threat Reduction Measure: PRC  
19 [redacted] members of Parliament

20 **MS. NATALIA RODRIGUEZ:** And this is a  
21 memorandum to the Minister, and this is a CSIS document. And  
22 it is a memorandum from David Vigneault, Director of CSIS, to  
23 the Minister of Public Safety. And the summary has some  
24 redactions in it.

25 If we keep going down? Yeah, so keep going  
26 down. It talks about the background that led to this memo.  
27 If you keep going down, I think there might be a blank page.  
28 Yeah. Okay. Keep going. So we'll just stop right there.

1 And go up to the blue portion. Thank you.

2 And this appears to be -- this document  
3 appears to be a memorandum from the Director of CSIS to the  
4 Minister of Public Safety, as I mentioned, requesting  
5 approval for briefings to affected parliamentarians under the  
6 threat reduction measures.

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

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

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

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

22 **MS. NATALIA RODRIGUEZ:** And we can take that  
23 document down now.

24 Now, my understanding is that on May 2<sup>nd</sup>,  
25 2023, so six days after your briefing, seven days after the  
26 Globe and Mail article, a PRC consular official, Wei Zhao, a  
27 persona non grata. Do you have any comments about the timing  
28 of this expulsion of the PRC consular?

1                   **MR. MICHAEL CHONG:** Yeah, the individual was  
2 expelled on the Government of Canada's own public statement  
3 it issued on the Global Affairs Canada website for engaging  
4 in foreign interference threat activities here on Canadian  
5 soil, which was the gathering covertly of information about  
6 me and my family. And so, my understanding is that he was  
7 expelled because the covert collection of information by  
8 accredited diplomats and consular officials runs contrary to  
9 the principles of the Vienna Convention, and he was declared  
10 persona non grata on that basis.

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

18                   So it's not just actioning information  
19 collected, it's the process of collecting information  
20 covertly that runs contrary to the principles of the Vienna  
21 Convention.

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

25                   **MR. MICHAEL CHONG:** Well, I think again, it  
26 all stems from the issues management approach of this  
27 government. The *Globe and Mail* reported this on May 1<sup>st</sup>, the  
28 government then scrambles to provide me a TRIM briefing the

1 following day. And then subsequently, several days later on  
2 May 8<sup>th</sup>, I believe it was they declare this consular  
3 official, Mr. Wei Zhao, persona non grata because of what the  
4 *Globe* had reported and because of what I had been informed  
5 about.

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

12 So what impact has the delay in this  
13 information reaching you had on you, and what would you have  
14 done differently had you known?

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

25 I would have probably pressed record on the  
26 Zoom call during the Puslinch all-candidates debate, and a  
27 number of other things that I can't recall right -- I can't  
28 think of right now. But I would have been much more

1        situationally aware of -- that this more intense gathering of  
2        information about me was going on.

3                **MS. NATALIA RODRIGUEZ:**    So do you think if  
4        there are intelligence products identifying certain  
5        parliamentarians as being the target of foreign interference,  
6        that those parliamentarians should be informed?

7                **MR. MICHAEL CHONG:**    Absolutely.

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

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

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

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

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

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

22                   He needs to -- the -- but the fact that he  
23 didn't then should have led to something else, which did not  
24 happen. Which is that this matter should have been  
25 adjudicated and dealt with on the floor of the House of  
26 Commons in its committees. And that was initially the  
27 approach when all this foreign interference information  
28 started to leak out into the public realm in November of



1       2022. The Prime Minister committed at the time that he had  
2       instructed officials within the Government of Canada to  
3       ensure that all documents that could be released would be  
4       released to the Procedure and House Affairs Committee that  
5       was starting to look into what had happened and get to the  
6       bottom of this. Well, that never happened.

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

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

26             And so here we are again, the Prime Minister  
27      has -- and the Minister LeBlanc has referred the NSICOP's  
28      findings about these unnamed MPs to the Commission, which has

1 decided not to release the names. And so again, we're buried  
2 in a mountain of process two years after these revelations  
3 have come to light, with no end in sight.

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

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

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

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

1 --- EXHIBIT No./PIÈCE No. CAN018796:

2 Defensive briefings to two members of  
3 Parliament regarding PRC foreign  
4 interference activity

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

10 Now, I understand this to be the issues  
11 management brief or issues management note, sometimes  
12 acronymed [sic] as IMU, that we have been discussing with  
13 respect to the PRC's interest in you.

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

16 "The PRC maintains an active interest  
17 in MPs CHONG and CHIU."

18 And my understanding is that this refers to  
19 Kenny Chiu.

20 "CSIS assesses that both are  
21 [redacted] targets of PRC Foreign  
22 Interference (FI) threat actors."

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

27 "the PRC's interest in Chong includes  
28 interest in Chong's relatives who may

1 be in the PRC."

2 Now, this document is now a public exhibit in  
3 these hearings with redactions and with the sanitization of  
4 information.

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

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

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

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

1                   And I think that's why hardening our system,  
2                   our institutions, against these threats by conveying more  
3                   information to MPs about their -- the threats targeting them  
4                   is so important. And it's best practice in other Five Eyes  
5                   jurisdictions. We've seen it time and time again.

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

11                  **MR. MICHAEL CHONG:** Yes, I believe it should  
12                  be provided to the public.

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

14                  **MR. MICHAEL CHONG:** I think MPs should be  
15                  informed first, and then the information should be made  
16                  public as well.

17                  **MS. NATALIA RODRIGUEZ:** Okay. But you agree  
18                  that certain information must still be protected by way of  
19                  redactions, or sanitization, or in the way that we see, for  
20                  example, in this document?

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

22                  **MS. NATALIA RODRIGUEZ:** You accept that that  
23                  has to be the case for national security reasons?

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

1 A portion should be released -- a lesser portion should be  
2 released to the general public.

3 **MS. NATALIA RODRIGUEZ:** Okay. Thank you. I  
4 want to take you to MMC21. Can you tell us what this  
5 document is?

6 **--- EXHIBIT No./PIÈCE No. MMC0000021:**

7 117-2023-231 (CSIS) - release - D  
8 (CSIS resp Q-1507)

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

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

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

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

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

28 **MR. MICHAEL CHONG:** So I put this question

1 because after my classified briefing ---

2 **MS. NATALIA RODRIGUEZ:** And sorry, I just  
3 want to go down in the document so we can see the question.  
4 It is dated May 5<sup>th</sup>, 2023, so we see the date. Yeah, just  
5 where it says "Question" and then "Response". Yeah, thank  
6 you.

7 Sorry. Go ahead.

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

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

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

27 And as you can see in this answer, I did not  
28 get a response. And so here we are, you know, a year and

1 almost a half later and, you know, we're still trying to get  
2 to the bottom of who got these intelligence products.

3 **MS. NATALIA RODRIGUEZ:** So the response  
4 indicates that the report was disseminated to Global Affairs  
5 Canada, Public Safety Canada, and the Privy Council Office on  
6 July 20, 2021, but you're saying that you were not satisfied  
7 with that answer?

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

10 **MS. NATALIA RODRIGUEZ:** Understood. I want  
11 to take you to CAN21931.

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

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

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

22 Are you aware of what prompted this  
23 Ministerial Direction?

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

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

27 **MR. MICHAEL CHONG:** May 16<sup>th</sup>, 2021?

28 **MS. NATALIA RODRIGUEZ:** Yes. Oh, sorry,



1 2023. Yeah, I have it right here in my notes, but I ---

2 MR. MICHAEL CHONG: Sorry.

3 MS. NATALIA RODRIGUEZ: --- read it  
4 incorrectly.

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

6 MS. NATALIA RODRIGUEZ: May 16, 2023.

7 MR. MICHAEL CHONG: I don't know ---

8 MS. NATALIA RODRIGUEZ: Okay.

9 MR. MICHAEL CHONG: --- what prompted it, but  
10 I assume it was coming out of the events ---

11 MS. NATALIA RODRIGUEZ: Okay.

12 MR. MICHAEL CHONG: --- of May 1<sup>st</sup> with the  
13 report in the Globe and Mail.

14 MS. NATALIA RODRIGUEZ: Okay. And are you  
15 aware whether there was another procedure or policy for  
16 informing and notifying parliamentarians of foreign  
17 interference threats against them prior to this Ministerial  
18 Directive?

19 MR. MICHAEL CHONG: No, I'm not aware of  
20 that. But my understanding is that in previous governments,  
21 Ministers actioned the intelligence that they received from  
22 CSIS.

23 MS. NATALIA RODRIGUEZ: Okay.

24 MR. MICHAEL CHONG: So that -- in talking to  
25 previous Ministers of Public Safety in previous governments  
26 that when intelligence was sent to the Public Safety  
27 Minister's Office that that -- and that involved MPs being  
28 the subject of foreign interference that those Ministers and

1       their staff would action that intelligence. That's my  
2       understanding of how the system worked previously.

3                   **COMMISSIONER HOGUE:** Do you have any example  
4       of that without divulging any classified information? Do you  
5       have any specific examples in mind?

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

12                  **COMMISSIONER HOGUE:** Okay. But you were told  
13      that the MPs were informed.

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

17                  **COMMISSIONER HOGUE:** Without getting details  
18      as to what happened.

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

1 action was taken depending on what the intelligence was.

2 **COMMISSIONER HOGUE:** Thank you.

3 **MS. NATALIA RODRIGUEZ:** Have you noticed a  
4 change in the way that information is flowing since this  
5 Ministerial direction? Do you have any insight into that?

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

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

13 We can take the document down.

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

20 **MR. MICHAEL CHONG:** Yeah.

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

22 Can you please describe to us your  
23 understanding of this incident?

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

27 So literally a day or two after -- two days  
28 after The Globe and Mail reports that the PRC diplomat in

1 Toronto who was still accredited by the Government of Canada  
2 has been gathering information covertly about me and my  
3 family, the PRC decided to launch a massive disinformation  
4 campaign against me on WeChat, the Chinese-language social  
5 media platform that ended up reaching a million Canadians.  
6 And so this shows how brazen they are and how they feel they  
7 can act with impunity.

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

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

19 So I think that's an example of how things  
20 should be made public and I commend Cindy Termorshuizen and  
21 her team for briefing me on this and for making that  
22 information public.

23 My only suggestion is that timeframes could  
24 be shortened a bit. The disinformation campaign took place  
25 in early May, but the Department didn't detect it till June  
26 and didn't issue its public conclusions till, you know, late  
27 -- it didn't come to its conclusions till late July, so  
28 perhaps, you know, the turnaround time could be a bit

1       quicker, but other than that, I think that's an example of  
2       how the system should work.

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

4               And I'll take you to CAN47019.   CAN47019\_1.

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

7       **--- EXHIBIT No./PIÈCE No. CAN047019 0001:**

8                       WeChat Report - Script for MP

9                       briefing

10              **MS. NATALIA RODRIGUEZ:**   And it's entitled  
11       "WeChat Report Script for MP Briefing" and it's dated August  
12       8, 2023.   And under Introduction, the first bullet reads:

13                      "The purpose of this briefing is to  
14                      alert you that Global Affairs Canada  
15                      has detected an information operation  
16                      targeting you."

17              Does this accord with your recollection of  
18       the information that was conveyed to you?

19              And we can scroll down so we can see a little  
20       bit more.

21              So it gives the context.   Keep going down.  
22       It talks about the activity.

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

27              If we go down, it talks about the network,  
28       the WeChat network, and what the indicators of the

1 information manipulation were. And if we go down, it talks  
2 about state attribution and how it is that they've determined  
3 -- sorry. Can we just go back up a little bit?

4 It says:

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

14 And can you keep going down?

15 Keep going down to the next heading, Scale.  
16 So it talks about how many -- the reach and the scale of the  
17 disinformation campaign, how many people would have  
18 potentially viewed this globally. And then at the bottom, it  
19 says, "What is the government doing about it?". There's a  
20 section there.

21 And if we can keep going down, the last  
22 bullet before the resources says -- oh, sorry. Keep going  
23 down.

24 Keep going down.

25 Then it says:

26 "This concludes the briefing. If you  
27 have any additional questions,  
28 including any technical ones, we will

1 be happy to answer them."

2 So generally, is this the information that  
3 was conveyed to you in that briefing?

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

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

8 **MR. MICHAEL CHONG:** The briefing was over the  
9 telephone, so.

10 **MS. NATALIA RODRIGUEZ:** Okay. Was it a long  
11 briefing?

12 **MR. MICHAEL CHONG:** It was a significant  
13 briefing and all the points outlined here I was told about,  
14 yes.

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

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

1                               totally unacceptable."

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

3                               Was it conveyed to you that Global Affairs  
4 Canada was going to speak to their counterparts -- diplomatic  
5 counterparts about this disinformation campaign against you?

6                               **MR. MICHAEL CHONG:** Yes.

7                               **MS. NATALIA RODRIGUEZ:** Okay. Was this  
8 briefing helpful to you?

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

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

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

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

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

18                              **--- EXHIBIT No./PIÈCE No. CAN024019:**

19                                       WeChat account activity targeting  
20                                       Canadian parliamentarian suggests  
21                                       likely foreign state involvement

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

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

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

28                              **MR. MICHAEL CHONG:** I don't believe I was,



1 no.

2 MS. NATALIA RODRIGUEZ: Okay.

3 MR. MICHAEL CHONG: I believe I was told it  
4 would be more general in nature than the briefing they had  
5 provided me.

6 MS. NATALIA RODRIGUEZ: Okay. And were  
7 content when you saw -- presumably you saw this press  
8 release. Were you content with the level of information that  
9 was provided to the public about the disinformation campaign  
10 against you?

11 MR. MICHAEL CHONG: Yes, I was.

12 MS. NATALIA RODRIGUEZ: Okay. And I just  
13 have one more document, CAN24038.

14 --- EXHIBIT NO./PIÈCE No. CAN024038:

15 Summary of Report

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

24 MR. MICHAEL CHONG: That was my  
25 understanding, yes.

26 MS. NATALIA RODRIGUEZ: Okay. And do you  
27 think -- what thoughts do you have about whether targets of  
28 these types of campaigns should be aware of the steps that

1 the government is taking in response?

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

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

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

1                   **MR. MICHAEL CHONG:** I would say that we  
2                   should have never gotten to this place in the first place.  
3                   That the Prime Minister should have heeded the requests of  
4                   the senior public service back in 2019, 2020, and again in  
5                   2022 to harden our system against foreign interference-type  
6                   activities. When that -- when the executive branch of our  
7                   system fails in its responsibilities and breaks down, the  
8                   next line of defence is the floor of the House of Commons,  
9                   which is constitutionally supposed to hold the government  
10                  accountable for its failures. And the fact that the  
11                  government refused to cooperate with House of Commons  
12                  committees to get to the bottom of this matter, and instead,  
13                  referred it to extra parliamentary procedures, such as NSIRA  
14                  and NSICOP, *Special Rapporteur*, and then a public inquiry, I  
15                  think, is an example of it failing to uphold its  
16                  constitutional responsibility to Parliament.

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

22                 But I'll finish by saying this: At the end  
23                 of the day no amount of process is going to fix a system  
24                 where Ministers and the Prime Minister are unwilling to  
25                 uphold their responsibilities. You can put in place all  
26                 sorts of new processes and all sorts of new policies, but at  
27                 the end of the day, if Ministers and their staff, and the  
28                 Prime Minister and his staff are not willing to uphold their

1 responsibilities to protect the security of this country,  
2 then no amount of process or no amount of new policy is going  
3 to change that abdication of their responsibility.

4 **MS. NATALIA RODRIGUEZ:** Thank you, Mr. Chong,  
5 for answering my questions.

6 Those are all my questions for the witness  
7 today.

8 **LA COMMISSAIRE:** Merci.

9 Alors, on va prendre la pause de 20 minutes.  
10 Alors, nous allons revenir à midi moins 10. Merci.

11 **THE REGISTRAR:** Order, please. À l'ordre,  
12 s'il vous plait.

13 This sitting of the Commission is now in  
14 recess until 11:50 a.m. Cette séance de la Commission est  
15 maintenant suspendue jusqu'à 11 h 50.

16 --- Upon recessing at 11:27 a.m./

17 --- La séance est suspendue à 11 h 27

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

19 --- La séance est reprise à 11 h 53

20 **THE REGISTRAR:** Order, please. À l'ordre,  
21 s'il vous plait.

22 This sitting of the Foreign Interference  
23 Commission is now back in session. Cette séance de la  
24 Commission sur l'ingérence étrangère est de retour en  
25 session.

26 The time is 11:53 a.m. Il est 11 h 53.

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

1 --- MR. MICHAEL CHONG, Resumed/Sous la même affirmation:

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

3 MR. GUILLAUME SIROIS:

4 MR. GUILLAUME SIROIS: Good morning, Mr.  
5 Chong. I am Guillaume Sirois, counsel for the RCDA, Russian  
6 Canadian Democratic Alliance.

7 You will find that my questions today relate  
8 to your role as Shadow Foreign Minister and also ask someone  
9 who has witnessed the government capacity to respond to  
10 disinformation campaigns up close.

11 I would like to ask the Court Reporter to  
12 pull RCD0000019, please?

13 --- EXHIBIT No./PIÈCE No. RCD0000019:

14 U.S. Indictment Kalashnikov and  
15 Afanasyeva

16 MR. GUILLAUME SIROIS: You will see earlier  
17 this month the U.S. Justice Department unsealed an indictment  
18 against two Russian Nationals. That's the document that is  
19 being shown right now. Are you familiar with this indictment  
20 or media reports about the indictment?

21 MR. MICHAEL CHONG: I'm not familiar with the  
22 -- I have not read the indictment, but I am familiar about  
23 the reports.

24 MR. GUILLAUME SIROIS: Okay. As we've heard  
25 through media reports, or as the indictment says, the  
26 indictment alleges that two employees of RT violated the U.S.  
27 Foreign Agents Registration Act in the U.S. If we can go  
28 down to paragraph 10(a) please of that indictment, page 5?

1 Yeah, you just skipped it. Oh, sorry, it's the -- maybe not  
2 page 5, but paragraph 10(a). Yes, it's page 5, thank you.  
3 Yes, exactly. Thank you.

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

6 "From in or about March 2021 to in or  
7 about February 2022, Founder-1  
8 created videos, posted social media  
9 content, and wrote articles pursuant  
10 to a written contract between  
11 Founder-1's ('Canadian Company'), and  
12 RT's parent organization, ANO TV-  
13 Novosti." (As read)

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

18 Is this concerning to you that employees RT  
19 is paying Canadian influencers write content during a  
20 Canadian general election?

21 **MR. MICHAEL CHONG:** Yes, it is very  
22 concerning. In fact, we had raised alarm bells about RT  
23 during this period of time. In fact, you can look to my  
24 social media posts, my statements, numerous statements,  
25 numerous interventions in the House of Commons and its  
26 committees, calling on the Government of Canada, prior to  
27 February 2022, to issue a -- to get the Minister of Canadian  
28 Heritage to issue a directive, a ministerial directive of

1 general application that would ensure that no state  
2 controlled broadcaster were on the list of services eligible  
3 to be broadcast in Canada.

4 What that ministerial directive would have  
5 done is it would have taken off the air RT, which is clearly  
6 a state controlled broadcaster, and it would have also had  
7 the effect of taking off the air CGTN, which is the PRC state  
8 controlled broadcaster. The government refused to do that  
9 and instead held -- allowed these RT to remain on the air  
10 until once again, driven by an issue, which was Russia's  
11 invasion of Ukraine in late February of 2022, the Minister  
12 finally then in subsequent days issued a directive to the  
13 CRTC which led them to take RT off the air.

14 So we had long had concerns about RT and  
15 other authoritarian state controlled broadcasters  
16 disseminating disinformation through Canada and our public  
17 statements are numerous to that effect prior to February of  
18 2022.

19 **MR. GUILLAUME SIROIS:** Thank you. If we  
20 continue this paragraph, we see that it doesn't seem to be  
21 only RT that's like, clearly publishing content, but it seems  
22 that the content is being published covertly and that the  
23 influencer here is not always declaring or attributing the  
24 content that she is producing to RT. Is this something that  
25 is encompassed by banning RT from airwaves?

26 **MR. MICHAEL CHONG:** Well, my view is that,  
27 you know, we've got to balance the fundamental right to free  
28 expression with the need to protect Canadians from

1       disinformation. And in my view the balance there, one part  
2       of that balance is to say the Government of Canada is under  
3       no obligation to give a licence to access public property,  
4       such as a radio licence, or a broadcast licence to  
5       authoritarian state-controlled broadcasters.

6               I think the government needs to tread  
7       somewhat -- has to tread very carefully in restricting free  
8       speech and free expression from individuals on non-government  
9       owned properties such as the internet.

10              **MR. GUILLAUME SIROIS:** Does it still  
11       constitute free speech when the content is promoted through a  
12       contract from a company that's state controlled by Russia for  
13       instance? Is it still protected free speech, or should it be  
14       regulated more?

15              **MR. MICHAEL CHONG:** Well, as I've testified  
16       previously, I think the solution there is sunlight and  
17       transparency. That the government reveal intelligence that  
18       would tie people who are receiving funds from authoritarian  
19       states to disseminate information. I think that is the way  
20       to deal with the situation.

21              I note that Bill C-70 has recently been  
22       adopted by the Parliament of Canada. One of the elements in  
23       that bill makes it a requirement for an individual to declare  
24       if they are receiving any money from a foreign state, a  
25       foreign government, or an entity controlled by a foreign  
26       state or a foreign government. And so, I think that would  
27       provide the sunlight and transparency about people receiving  
28       funds from authoritarian states or entities controlled by



1       authoritarian states that are disseminating information to  
2       the public.

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

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

9                   **MR. MICHAEL CHONG:** Yeah. It is concerning  
10      to me. I think it's part of a broader pattern where we learn  
11      of intelligence through sources outside of Canada. We learn,  
12      you know, for example, this is not the first unsealed  
13      indictment where we've learned about various things taking  
14      place in Canada.

15                  There was an unsealed indictment in an U.S.  
16      Court, I believe in Brooklyn, New York, where it was revealed  
17      that an individual in Canada, in Vancouver, had been coerced  
18      by the PRC to go back to the PRC. We learned of -- in  
19      another unsealed indictment of two Canadian citizens, members  
20      of the Hell's Angels, that had been hired by the Islamic  
21      Republic of Iran to target individuals in North America for  
22      assassination. Again, these are concerning things that we  
23      should be learning from our own intelligence services through  
24      the Government of Canada, rather than through a foreign  
25      entity.

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

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

3 --- EXHIBIT No./PIÈCE No. RCD0000036:

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

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

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

13 So you see that's a post from the  
14 Conservative Party of Canada condemning the use of obscene  
15 and extreme language against Mr. Trudeau's appearances, and  
16 Founder-1's influencer, who is under contract with RT at that  
17 time, and who is making posts pursuant to that contract  
18 allegedly, according to the indictment, responds to the post  
19 from the Conservative Party saying that:

20 "You care more about Trudeau being  
21 heckled than you do the rights of  
22 Canadians being stripped away.  
23 Useless cowards, the lot of you."

24 I want to go up a bit, just one page more,  
25 26, please. That was -- it was on August 27<sup>th</sup>, but now we  
26 see on August 29<sup>th</sup> that same Founder-1, who is under --  
27 allegedly under contract with RT, according to the  
28 indictment, says:

1                   "Putin making Canadian and Australian  
2                   leaders look like damned fools right  
3                   now."

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

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

8                   At page 12, Founder-1 hosts a live discussion  
9                   with PPC leader Maxime Bernier and PPC candidate Viva Frei,  
10                  also know as David Freiheit. I note that this post was made  
11                  -- this discussion was held on -- seemingly on September  
12                  10<sup>th</sup>, the same day that advance polling was starting for the  
13                  44<sup>th</sup> General Election.

14                  And finally, on September 18<sup>th</sup> as well, just  
15                  to show that it goes -- at page 2, just to show that it goes  
16                  all the way up to election day, which was September 20<sup>th</sup>, as  
17                  we all know, Founder-1 has been identified as Lauren Chen by  
18                  media reports, says that she wants to support the PPC and  
19                  Maxime Bernier.

20                  I'm wondering, seeing all this, seeing the  
21                  indictment, do you believe that Canada has the ability to  
22                  detect, deter, or counter this sort of interference in our  
23                  democracy?

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

28                  I think we could -- I think the Government of

1 Canada could effectively counter disinformation. I think the  
2 key to doing that is sunlight and transparency and to reveal,  
3 publicly, the connections between individuals who are  
4 receiving monies or other consideration from authoritarian  
5 states, either directly or indirectly. I think that sunlight  
6 and transparency would insulate the public against  
7 disinformation campaigns, while at the same time upholding  
8 our fundamental belief in free expression.

9 **MR. GUILLAUME SIROIS:** Thank you. Those are  
10 all my questions for today.

11 **COMMISSIONER HOGUE:** Thank you.

12 So next one is counsel for the Concern Group.

13 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

14 **MR. NEIL CHANTLER:**

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

18 I'll start with some questions about your  
19 motion in the House of Commons with respect to the Uyghur  
20 genocide. What is the significance of the Canadian  
21 Parliament recognizing the Uyghur genocide? And more  
22 generally, the significance of any government recognizing an  
23 ongoing human rights atrocity like what is happening in  
24 Xinjiang?

25 **MR. MICHAEL CHONG:** The significance was that  
26 we were the first major national legislature to take a  
27 position on the genocide against the Uyghur people. That in  
28 turn led to similar motions being adopted in the U.K.

1 Parliament, in the Dutch Parliament, and in other national  
2 legislatures.

3 And so it was an example of how legislatures  
4 can lead the way when it comes to dealing with violations of  
5 international law. And so that was the significance of that  
6 motion that the House adopted.

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

11 **MR. MICHAEL CHONG:** Well I think it  
12 reinforced the need to uphold the rules-based international  
13 order. We've gone through, you know, since 1945, decades of  
14 relative peace and security because of that, the multi-  
15 lateral institutions, and the rules around those multi-  
16 lateral institutions that were established in the aftermath  
17 of, you know, the Second World War.

18 And so upholding that rules-based order, part  
19 of which is the 1948 *Genocide Convention*, is incredibly  
20 important, because it faces a determined threat from  
21 authoritarian states to deconstruct it and replace it with,  
22 you know, a world order that is based on brute force and on  
23 anything but a common set of international rules.

24 And so, you know, adopting motions like that  
25 and reinforcing that rules-based order I think is incredibly  
26 important in that context.

27 **MR. NEIL CHANTLER:** And what is at risk if  
28 parliamentarians become dissuaded from taking bold actions

1       like that because of foreign interference as a result of  
2       threats like you and your family received?

3                   **MR. MICHAEL CHONG:** Well we risk diminishing  
4       the only democratic institution at the federal level. You  
5       know, we only have one democratic institution in Canada.  
6       that is the House of Commons. There is no other democratic  
7       institution in Canada. It's not the Senate of Canada. It's  
8       not the executive branch of government, which is entirely  
9       appointed. It's not our judicial system. It's not any part  
10      of our federal system. The only part of our system that is  
11      democratic, that is a democracy, is the election of 338  
12      members to the House of Commons. And if those members are  
13      under -- any one of those members is under coercion, under  
14      threat, under pressure, you know, that diminishes the only  
15      democratic institution we have, which is why countering these  
16      foreign interference threats is so important and why the  
17      founders of our constitutional order in 1867 well understood  
18      that, which is why in section 18 of the *Constitution*, they  
19      said that the powers, privileges, and immunities afforded to  
20      members of Parliament were to be the same of that of the  
21      United Kingdom. And the reason -- and part of those powers,  
22      privileges, and immunities is a long-standing principle that  
23      members of Parliament should never be threatened in the  
24      conduct of their work, never be inappropriately pressured in  
25      the conduct of their work, because they understood well what  
26      happens if the House of Commons were to come under that  
27      inappropriate pressure.

28                   **MR. NEIL CHANTLER:** Thank you. I'm going to

1 shift gears now to the recent NSICOP report. If we could  
2 please pull up COM.363, page 67, paragraph 164?

3 --- EXHIBIT No./PIÈCE No. COM0000363:

4 NSICOP special-report-foreign-  
5 interference

6 MR. NEIL CHANTLER: I'll ask, MP Chong, while  
7 we're waiting for the document, you're aware of this  
8 document? You've spoken of it already today. I'm sure  
9 you've had a chance to review it at some point prior to  
10 today?

11 MR. MICHAEL CHONG: Yes.

12 MR. NEIL CHANTLER: This report has been  
13 described as a bombshell for identifying that  
14 parliamentarians who are -- there are parliamentarians who  
15 are witting participants in the efforts of foreign states to  
16 interfere with our democracy. You're aware of those  
17 allegations in this report.

18 MR. MICHAEL CHONG: I am.

19 MR. NEIL CHANTLER: Again, it's page 67,  
20 paragraph 164, please.

21 Page 67 of the page numbers, not the Bates  
22 numbers.

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

26 I'm sure you're aware of these allegations.  
27 They include significant concerns about parliamentarians  
28 receiving sponsored travel and other benefits from foreign

1 states, including the acceptance of funds or favours.

2 What is your view on parliamentarians  
3 receiving sponsored travel, funds or favours from a foreign  
4 state? Is this conduct illegal? Is this conduct unethical?

5 **MR. MICHAEL CHONG:** It depends. Foreign  
6 interference -- the nature of foreign interference is  
7 activities that are covert, coercive and corrupting. And so  
8 if a member of Parliament receives consideration, whether  
9 it's a payment of a foreign trip or other consideration from  
10 a foreign state, and hides that payment, that consideration,  
11 that is, I think, inappropriate and wrong and could  
12 constitute a type of foreign interference. If, however, the  
13 MP publicly declares that their trip is being remunerated by  
14 another entity or a foreign state, that's a different matter.

15 Whether that is appropriate, you know, is up  
16 to the House and its committees to decide. The rules have  
17 changed, had various iterations over the years, but the  
18 important thing is that if it's covert and hidden, then I  
19 think it's inappropriate and wrong.

20 **MR. NEIL CHANTLER:** And so what impact has  
21 this report and these allegations had, in your view, on your  
22 constituents and their faith in Canadian politicians,  
23 parliamentarians?

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

28 There are three paragraphs earlier in this



1 report that highlight at least four MPs that were willing  
2 participants in foreign interference threat activities, one  
3 of which may actually constitute treason. And so it's --  
4 I've heard over the summer from many Canadians, including my  
5 constituents, that they're very concerned that these  
6 individuals have not been named and that they have not been  
7 brought before a process in the House of Commons in order to  
8 be held accountable for what they did.

9 One of the paragraphs references that there  
10 were two or more MPs that willingly participated in foreign  
11 interference threat activities that involved the Republic of  
12 India. Another paragraph references the fact that there was  
13 an MP who willingly participated in a foreign interference  
14 threat activity with a foreign state that was brought to the  
15 Prime Minister's attention.

16 And most alarmingly, there's a paragraph text  
17 box that refers to a former MP that willingly cooperated with  
18 a foreign intelligence officer passing along information to  
19 that foreign intelligence officer and even seeking to have a  
20 meeting with that foreign intelligence officer in a foreign  
21 state.

22 I think those individuals, their names need  
23 to be made public so that the Procedure and House Affairs  
24 Committee of the House of Commons can conduct hearings into  
25 this and hear -- find out what happened, afford those MPs an  
26 opportunity to defend themselves and then recommend to the  
27 House a course of action.

28 MPs have been expelled from caucuses and for

1 the House for far lesser offences than what has been outlined  
2 in this particular report, so I think that's something that  
3 has to happen. And if we don't do that, then I think we  
4 undermine Canadians' confidence in the House of Commons.

5 **MR. NEIL CHANTLER:** Those are my questions.  
6 Thank you.

7 **COMMISSIONER HOGUE:** Thank you.  
8 Next one is Me Sarah Teich on Zoom, I think,  
9 for the Human Rights Coalition.

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

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

13 **MS. ERIN DANN:** That was my error, not the  
14 Commissioner's. I apologize.

15 **COMMISSIONER HOGUE:** And you're present,  
16 clearly.

17 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

18 **MR. DAVID MATAS:**

19 **MR. DAVID MATAS:** Yes, I'm David Matas, Human  
20 Rights Coalition.

21 Mr. Chong, I wanted to refer, first of all,  
22 to document number WIT 18.001, your interview summary, Stage  
23 1. You stated, paragraph 6 -- you talk about the sanctions  
24 that were imposed upon you because of this motion you  
25 introduced in the House of Commons calling for recognition of  
26 the genocide against the Uyghurs and the fact that this  
27 motion spurred Government of Canada to impose sanctions  
28 against China.

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

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

5           **MR. DAVID MATAS:** Now, I would suggest that  
6 the imposition of sanctions by a foreign state, depending on  
7 the sanctions, the target and the reasons for the sanctions  
8 can sometimes amount to foreign interference. Would you  
9 disagree with that?

10          **MR. MICHAEL CHONG:** I would disagree with  
11 that. Sanctions can clearly have a deleterious effect on an  
12 individual or entity, but I don't consider them to be foreign  
13 interference because, in my view, foreign interference has  
14 the characteristics of being covert, coercive and corrupting.  
15 And I don't believe that sanctions meet -- have those  
16 characteristics.

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

20          **MR. MICHAEL CHONG:** That's correct. Like --  
21 that's correct.

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

28          **MR. DAVID MATAS:** There was sanctions against

1 the Subcommittee on International Human Rights, the Standing  
2 Committee on Foreign Affairs that Kenny Chiu talked about in  
3 his testimony. The document number for his testimony is  
4 TR9.EN. And at page 97 and 98, he talks about those  
5 sanctions.

6 And the result of that, he says, is that some  
7 members resigned from the committee, they got substitutes,  
8 and then the actual people who resigned show up in  
9 substitution for the substitutes, and that's what he talks  
10 about.

11 And so is it your view that that, too, is not  
12 foreign interference?

13 **MR. MICHAEL CHONG:** Well, my view is that  
14 sanctions on members of Parliament overwhelmingly spur -- are  
15 seen as a badge of pride for most members of Parliament, but  
16 for a certain minority of parliamentarians, they can be --  
17 they can have a deleterious effect.

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

22 **MR. DAVID MATAS:** Okay. And would you say  
23 that would be true also for sanctions imposed on members of  
24 diaspora communities as opposed to parliamentarians in  
25 reaction to expression of views critical of human rights  
26 violations in a foreign state and a foreign state imposes  
27 sanctions as a result of that?

28 **MR. MICHAEL CHONG:** Yeah. Again, that

1 sanctions can in certain instances have a deleterious effect  
2 on members of diaspora communities, on advocates for human  
3 rights, but again, I think those are tools that states use  
4 and are within the bounds of international law. So, you  
5 know, again, I think it can have a negative impact on people  
6 who advocate for human rights, people who are members of  
7 diaspora communities. It can have a very negative impact.  
8 But I don't classify sanctions in the same category of  
9 foreign interference threat activities.

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

12 **MR. MICHAEL CHONG:** Well sanctions, by their  
13 very nature, are public. And so by that definition, they  
14 don't meet the criteria to constitute a foreign  
15 interreference threat activity.

16 **MR. DAVID MATAS:** Do sanctions always have to  
17 be public?

18 **MR. MICHAEL CHONG:** To my knowledge,  
19 sanctions have always been made public. Part of the very  
20 nature of sanctions is that they're public so that the  
21 individuals know they're being sanctioned.

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

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

26 **MR. DAVID MATAS:** But if -- but -- I mean,  
27 barring entry doesn't necessarily have to be public. You  
28 could find out just by not being allowed in. And if it was

1 not made public that you were barred entry, you just found  
2 out by not being let in, would that be considered foreign  
3 interference?

4 **MR. MICHAEL CHONG:** Look, foreign states --  
5 states have the right to deny entry to non-citizens. That is  
6 their right. It's a long-standing right. And a state  
7 denying entry to a non-national I think -- I don't believe  
8 constitutes foreign interference.

9 **MR. DAVID MATAS:** And this sanction that was  
10 imposed upon you about not doing business, I appreciate you  
11 weren't doing business, but a sanction of that sort, in  
12 theory, it could be -- can just happen without being made  
13 public in advance? The people in the foreign country could  
14 be told that, but privately, not publicly. And in that case,  
15 if it is private, rather than public, that also would not be  
16 foreign interference?

17 **MR. MICHAEL CHONG:** I can't answer the  
18 question because it's so hypothetical, you know, I -- in  
19 general, states have used sanctions for many, many years,  
20 legally, under international law, to affect their interests.  
21 The Government of Canada has done that. Other democracies  
22 have done it. So have authoritarian states. I do not view  
23 sanctions as a foreign interference threat activity.

24 **MR. DAVID MATAS:** Okay. Those are my  
25 questions.

26 **COMMISSIONER HOGUE:** Thank you.

27 Mr. De Luca for the Conservative Party.

28 **MR. NANDO DE LUCA:** No questions.

1 COMMISSIONER HOGUE: No questions.

2 Then next one is AG.

3 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

4 MR. BARNEY BRUCKER

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

6 MR. MICHAEL CHONG: Hello.

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

13 MR. MICHAEL CHONG: That's correct.

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

15 MR. MICHAEL CHONG: And I gave it to the  
16 Commission back in May, ---

17 MR. BARNEY BRUCKER: I see.

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

19 MR. BARNEY BRUCKER: Okay.

20 MR. MICHAEL CHONG: The Commission has had it  
21 for many, many months.

22 MR. BARNEY BRUCKER: And was it prepared from  
23 -- when you prepared it, did you prepare it from any other  
24 records, contemporaneous records?

25 MR. MICHAEL CHONG: Yes.

26 MR. BARNEY BRUCKER: Okay. And did you  
27 provide those to the Commission?

28 MR. MICHAEL CHONG: No.

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

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

7                   **MR. BARNEY BRUCKER:** Well I'll ask that you  
8 produce it to the Commission and that they, along with your  
9 counsel, review it and determine whether or not they can  
10 provide it to the parties.

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

15                   **MR. BARNEY BRUCKER:** I got the sense from  
16 reading it that there was some input from others in what was  
17 written here.

18                   **MR. MICHAEL CHONG:** Yeah, from my staff.

19                   **MR. BARNEY BRUCKER:** Sure. You also had some  
20 telephone conversations with the Service during this period  
21 of time; did you not?

22                   **MR. MICHAEL CHONG:** I can't recall. I can't  
23 recall. I may have. I can't recall.

24                   **MR. BARNEY BRUCKER:** Okay. I understood you  
25 to say that after the first briefing, these other meetings  
26 with the Service that you've captured here in your document  
27 consisted of them listening to you?

28                   **MR. MICHAEL CHONG:** That's correct. So the



1 first meeting was at the request of the Service. So there  
2 were four meetings. The first meeting was at the request of  
3 the Service, where I got a formal unclassified briefing at  
4 their office in Toronto. It was, as I mentioned before, a  
5 PowerPoint presentation about the general nature of foreign  
6 interference threat activities and what MPs could do to  
7 counter that.

8 Subsequent to that, I was contacted three  
9 times by the Service, who asked to meet with me and who asked  
10 me questions, and which I tried to answer to the best of my  
11 ability, and that was the end of the meetings.

12 And there were three other meetings -- so  
13 there were four meetings in total. The first was a briefing  
14 and the three were the Service asking me, you know,  
15 questions.

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

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

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

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

23 **--- EXHIBIT No./PIÈCE No. CAN013134 0001:**

24 CSIS Engagement with Michael Chong -  
25 CPC MP for Wellington-Halton Hills

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

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

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

2                   **MS. ERIN DANN:** Yes.

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

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

7                   So this document is about four pages long and  
8                   it's mostly redacted. The only information about these  
9                   meetings that you had with the Service that we see here is  
10                  the June 25<sup>th</sup>, and you've said that was the 24<sup>th</sup>, ---

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

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

14                               "Redacted text summarizes discussions  
15                               the Service has had with MP Chong  
16                               following the Protective Security  
17                               Brief, including questions asked by  
18                               MP Chong and answers provided by the  
19                               Service."

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

24                  **MR. MICHAEL CHONG:** No, this was the briefing  
25                  of June 24<sup>th</sup>. So I sat there and listened. I listened as  
26                  they went through their PowerPoint presentation, and then  
27                  after the PowerPoint presentation, we had a discussion which  
28                  included questions from me and responses from the Service.

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

3                   You know that our government sanctions  
4 persons from other countries from time to time?

5                   **MR. MICHAEL CHONG:** Agreed.

6                   **MR. BARNEY BRUCKER:** Common practice, is it  
7 not?

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

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

14                   **MR. MICHAEL CHONG:** Correct.

15                   **MR. BARNEY BRUCKER:** Okay. Did you at any  
16 time learn that there were any sanctions against any of your  
17 family members?

18                   **MR. MICHAEL CHONG:** I have not learned that,  
19 no.

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

27                   **MR. MICHAEL CHONG:** Yeah. So the -- what was  
28 previously reported was that there were two intelligence

1 products, one an issues management brief from May of 2021,  
2 and a second intelligence assessment of July of 2021. What  
3 the NSIRA report found was that there were three earlier,  
4 much more important intelligence products that were brought  
5 to the government's attention about the PRC's target -- PRC's  
6 covert collection of information about me and my extended  
7 family.

8 The NSIRA report did not indicate what kinds  
9 of products these three earlier and more important products  
10 were. It didn't indicate if they were intelligence  
11 assessments or issues management briefs or other kinds of  
12 intelligence products. It simply said that there were three  
13 earlier, more relevant intelligence products that had been  
14 sent to senior Ministers in the government.

15 **MR. BARNEY BRUCKER:** So the fifth document  
16 would be the intelligence assessment that you talked about  
17 that, if I understood you correctly, Director Vigneault had  
18 read to you or a portion to you in your meeting of May 2nd,  
19 2023.

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

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

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

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

27 And while we're waiting, Mr. Chong, just that  
28 this is the document that, I think, preceded the first

1 briefing you got from CSIS in June of 2021.

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

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

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

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

14 Chong has also been personally affiliated  
15 with many efforts to highlight the PRC's threat activities  
16 targeting Canada and Chiu is the MP of a riding of high  
17 interest to PRC. CSIS' interest in the two MPs for multiple  
18 PRC threat actors including the Ministry of State Security,  
19 MSS. And then there's three subheadings there of what the  
20 purpose of the briefing is going to be.

21 I suggest to you -- you can agree with me or  
22 not -- that CSIS didn't need any authority to conduct these  
23 briefings. They didn't need ministerial authority or  
24 authority from anybody else. They can conduct a defensive  
25 briefing under their own mandate. Do you agree with that?

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

28 **MR. BARNEY BRUCKER:** Well, I'm not asking him

1 -- he seems to have quite a bit of knowledge about the way  
2 intelligence works and our agencies work, and I'm not  
3 intending to ask it as a lawyer. I'm just asking for his  
4 understanding as to whether or not he thought or believed  
5 that the Minister required authority -- sorry, CSIS required  
6 the authority of the Minister to provide these briefings.

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

9 **MR. MICHAEL CHONG:** My understanding is that  
10 CSIS had sought -- long sought approval for these defensive  
11 briefings from the Prime Minister's Office and that that  
12 approval had been denied until the PMO finally relented  
13 around this time and allowed CSIS to begin briefing defensive  
14 briefings with open information, non-classified information,  
15 to MPs, beginning with me, and then subsequently other MPs in  
16 the House of Commons.

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

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

28 The NSIRA went again in December of 2020

1 seeking approval, and that approval was withheld. But after,  
2 from what I understand, a lot of pressure from the service,  
3 PMO relented and allowed one element of that action plan to  
4 proceed, which was the defensive briefings that began with my  
5 briefing on June 24th of 2021.

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

11 **MR. MICHAEL CHONG:** I don't have any  
12 information. I note that at the same time, there was an  
13 application for a national security warrant that was withheld  
14 from him for apparently 54 days at the same time. It just  
15 seems like a lot of information was not getting to him during  
16 that period of the first six months of 2021.

17 **MR. BARNEY BRUCKER:** Okay. I want to turn  
18 now to ---

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

22 **MR. BARNEY BRUCKER:** Thank you. Thank you,  
23 Commissioner.

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

26 I'd like to move to the briefing that you  
27 received on May 2nd. And counsel drew attention to document  
28 12593\_R01. This is memo to the Minister by the Director of

1 CSIS, and it was signed by then Public Safety Minister  
2 Mendicino on the 18th of May, 2023.

3 And I'm just looking at page 1 when we get  
4 it.

5 **MS. ERIN DANN:** And that's a CANDOC.

6 **MR. BARNEY BRUCKER:** Sorry, CANDOC.  
7 I'll get this right by the time we're  
8 through.

9 Okay. It's up there now. Scroll down a  
10 little bit, please.

11 That's good.

12 The second bullet, Mr. Chong:

13 "At the direction of the Prime  
14 Minister, the Service conducted an  
15 exigent threat reduction measure in  
16 the form of a classified briefing to  
17 member of Parliament M.D. Chong."

18 That was the May 2nd briefing; correct?

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

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

22 "I am also seeking your approval to  
23 conduct a threat reduction measure to  
24 reduce PRC threat by providing threat  
25 briefing to other current MPs and  
26 former MPs."

27 So it was suggested to you that -- I don't  
28 know what it was suggested to you, but the fact that there



1 was on May 18th that this was written, I'm suggesting to you  
2 that this is a forward-looking -- it doesn't apply to your  
3 briefing. It applies to briefing of people who are coming  
4 after you who are getting classified briefings; agreed?

5 **MR. MICHAEL CHONG:** This is not the  
6 Ministerial Direction of May 18<sup>th</sup>, I don't believe.

7 **MR. BARNEY BRUCKER:** No, it is a memo to the  
8 Minister that he signed on the 18<sup>th</sup>.

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

10 **MR. BARNEY BRUCKER:** It talks about, at  
11 length, ---

12 **MR. MICHAEL CHONG:** Okay.

13 **MR. BARNEY BRUCKER:** --- about the briefing  
14 you had, ---

15 **MR. MICHAEL CHONG:** Yeah.

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

18 **MR. MICHAEL CHONG:** Yeah, I -- the Minister  
19 issued the Ministerial Directive in the aftermath of the May  
20 1<sup>st</sup> reporting by the Globe and Mail.

21 **MR. BARNEY BRUCKER:** And just I wanted to ask  
22 this. The information in the Globe and Mail that you say  
23 when you had the briefing by the NSIA and Director Vigneault  
24 May 2<sup>nd</sup> confirmed the information in the Globe and Mail.  
25 What was that information? Do you recall?

26 **MR. MICHAEL CHONG:** Yes, two pieces of  
27 information that were confirmed, with some nuance, was that  
28 first there was a PRC accredited consular official in

1 Toronto, Mr. Wei Zhao, who was gathering -- covertly  
2 gathering information about me to -- for future potential  
3 targeting of my family, and secondly, that the Ministry of  
4 State Security, which I mention because you had it in the  
5 previous document on the screen, ---

6 MR. BARNEY BRUCKER: Yes.

7 MR. MICHAEL CHONG: --- the PRC's Secret  
8 Service, had received this information.

9 MR. BARNEY BRUCKER: Okay. You have  
10 mentioned, and I'm paraphrasing again from your stage two  
11 interview summary, and somewhat of what you've said today, if  
12 I understand you correctly, this procedure that we're in now  
13 would have been better done, and should have been done, on  
14 the floor of the House or in one of its committees? Is that  
15 fair?

16 MR. MICHAEL CHONG: That's correct.

17 MR. BARNEY BRUCKER: Okay. And in that  
18 milieu, the members of Parliament, whether they sit on  
19 committee or in -- or exercising a parliamentary function in  
20 the House, have parliamentary privilege, and arguably are not  
21 bound by restrictions on classified information? Is that  
22 fair?

23 MR. MICHAEL CHONG: That's correct.

24 MR. BARNEY BRUCKER: All right. And so then  
25 ---

26 COMMISSIONER HOGUE: Me Brucker, it's going  
27 to be ---

28 MR. BARNEY BRUCKER: Last question.

1 COMMISSIONER HOGUE: --- your last question.

2 MR. BARNEY BRUCKER: So then any member of  
3 committee or any MP speaking in the House could disclose any  
4 kind of information, whether it was classified or not, and by  
5 doing so, it would be public?

6 MR. MICHAEL CHONG: Yeah, agreed. Such as  
7 when the Prime Minister revealed highly classified, highly  
8 sensitive information injurious to the conduct of  
9 international relations when, in September of last year, in  
10 2023, he revealed that the Republic of India was allegedly  
11 behind an assassination here on Canadian soil by targeting a  
12 Canadian, ---

13 MR. BARNEY BRUCKER: Yeah.

14 MR. MICHAEL CHONG: --- a Sikh Canadian, Mr.  
15 Nijjar, in the Vancouver Lower Mainland. So that's an  
16 example of the government releasing highly classified  
17 information that affected the conduct of international  
18 relations to the House of Commons.

19 MR. BARNEY BRUCKER: Well perhaps he'll talk  
20 about that when he's here. Thank you.

21 COMMISSIONER HOGUE: Thank you.

22 Counsel for Mr. Chong, do you have any  
23 questions?

24 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

25 MR. GIB van ERT:

26 MR. GIB van ERT: Thank you, Commissioner.  
27 Just two points arising from the questions  
28 that Ms. Rodriguez asked you.

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

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

7 So the last sentence in this paragraph says -  
8 - it's referring to the *Vienna Convention on Consular*  
9 *Relations and Diplomatic Relations*, and you'll recall that  
10 you gave some evidence about covert collection of information  
11 targeting you, for instance, or an MP. The last sentence  
12 says:

13 "Only when this information is used  
14 to undertake clandestine, deceptive,  
15 or coercive actions does legitimate  
16 diplomatic work become foreign  
17 interference."

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

20 **MR. MICHAEL CHONG:** That's correct. That  
21 sentence is inconsistent with the conclusions of the NSIRA  
22 report dated from May -- dated December of 2020, which was  
23 released by the government in December 2023, about the  
24 government's global security reporting program. The  
25 government has accepted the findings and recommendations of  
26 that report. That report found that the covert collection of  
27 information is a contravention of the principles of the  
28 *Vienna Convention*. This sentence would seem to be

1 inconsistent with that report's findings and the government's  
2 acceptance of that report.

3 **MR. GIB van ERT:** Thank you. And my second  
4 point concerns your evidence to the Commissioner that  
5 responsibility for national security is -- rests with the  
6 Prime Minister or people that the Prime Minister designates.  
7 And you mentioned the government's Open and Accountable  
8 Government document.

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

11 **--- EXHIBIT No./PIÈCE No. MMC0000026:**

12 Open and Accountable Government 2015

13 And what you told the Commissioner in  
14 response to Ms. Rodriguez is that you understood that that  
15 document says that the Prime Minister has a unique  
16 responsibility for national security. I just want to show  
17 you the passage and ask you if I've got it straight.

18 So if you'll go, please, Court Operator, to -  
19 - it's page 56 in the printed text. I'm not sure if that's  
20 the page numbering in the PDF or not. We'll find out. The  
21 56<sup>th</sup> page. So if you go to the bottom there? That's 43. So  
22 scroll down a little further. Yeah, about nine pages more.  
23 Yeah, we're nearly there. Thank you.

24 **COMMISSIONER HOGUE:** Here.

25 **MR. GIB van ERT:** I think it's a little  
26 further down still.

27 **COMMISSIONER HOGUE:** This one -- this ---

28 **MR. GIB van ERT:** There we are. Under "The

1 Prime Minister's Functions and Powers". If you'll scroll up  
2 a little more? There we are. Stop there. Thank you.

3 So it says:

4 "The Prime Minister, as the leader of  
5 the political party that has the  
6 confidence of the House of Commons,  
7 is commissioned [...] to form a  
8 government."

9 And it goes on and it says:

10 "The following principal functions  
11 and exclusive powers of the Prime  
12 Minister are essential..."

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

16 "As head of government, the Prime  
17 Minister has special responsibilities  
18 for national security..."

19 And it goes on. Sir, is that what you were  
20 referring to when you spoke of unique responsibilities to Ms.  
21 Rodriguez?

22 **MR. MICHAEL CHONG:** Yes, it was what I was  
23 referring to. And I note that the words "special  
24 responsibilities" are italicized for emphasis in this  
25 bulleted paragraph.

26 **MR. GIB van ERT:** Those are my questions,  
27 Commissioner.

28 **COMMISSIONER HOGUE:** Thank you.

1 Any re-examination?

2 **MS. NATALIA RODRIGUEZ:** None. Thank you,  
3 Commissioner.

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

6 **THE REGISTRAR:** Order, please. À l'ordre,  
7 s'il vous plait.

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

10 Cette séance de la Commission est maintenant  
11 suspendue jusqu'à 14 h 10.

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

13 --- La séance est suspendue à 12 h 50

14 --- Upon resuming at 2:14 p.m. /

15 --- La séance est reprise à 14 h 14

16 **THE REGISTRAR:** Order, please. À l'ordre,  
17 s'il vous plait.

18 This sitting of the Foreign Interference  
19 Commission is now back in session. Cette séance de la  
20 Commission sur l'ingérence étrangère est de retour en  
21 session.

22 The time is 2:14 a.m. Il est 14 h 14.

23 **COMMISSIONER HOGUE:** Alors, bon après-midi.

24 I think Mr. Ferguson, you're the one  
25 conducting the examination this afternoon? And the next  
26 witness is Ms. Kwan?

27 **(Short Pause)**

28 **MS. JENNY KWAN:** Good afternoon.

1                   **THE REGISTRAR:** So can we affirm the witness?

2                   All right. Ms. Kwan, could you please state  
3 your full name and spell your last name for the record?

4                   **MS. JENNY KWAN:** It is Jenny Kwan, K-W-A-N.

5                   **--- MS. JENNY KWAN, Affirmed/Sous affirmation solennelle:**

6                   **THE REGISTRAR:** Thank you.

7                   Counsel, you may proceed.

8                   **MR. MATTHEW FERGUSON:** Thank you.

9                   **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR**

10                  **MR. MATTHEW FERGUSON:**

11                   **MR. MATTHEW FERGUSON:** Good afternoon, Ms.  
12 Kwan. Madam Court Operator, can we pull up the document  
13 WIT78.EN, please? So you see the document on the screen, Ms.  
14 Kwan?

15                   **MS. JENNY KWAN:** I do.

16                   **MR. MATTHEW FERGUSON:** Okay. You were  
17 interviewed by Commission counsel on July 18, 2024. Is that  
18 correct?

19                   **MS. JENNY KWAN:** That is correct.

20                   **MR. MATTHEW FERGUSON:** A summary of that  
21 interview was prepared by Commission counsel. Have you had a  
22 chance to review the summary for accuracy?

23                   **MS. JENNY KWAN:** I have.

24                   **MR. MATTHEW FERGUSON:** Okay. And have you  
25 had the opportunity to make corrections or changes to the  
26 document?

27                   **MS. JENNY KWAN:** I have.

28                   **MR. MATTHEW FERGUSON:** And I understand you'd



1 like to make a correction today?

2 MS. JENNY KWAN: Yes, there's one line edit  
3 that needs to be corrected. And in the reference related to  
4 -- related to the contracting out of Canada's visa offices.

5 MR. MATTHEW FERGUSON: M'hm.

6 MS. JENNY KWAN: Actually, the word should be  
7 subcontracted.

8 MR. MATTHEW FERGUSON: Okay. So let's just  
9 try to find that paragraph.

10 MS. JENNY KWAN: If memory serves it  
11 correctly ---

12 MR. SUJIT CHOUDHRY: Mr. Ferguson, it's  
13 paragraph 24.

14 MR. MATTHEW FERGUSON: Thank you. Paragraph  
15 24, thank you.

16 MS. JENNY KWAN: Yeah.

17 MR. MATTHEW FERGUSON: Okay. So let's go to  
18 paragraph 24, and just so that everyone on the -- can follow,  
19 there's a word that needs to be change to -- from contract to  
20 subcontracted?

21 MS. JENNY KWAN: The third line on the page  
22 said as it had been contracted out, it should be  
23 "subcontracted".

24 MR. MATTHEW FERGUSON: Okay. So we'll take  
25 note of that. Have you -- are there any other amendments or  
26 changes you'd like to make at this time?

27 MS. JENNY KWAN: No.

28 MR. MATTHEW FERGUSON: Okay. We'll also be

1 tendering -- we don't have to show it on the screen but  
2 WIT78.FR, which is the French translation of the interview  
3 summary, which will both be entered into evidence.

4 --- EXHIBIT NO./PIÈCE No. WIT0000078.EN:

5 Interview summary

6 --- EXHIBIT NO./PIÈCE No. WIT0000078.FR:

7 French translation of interview  
8 summary

9 **MR. MATTHEW FERGUSON:** Ms. Kwan, during your  
10 evidence at the Stage 1 hearings, you mentioned that there  
11 had been a seismic shift in your relationship with Chinese  
12 community -- Chinese-Canadian community organizations and  
13 associations, starting in 2019 when you became more vocal on  
14 the issue of Hong Kong. Is that correct?

15 **MS. JENNY KWAN:** That's correct.

16 **MR. MATTHEW FERGUSON:** Can you just remind us  
17 how that manifested itself; how you began to notice that  
18 there was a shift in that relationship with those -- with  
19 certain organizations?

20 **MS. JENNY KWAN:** Well, as the situation in  
21 Hong Kong escalated, and with the national security law issue  
22 coming to the forefront, I began participating at a variety  
23 of different rallies. And I think one rally to which I  
24 attended was a rally in front of the Chinese Consulate's  
25 place, and where I stood on a flatbed truck to speak.

26 And that news sort of travelled and then  
27 since then, you know, there were some changes in people's  
28 behaviour towards me, to be sure. And a big change related

1 to that included, I think, the platforming activities where  
2 investigations for me to attend community events had began to  
3 decrease, and in fact over the years, quite drastically.

4 At the time I didn't quite notice it, but  
5 now, in light of issues and concerns around foreign  
6 interference activities, I'm noting as well that donations  
7 have also shifted.

8 **MR. MATTHEW FERGUSON:** Okay. So you're  
9 saying that in looking back in retrospect, you noticed the  
10 change in the relationships started around the time or after  
11 the time that you took part in a demonstration in front of  
12 the Chinese Consulate?

13 **MS. JENNY KWAN:** I think that's -- I think  
14 that's accurate. There are a number of different activities  
15 that took place that led up to it.

16 **MR. MATTHEW FERGUSON:** Okay.

17 **MS. JENNY KWAN:** But for sure that was one  
18 incident that I would note.

19 **MR. MATTHEW FERGUSON:** Okay. And you  
20 mentioned the case of donations. What were you about to say  
21 about that?

22 **MS. JENNY KWAN:** Well, some donations  
23 disappeared from various individuals, and in some cases some  
24 of those individuals' donations were fairly consistent. And  
25 then, all of a sudden, after a period of time, and  
26 particularly noting 2019, some of those donations ended.

27 **MR. MATTHEW FERGUSON:** Okay. And you  
28 mentioned something during your Stage 2 interview that you

1       were recently informed that the PRC Consulate in Vancouver  
2       had issued an edict against you. Can you speak a bit more  
3       about that?

4               **MS. JENNY KWAN:** Yes. I was attending a  
5       community event, and at that community event I also had my  
6       staff there. And per usual in these events you try to talk  
7       to the different community members, and that's part of the  
8       engagement that's important with those events.

9               So this individual had a lengthy conversation  
10      with my staff, and it was communicated to him that in the  
11      business community they'd been advised that they should --  
12      they should stop the engagement with me.

13              **MR. MATTHEW FERGUSON:** Okay. And was this a  
14      conversation you had directly with an individual, or this was  
15      reported to you?

16              **MS. JENNY KWAN:** It was reported to me.

17              **MR. MATTHEW FERGUSON:** Okay. And when was it  
18      reported to you?

19              **MS. JENNY KWAN:** Shortly after the event,  
20      that evening I was advised that this conversation had taken  
21      place, and so it was that day.

22              **MR. MATTHEW FERGUSON:** And was there any  
23      information as to when that edict would have been issued or  
24      that directive would have been issued?

25              **MS. JENNY KWAN:** No specific date was given,  
26      per se, and we were trying to discern in and around what  
27      period that might have occurred. But we did not receive a  
28      specific date, per se.

1                   **MR. MATTHEW FERGUSON:** Okay. And have you  
2 noticed anything going forward or looking back  
3 retrospectively after receiving that information as to  
4 people's or certain conduct around you?

5                   **MS. JENNY KWAN:** Yeah, so I went back to look  
6 at the invitations, for example, because part of the  
7 platforming activities, I think, involved invitations to  
8 community events. So we printed out the invitations over the  
9 years and just to sort of see the volume of it, to see what  
10 it looked like. And we noticed that from 2015, was when I  
11 was first elected, federally, comparing to that year to now  
12 there's absolutely a significant decrease in invitations.  
13 And I would say to the tune of about maybe a quarter, a third  
14 at best, of the invitations I'm now receiving.

15                   **MR. MATTHEW FERGUSON:** Okay. And so you've  
16 noticed a significant decrease in invitations to events  
17 hosted by certain groups and associations. But there are --  
18 still are some invitations; correct?

19                   **MS. JENNY KWAN:** That is correct. There are  
20 still that are coming through, but there are some that are  
21 definitely has ended. Whereas before, those organizations  
22 would fairly regularly invite me to attend community events.

23                   **MR. MATTHEW FERGUSON:** Okay. You also  
24 mentioned during this -- your Stage 2 interview in July that  
25 you're sometimes faced with a dilemma over which events in  
26 the Chinese-Canadian community that you're invited to attend.  
27 Can you speak to that?

28                   **MS. JENNY KWAN:** So in light of the

1 information that's come forward around foreign interference,  
2 and in light of the fact that I am a target, and I have been  
3 advised that I am a evergreen target, and then in light of  
4 the fact of the -- from the reports that's come out, for  
5 example, the NSICOP report that speaks to proxies and so on,  
6 I've become quite vigilant in trying to figure out the  
7 landscape around me. And, you know, there are, for example,  
8 no United Front department organizations, and when you  
9 receive invitations from those organizations that might be  
10 engaged in foreign interference activities, the question then  
11 becomes do you attend those events or not? And it is a huge  
12 conundrum for me because, on the one hand, there's some good  
13 work that's being done in the community by these  
14 organizations. It is also an opportunity as an elected  
15 official for me to engage with the community as well. But if  
16 you do go, and if they are, for example, engaged with foreign  
17 interference activities, am I then validating them? Am I  
18 being a semi-witting participant in that process?

19 So you know, these are important questions,  
20 at least in my head, and it is a huge conundrum. And I --  
21 you know, I often struggle with trying to determine what is  
22 the right thing to do.

23 And so I've landed on making the  
24 determination on a case-by-case basis and what the event is  
25 about, and how it is relevant to the community, as an  
26 example. And I would say that supporting community  
27 initiatives that I have advocated for, strongly support, or  
28 you know, that amplifies my own natural heritage, as an

1 example, in the context of Canada's multicultural mosaic, I  
2 think those are important events to go to.

3 And so it's -- you know, on the other hand,  
4 I've made a decision not to attend the celebration of the  
5 PRC's anniversary, you know. And so those are tough  
6 decisions to make, and difficult decisions for me because I  
7 don't want to be unwittingly or seen to be semi-wittingly  
8 validating potential organizations who might be engaged in  
9 foreign interference activities.

10 **MR. MATTHEW FERGUSON:** Okay. I might have a  
11 couple of follow-up questions there. You mentioned that  
12 there was this dilemma that you faced in attending these  
13 events. When did this -- when did you start questioning  
14 whether you should attend these events or not? ...

15 **MS. JENNY KWAN:** Really, after I've been told  
16 that I'm a target and sort of, you know, really been warned  
17 about that.

18 **MR. MATTHEW FERGUSON:** Okay. And when you  
19 say you learned that you were a target, that's -- are we  
20 referencing the briefing that you received from CSIS in May  
21 2023?

22 **MS. JENNY KWAN:** That is correct.

23 **MR. MATTHEW FERGUSON:** Okay. And the other  
24 thing that you mentioned, too, is that you mentioned that  
25 some organizations or associations are known to have ties to  
26 United Front Work Department. What is the source of -- when  
27 you say that they're known to, what's the source of your  
28 information in regards to that?

1                   **MS. JENNY KWAN:** It's generally information  
2 in the public domain, and at no point did I receive  
3 confirmation from any officials to tell me that such-and-such  
4 organization is a United Front Work Department organization  
5 so you kind of just have to exercise your best judgment  
6 because there's no clarity on any of that. And one thing  
7 that would be useful and helpful, I think, for  
8 parliamentarians is for us to have some clarity and guideline  
9 on how we should conduct ourselves.

10                   **MR. MATTHEW FERGUSON:** Okay. So when you're  
11 referring that there -- you're not receiving this information  
12 from official sources, this is more word on the street or  
13 word in the community, in a manner of speaking?

14                   **MS. JENNY KWAN:** Yes. You know, word on the  
15 street, word in the community, some of the reporting in the  
16 media. Sometimes you just sort of observe those  
17 organizations and their activities and you sort of try to  
18 come to some general perspective related to it.

19                   **MR. MATTHEW FERGUSON:** And some -- you also -  
20 - the activities of some of the organizations like stances  
21 that they'll take publicly?

22                   **MS. JENNY KWAN:** Correct.

23                   **MR. MATTHEW FERGUSON:** Okay. And you  
24 mentioned that you no longer attend the PRC Day celebrations.  
25 When did you stop attending that?

26                   **MS. JENNY KWAN:** Again, after I realized and  
27 had been informed that I am a target, and an evergreen  
28 target, of the PRC.



1           **MR. MATTHEW FERGUSON:** Okay. I'm going to  
2 show you a document. I'll call up a document CAN037690\_1.

3           And if we can scroll -- if we go to the  
4 second page just to identify the document. Okay, right  
5 there.

6           This is a document dated February 2024. It's  
7 a "SITE Threat Assessment of Foreign Interference Threats to  
8 Canadian Democratic Institutions" that was recently made  
9 available to the Commission. It does contain some  
10 redactions, and it refers to the doc covers SITE observations  
11 of foreign threat actors' intentions and activities relating  
12 to foreign interference since GE44 in September 2021 and  
13 activities prior to September 2021, at which SITE became  
14 aware.

15           Ms. Kwan, I'm going to refer you to an  
16 excerpt on page 3, which is -- I think it's bullet number --  
17 it's point number 8.

18           Have you seen this document before today?

19           **MS. JENNY KWAN:** Yes, I have.

20           **MR. MATTHEW FERGUSON:** Okay. I presume  
21 fairly recently?

22           **MS. JENNY KWAN:** Yes.

23           **MR. MATTHEW FERGUSON:** Okay.

24           **MS. JENNY KWAN:** Yesterday.

25           **MR. MATTHEW FERGUSON:** Okay. So this -- the  
26 paragraph 8, "Mobilizing and leveraging community  
27 organizations".

28           And I'll ask you just to take notice of that

1 paragraph that refers to local community networks as a key  
2 vector facilitating foreign interference activities and  
3 whether this is consistent with what you've experienced, what  
4 you've observed or what you've heard.

5 **MS. JENNY KWAN:** Well, I would say that in  
6 terms of a direct experience -- like can I say that I have  
7 been directly impacted? Do I have evidence to indicate that?  
8 And I guess that's what part of this work is important to do,  
9 and then where there might be situations or occurrences where  
10 I'm wondering whether or not it is foreign -- it might be a  
11 foreign interference activity, and that will be important for  
12 the various officials and departments to engage in examining.

13 So to that end, I think that it's fair to say  
14 that I have some suspicion of these activities, and that  
15 might be impacting me. However, I can't say definitively,  
16 necessarily, that that is what is occurring.

17 **MR. MATTHEW FERGUSON:** So you don't have any  
18 direct evidence of it -- of what's being -- of activities  
19 that are targeting you particularly.

20 **MS. JENNY KWAN:** No, other than just my  
21 observations.

22 **MR. MATTHEW FERGUSON:** Okay.

23 **MS. JENNY KWAN:** But I think might be  
24 related.

25 **MR. MATTHEW FERGUSON:** Okay. We could take  
26 the document down from the screen. I will come back to it a  
27 bit later.

28 Ms. Kwan, you've been an MP -- you've been in

1 political life for a very long time. You've been an MP since  
2 2015, so a member of Parliament since 2015. And as you  
3 mentioned during your interview at Stage 2, I understand that  
4 you are not aware of any incidents involving the use of  
5 either clandestine networks surrounding MPs or the use of  
6 political staffers as proxies.

7 **MS. JENNY KWAN:** That's correct.

8 **MR. MATTHEW FERGUSON:** Okay. Are you aware  
9 of any cyber threat activity against you as an MP?

10 **MS. JENNY KWAN:** No, I'm not aware of it.  
11 Some of the issues that have surfaced, for example, related  
12 to a platform, the WeChat platform, as an example. After I  
13 was elected, my office did sign up for WeChat, but then,  
14 after a period of time, it was brought to our attention that  
15 some of the postings that we had put up has been taken down,  
16 unbeknownst to us, and then at that point we realized that we  
17 were being censored. And then at that point we stopped using  
18 that platform.

19 **MR. MATTHEW FERGUSON:** And when was that,  
20 roughly, when you noticed that or you became aware that some  
21 of your -- the posts that you were putting on WeChat were  
22 censored?

23 **MS. JENNY KWAN:** So we signed up for WeChat -  
24 - it took us quite a while to actually set up our office, and  
25 I think we signed up for it in 2017. And so things were kind  
26 of just moving along.

27 And then in 2019, we then took down -- we  
28 stopped using it because it was in or around that time that

1 we were informed -- that we learned that some of the postings  
2 that we would put up has been taken down.

3 **MR. MATTHEW FERGUSON:** Okay. And what were  
4 the -- what was the nature of the postings that you were --  
5 what was the nature of the content that you were posting that  
6 you realized was being taken down?

7 **MS. JENNY KWAN:** Some of them were related to  
8 the commemoration of the Tiananmen massacre and its  
9 anniversary time. Some of them were related to the umbrella  
10 movement, the Hong Kong pro-democracy movement, and things of  
11 that nature.

12 **MR. MATTHEW FERGUSON:** If I turn now to -- if  
13 I come back to the document that I -- we called up before,  
14 CAN037690\_1.

15 Go to page 5 of the document.

16 **(SHORT PAUSE)**

17 **MR. MATTHEW FERGUSON:** A bit lower. No,  
18 sorry. It's higher.

19 There's a discrepancy between the page number  
20 and the PDF. Can we just go up to page 5 of the PDF?

21 So keep scrolling up, please.

22 Okay. Stop there.

23 Forgive me. I'm looking for an excerpt from  
24 the document that states that:

25 "Political parties, candidates and  
26 their staff continue to be targeted  
27 by cyber threat attack. However,  
28 this will likely take the form of

1 cyber espionage, disinformation and  
2 deep fakes in the future."

3 It's actually paragraph 12 right there on the  
4 screen, the last line.

5 I'm just wondering, Ms. Kwan, because you  
6 mentioned you removed WeChat, how are you guarding against  
7 cyber activity as an MP?

8 **MS. JENNY KWAN:** Well, to be truthful, if  
9 they are such activities taking place, let's say, on the  
10 WeChat platform, I wouldn't know it because we don't pay --  
11 we're not paying attention to it. We're not active on that  
12 platform any more. So I would have to be reliant on  
13 government officials, hopefully, who might be observing this  
14 to inform.

15 **MR. MATTHEW FERGUSON:** Okay. So because you  
16 don't have sight or any visibility on what's going on on  
17 WeChat, you have no way to know what's being mentioned about  
18 you on that forum.

19 **MS. JENNY KWAN:** That's correct. I would  
20 have no way of knowing.

21 **MR. MATTHEW FERGUSON:** Okay. How are you  
22 guarding in general on misinformation or disinformation that  
23 may be spread about you online?

24 **MS. JENNY KWAN:** If we happen to catch it,  
25 then we would try to respond to it. Sometimes they -- it  
26 could be that there's misinformation or disinformation that  
27 catches the attention of the media and they would come and  
28 inquire about it or get me to comment about it. You know,

1 those would be sort of the means to which we'd go about it.

2 Sometimes there could be community members  
3 who say, "Hey, by the way, did you know such and such?" which  
4 was how we found out that some of our postings were taken  
5 down. So you're kind of reliant on these sort of *ad hoc* type  
6 sources.

7 **MR. MATTHEW FERGUSON:** Okay. And are you  
8 aware of the supports that you're receiving as a member of  
9 Parliament from the House of Commons or any other public  
10 sector department?

11 **MS. JENNY KWAN:** Supports in terms of  
12 security support?

13 **MR. MATTHEW FERGUSON:** Yeah.

14 **MS. JENNY KWAN:** Yes. We do have the House  
15 of Commons security services, so Sergeant at Arms, as an  
16 example, that provides support to members of Parliament.

17 **MR. MATTHEW FERGUSON:** And do you receive  
18 supports, you know, for guarding against cyber threat  
19 activity from your political Party?

20 **MS. JENNY KWAN:** No.

21 **MR. MATTHEW FERGUSON:** Okay. During your  
22 Stage 2 interview, you also mentioned that social media  
23 platforms used widely within the Chinese diaspora communities  
24 were of particular concern to you. Do you remember making  
25 that -- referring to that?

26 **MS. JENNY KWAN:** Yes.

27 **MR. MATTHEW FERGUSON:** You expressed  
28 particular concern about TikTok.

1                   **MS. JENNY KWAN:**   Yes.

2                   **MR. MATTHEW FERGUSON:**   Okay.   What's your  
3   main concern about TikTok?

4                   **MS. JENNY KWAN:**   Well, the -- first and  
5   foremost, TikTok is operated by a company that has to be out  
6   of China.   And because the way in which it is structured, if  
7   you are a company operating out of China, you are required to  
8   follow the laws and regulations and rules of China.   And in  
9   that instance, that would mean that the company would have to  
10   be allow for access to their information from the Chinese  
11   government.   It would mean that even in their management role  
12   and operation of their company, they would actually have to  
13   allow for a Chinese government representative to be in a  
14   significant position within the organization.

15                               So that's my first concern with respect to  
16   that entire structure.

17                               And of course, we know that with this -- with  
18   TikTok and with this particular platform, it is about  
19   gathering data and to the point where in -- you know, it --  
20   it's a variety of different data about the user, and all of  
21   that could be collected and be used in any way by the Chinese  
22   government.   So I'm deeply concerned about the use of TikTok.

23                   **MR. MATTHEW FERGUSON:**   I'll pull up a  
24   document, Madam Court Reporter, CAN004358\_1.

25                               Okay.   And if we just -- yeah.   If we could  
26   stay right there right now.

27                               So this is an analytical brief from the  
28   Canadian Security Intelligence Service with the topic heading

1 "TikTok's" -- there are redactions -- "access to western  
2 data" dated December 30th, 2022. This is a document that was  
3 recently made available to the Commission, and it contains  
4 redactions.

5 Now, it begins, if we just -- we could stay  
6 there. It begins with the opening paragraph that:

7 "TikTok, the People's Republic of  
8 China's first western-centric social  
9 media application, has potential to  
10 be exploited by the PRC government to  
11 bolster its influence and power  
12 overseas, including in Canada. The  
13 highly addictive short video  
14 application owned by PRC's Bit  
15 Byte(sic), allows [redaction] access  
16 to sensitive user data."

17 There are redactions.

18 "Despite assurances to the contrary,  
19 personal data on TikTok users is  
20 accessible to China."

21 Does this document come as a surprise to you,  
22 Ms. Kwan?

23 **MS. JENNY KWAN:** It does not come as a  
24 surprise because that's -- I share those concerns, and that's  
25 one of the reasons why I feel quite strongly that we need to  
26 take more proactive action in relation to TikTok.

27 **MR. MATTHEW FERGUSON:** Okay. If we go to  
28 page 2 of the document.



1 And just in the middle there. Yeah.

2 So there's a paragraph in the middle that's  
3 quite redacted, but what's not redacted is:

4 "TikTok has access to a significant  
5 amount of user data that contains  
6 sensitive personal information."

7 And we can move on to page 3, right there, at  
8 paragraph 6. The point 6 is:

9 "Open source reporting indicates that  
10 western data is accessible to China.  
11 While ByteDance claims that TikTok  
12 user data is stored in the United  
13 States and Singapore (not in China),  
14 ByteDance's servers are all located  
15 in China and TikTok's source code  
16 itself contains some underlying basic  
17 functionalities of ByteDance's other  
18 products, including its Chinese  
19 equivalent, Douyin. An internal  
20 company document from ByteDance's  
21 internal audit and risk control  
22 department confirms that data stored  
23 on servers located outside of China  
24 is also possibly retained on Chinese  
25 based servers."

26 This may be a rhetorical question, Ms. Kwan,  
27 but does this assessment serve to confirm or rebut your  
28 concerns with -- about TikTok?

1                   **MS. JENNY KWAN:** Well, I think this document,  
2                   this information confirms my fears about TikTok. And what  
3                   I'm worried about is that the general public do not know  
4                   about this. And what I'm even more concerned about is that  
5                   the government may well be, or government agencies is aware  
6                   of this, and if they are not, they should be, and the  
7                   question then becomes what action are they going to take to  
8                   protect the Canadian public.

9                   **MR. MATTHEW FERGUSON:** Okay. And if we  
10                  continue, I think it's -- the document also goes on a bit  
11                  further to say that the assessment dated --

12                                 "...which is dated December 30, 2022,  
13                                 notes that few states have outright  
14                                 banned TikTok, but the Federal  
15                                 Communications Commission in the U.S.  
16                                 has strongly recommended banning it  
17                                 altogether."

18                  We know approximately two months after this  
19                  document was created -- we see this document dated December  
20                  30th, 2022 -- that the Government of Canada banned TikTok on  
21                  its government-issued mobile devices and the House of Commons  
22                  has also banned the app on its devices. Is that correct?

23                  **MS. JENNY KWAN:** That is correct. But in my  
24                  estimation, that's deficient because not everyone -- the  
25                  general public, of course, do not use government devices, and  
26                  so -- but even potentially members of Parliament have  
27                  personal devices and their loved ones, extended family  
28                  members, might have other devices. But the general public do

1 not have this protection, and -- but yet the potential risks  
2 associated with it does not disappear just because the  
3 government said, "Please don't use government devices".

4 **MR. MATTHEW FERGUSON:** Okay. So I guess it's  
5 fair to say that you don't have TikTok on your personal  
6 devices?

7 **MS. JENNY KWAN:** I do not.

8 **MR. MATTHEW FERGUSON:** Okay. Do you have a  
9 personal view or official view on this ban?

10 **MS. JENNY KWAN:** Well, I do have a personal  
11 view on it. I actually think that Canada should be proactive  
12 in taking action in light of what we know and in light of the  
13 risks for national security and the protection of individual  
14 Canadians. We should be, as a first step, I think,  
15 initiating to ensure that this data and that this company is  
16 Canadian owned. The United States have undertaken to do that  
17 work and I think that's the initial step.

18 But there's a larger question, and I'm not an  
19 expert on this, by no means, and, you know, in terms of  
20 transport of data across the border. You know, that should  
21 not be allowed, and especially to countries that are  
22 dictatorships ---

23 **MR. MATTHEW FERGUSON:** Okay.

24 **MS. JENNY KWAN:** --- and might be using that  
25 information in a nefarious way.

26 **MR. MATTHEW FERGUSON:** So do I understand  
27 you're not calling for an outright ban, but you're calling  
28 for action, for example, something that would be akin to

1 selling TikTok to a Canadian -- or parliamentarians  
2 subsidiary in Canada to a Canadian company?

3 **MS. JENNY KWAN:** I think that would be a  
4 first step to undertake for sure. The question is, if you  
5 ban parliamentarians, for example, then will there be another  
6 platform that is like parliamentarians that will surface?  
7 And then what do you do; right? So then you have to think  
8 about actions that you can take that will protect Canadians  
9 and to minimize that risk. And so that first step is making  
10 sure that it's Canadian owned, and the second step is the --  
11 I think the transporting across border of the data itself,  
12 and then of course there needs to be a large public education  
13 campaign so people know what is at risk, because if you talk  
14 to most people, they will have no idea. And frankly, before  
15 all of this, I wouldn't know either. Not that I -- mind you,  
16 I've never used Tik Tok, for other reasons, but I wouldn't  
17 know either, until now, when I started to read up on it, and  
18 learn more and more about it, and the more I learned, the  
19 more disturbed I am and more shocked I am, and the more  
20 urgent I think it becomes for the Canadian Government to take  
21 action.

22 **MR. MATTHEW FERGUSON:** Okay. I'll move on to  
23 another topic, which is the -- your reaction to the NSIRA  
24 NSICOP report that you mentioned that since they were  
25 produced or released, that they've cast a cloud of suspicion  
26 on parliamentarians. Do you remember making that statement?

27 **MS. JENNY KWAN:** I do.

28 **MR. MATTHEW FERGUSON:** Okay. And can you

1 give us a personal example of the consequences of that  
2 suspicion, or that cloud of suspicion that you mentioned has  
3 been cast over parliamentarians? How has that manifested  
4 itself? How have you seen that in action?

5 **MS. JENNY KWAN:** Yes, to give a very specific  
6 example, in -- prior to the summer recess -- there are always  
7 protests going on in and around the House of Commons -- and I  
8 was coming out of Committee one day and -- sorry, I was  
9 coming out of the House of Commons walking to Committee one  
10 day and there was a crowd of protesters walking by, and this  
11 is right, you know, in and around the period when these  
12 reports came out, and people were, you know, jeering at  
13 parliamentarians, myself included, and saying, you know, "You  
14 traitor, you traitor." One of them noted a small daisy  
15 tattoo on my ankle and began saying, "Is that a sign? Is  
16 that a symbol? Is that a signal?" And it's this kind of  
17 mentality that's sort of going on.

18 Now, that's a direct experience that I had,  
19 but more to the point is that whenever you cast a cloud of  
20 suspicion over Parliament, the entire Parliament suffers and  
21 the integrity of the Parliament is in jeopardy.

22 And of course, if you think about it in the  
23 context of foreign interference, I think that's exactly what  
24 some of those actors want to do, to actually undermine our  
25 democratic institutions and the elected representatives and  
26 parliamentarians in that way, to sow distrust and chaos into  
27 our system.

28 And so -- and I think that's one of the

1 outcomes of the NSICOP report and the NSIRA report, and  
2 especially when we don't know who they're referring to,  
3 because no names have been mentioned, so that means all 338 -  
4 - although I guess that number is a little bit different  
5 because of the by-elections, but generally speaking, we're  
6 talking about 338 members of Parliament.

7 **MR. MATTHEW FERGUSON:** Okay. You've also  
8 asked your party leader, Mr. Jagmeet Singh, to request from  
9 the Canadian Government that you be granted a top secret  
10 security clearance for you to review the classified version  
11 of the report. Is that correct?

12 **MS. JENNY KWAN:** That is correct.

13 **MR. MATTHEW FERGUSON:** Okay. And you were  
14 recently informed that the Government declined to bring you  
15 through that process of giving you a top secret security  
16 clearance; correct?

17 **MS. JENNY KWAN:** That's correct.

18 **MR. MATTHEW FERGUSON:** And they mentioned  
19 also that -- or you were informed that even if you had a top  
20 secret security clearance, that they would not provide access  
21 to the report based on the need-to-know principal; correct?

22 **MS. JENNY KWAN:** That is correct.

23 **MR. MATTHEW FERGUSON:** Okay. Why do you  
24 believe it's important for you to access the report  
25 personally? Why do you need to know?

26 **MS. JENNY KWAN:** Well because I'm a target  
27 and because I'm a parliamentarian. I think that it breaches  
28 our privilege as parliamentarians. I think it's important

1 for parliamentarians to have their right for protection and  
2 also the right to be warned of foreign interference  
3 activities.

4 If we do not know -- as an example, if you  
5 were an unwitting participant in this, and if you're not  
6 warned about it and you don't know that this is happening,  
7 and no one has told you, then you'll carry on business as  
8 usual, thinking that everything is fine, when it isn't.

9 You know, if you are, on the other hand, a  
10 willing participant in foreign interference activities, then  
11 there needs to be accountability. It can't be that we just  
12 turn a blind eye and carry on again business as usual,  
13 because we swore an oath and part of that oath is our  
14 commitment to Canada. But if you, in the course of your work  
15 as a member of Parliament, you are actively, willingly,  
16 intentionality, wittingly, collaborating and working with a  
17 foreign state or country to undermine our democratic  
18 institutions or our processes, that has to be to be dealt  
19 with. There has to be accountability.

20 And so I think it is absolutely critical that  
21 there be a process that's established to address this.

22 **MR. MATTHEW FERGUSON:** But you also  
23 acknowledge that the report is based on intelligence and not  
24 evidentiary findings; correct?

25 **MS. JENNY KWAN:** That is correct. This is  
26 about intelligence, so it's not evidence, per say.

27 **MR. MATTHEW FERGUSON:** M'hm.

28 **MS. JENNY KWAN:** But at the same time, of

1 course we are politicians, and so we're also judged  
2 differently and we also have a different standard to which we  
3 have to meet, I think. And so there is that distinction.  
4 But I believe that there is a way to disclose the names of  
5 these individuals without -- with keeping in mind of national  
6 security, and due process, and also strike that balance for  
7 transparency and accountability.

8 **MR. MATTHEW FERGUSON:** You believe there's a  
9 way for doing that?

10 **MS. JENNY KWAN:** I do.

11 **MR. MATTHEW FERGUSON:** Okay. I will -- my  
12 time is limited with you, but I will move on to another area,  
13 which is the Foreign Influence Transparency Registry. I want  
14 to -- so this is something that you've mentioned that you've  
15 been lobbying for the introduction of such a registry. And  
16 since the last stage or round of our hearings, not only was  
17 there legislation that was tabled, but it's been adopted by  
18 the House -- by Parliament.

19 Prior to that, to the introduction and  
20 adoption of the Act respecting countering foreign  
21 interference, which provides for a Foreign Agent Transparency  
22 Registry, you had sponsored an E-Petition, E-4534, to the  
23 House of Commons calling for the setting up of a Foreign  
24 Influence Transparency Registry. Do you remember that?

25 **MS. JENNY KWAN:** I do.

26 **MR. MATTHEW FERGUSON:** That petition  
27 contained a preamble which expressed deep concern about using  
28 the issue of the *Chinese Exclusion Act*, as it was known, of



1 1923, to undermine the government proceeding with a Foreign  
2 Influence Registry, and warning against conflating that  
3 racist Act with a registry aimed at those lobbying on behalf  
4 of foreign governments, and also using anti-Asian racism as a  
5 shield to distract from action required to protect Canadian  
6 democracy. Do you remember those -- that roughly -- I'm  
7 paraphrasing, but do you remember that preamble to that  
8 petition?

9 MS. JENNY KWAN: I do.

10 MR. MATTHEW FERGUSON: Okay. What was your  
11 motivation in sponsoring that particular petition?

12 MS. JENNY KWAN: A, because I wanted to see  
13 the registry in place ---

14 MR. MATTHEW FERGUSON: M'hm.

15 MS. JENNY KWAN: --- before the next  
16 election. I think it's absolutely critically that it is  
17 operational before the next election.

18 And with the preamble, I think it's really  
19 also important to point out that there are individuals who  
20 are trying to conflate the issue of the registry and somehow  
21 making it as a racist law and comparing it to the *Exclusion*  
22 *Act*. The *Exclusion Act* is a racist law because it targeted  
23 the Chinese people explicitly and said that they were  
24 excluded from coming to Canada. That was a racist law and  
25 there's no question about it.

26 But Bill C-70, the registry, it is not that.  
27 The registry applies to everyone in Canada. In fact, it is  
28 quite the opposite. It is set up to protect all Canadians

1       regardless of their race.

2                   And so for those who are trying to conflate  
3       the issues and to hype up the fears that Chinese-Canadians  
4       have because of the history of Canada's laws, I think they're  
5       race baiting. I think it is shameful to do that. And so it  
6       is important to point that out, and so that the Canadian  
7       public will know, and hopefully the difference, and that the  
8       registry is meant to protect Canada and meant to protect all  
9       races, no matter who you are and where you come from.

10                   **MR. MATTHEW FERGUSON:** Okay. And do you  
11       think, based on that initial outcry and the criticisms that  
12       were directed against the adoption of such a registry, that  
13       there's a need for better public education about the  
14       registry?

15                   **MS. JENNY KWAN:** Absolutely. I think that  
16       there needs to be extensive public education about the  
17       registry, and then once we have the details around its  
18       implementation, for the public to know, because what we don't  
19       want, of course, is to instill fear for no good reason in the  
20       hearts and minds of the Canadian public.

21                   What we also want people to know is to make  
22       sure that their activities do not violate the Act. And so  
23       they need to understand exactly what that means and how it  
24       would apply. And so that public education process I think is  
25       really, really critical and I think it needs to be ongoing.  
26       It is not a one-time activity and it needs to be multilingual  
27       to meet all the communities' needs in Canada.

28                   **MR. MATTHEW FERGUSON:** Okay. And I'm running

1 out of time, but I have two -- actually, one question and  
2 then a very general at the end, but the -- during your July  
3 interview, you made a point of stating that you are not anti-  
4 China. Can you elaborate on this and why that was important  
5 to mention and stress?

6 **MS. JENNY KWAN:** Yes. Because I think that  
7 some people might construe the notion that I'm raising my  
8 concerns around foreign interference activities because  
9 somehow, I am anti-China. But when we raise these issues,  
10 when Bill C-70 is brought to light, it is not targeted at  
11 China per say, nor Chinese people, or Chinese-Canadians. It  
12 is about the practices of the regime that's taking place when  
13 I raise human rights issues, the situation with Hong Kong and  
14 the violation of the National Security Law, it's the regime's  
15 determination in bringing forward the National Security Law  
16 that violates basic human rights and taking away Hong  
17 Konger's basic rights. That's what I'm opposed.

18 So -- and there are activities that I have  
19 engaged in previously that the Chinese Government, I assume,  
20 would like, and would like very much. Such as, for example,  
21 my advocating for Nanjing Massacre Commemoration.

22 **MR. MATTHEW FERGUSON:** M'hm. And so I guess  
23 on this last point, can you -- is there anything else that  
24 I've not discussed with you today that you'd like to discuss  
25 with the Commission?

26 **MS. JENNY KWAN:** There are, I think, a few  
27 things that I would like to bring up.

28 I think that what's really important for us

1 to engage in, and I hope -- I'm hoping that the Commission  
2 will provide guidance in this regard in its final report. In  
3 my view, what's happening right now with the situation is  
4 that our structures is not working, in terms of the  
5 government's structures on how to deal with foreign  
6 interference activities. A, it's not taking it seriously.  
7 We actually really have to catch up with other jurisdictions.

8 And then the other thing too is that we need  
9 an independent structure, one that is accountable and  
10 divorced from politics. One that will actually take the lead  
11 to drive actions that need to be taken to protect Canada's  
12 national interest.

13 I also think that there are road blockers in  
14 the way. In reading the NSIRA report, I was really disturbed  
15 by the timeline and how things flowed. There were three  
16 incidences, at least, where intelligence products either was  
17 significantly delayed in reaching the Prime Minister, or not  
18 at all.

19 So in the report, Case 1, it cites of a PRC  
20 foreign interference activity for an election candidate.  
21 That information was delayed in reaching the Prime Minister  
22 by 16 months. That cannot be acceptable. And why did that  
23 result? How is it possible that that delay happened?

24 Then you have another situation in that  
25 report where they cited the targeting paper, and that  
26 targeting paper did not reach the Prime Minister at all  
27 either.

28 And then even though it was revised at the

1 request of the NSIA, the National Intelligence Security  
2 Advisor to the Prime Minister, it still did not reach the  
3 Prime Minister.

4 And then in addition, the report, the special  
5 report that was done by the PCO, that too did not reach  
6 Cabinet or the Prime Minister.

7 And who ran interference with all of that?  
8 It was the NSIA. And to me, that needs to be dealt with,  
9 because the NSIA does not exist to be a gatekeeper for  
10 intelligence products to reach the decision makers and should  
11 not also be the editor of these products, to which, in  
12 reading that report, the NSIA acted in both of those realms  
13 in that way.

14 And so I think that's really important to  
15 note as well.

16 I have other things to raise, but I know that  
17 we're out of time, so I will pause here.

18 **MR. MATTHEW FERGUSON:** Thank you, Ms. Kwan.

19 **COMMISSIONER HOGUE:** Thank you.

20 So we'll start the cross-examination right  
21 away. I think it's you, Maitre... c'est vous, Maitre Lafrance?

22 **M. SÉBASTIEN LAFRANCE:** Oui. C'est Monsieur  
23 Lafrance, Madame la commissaire. J'ai... we have no questions.  
24 The OCCE has no questions.

25 **COMMISSIONER HOGUE:** No questions?

26 **MR. SÉBASTIEN LAFRANCE:** Thank you.

27 **COMMISSIONER HOGUE:** Thank you.

28 Then it means the next one is the Concern

1 Group.

2 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

3 MR. NEIL CHANTLER:

4 MR. NEIL CHANTLER: Good afternoon, MP Kwan.

5 MS. JENNY KWAN: Good afternoon.

6 MR. NEIL CHANTLER: It's Neil Chantler,  
7 counsel for the Chinese Canadian Concern Group.

8 Ms. Kwan, you've been an elected official for  
9 over 30 years at all levels of government. You're very  
10 active in your community, in your riding, Vancouver East,  
11 which does include North America's largest China Town.  
12 Nearly half of your riding's residents are immigrants to  
13 Canada and a quarter are of Chinese background.

14 You've touched on this a little in your  
15 evidence already today, but how are your constituents  
16 reacting, themselves, to news that there are parliamentarians  
17 who are willing participants in the efforts of foreign states  
18 to interfere with our democracy?

19 MS. JENNY KWAN: I think in general, people  
20 are shocked to hear that, are disturbed, and deeply concerned  
21 that there may be parliamentarians who are wittingly  
22 collaborating with foreign states to undermine Canada's  
23 democratic institutions and processes.

24 R. NEIL CHANTLER: And is this impact  
25 particularly significant for members of the Chinese  
26 community?

27 MS. JENNY KWAN: I think that for the  
28 Chinese-Canadian community, there's general knowledge about

1 some of these activities taking place, but I would not say  
2 that there is -- it's not deeply engrained in their way of  
3 thinking each and every day. I would not say that. There  
4 are some pockets of Chinese-Canadian community members who  
5 are deeply concerned, and those tend to be, for example, are  
6 individuals who are very active and engaged in the pro-  
7 democracy movement for Hong Kong, let's say, or human rights  
8 activism, as an example.

9 And there are some -- and I raised this in my  
10 previous testimony, where some individuals, in particular the  
11 seniors, where they read the news about my participation in  
12 rallies and different things like that, where I think they  
13 fear for me, and they have come to whisper things to me to  
14 say, "You need to take care of yourself. You need to not be  
15 so active, and so that you don't become a target," and those  
16 kinds of things.

17 **MR. NEIL CHANTLER:** And the Chinese diaspora  
18 in your community, of course it's not homogenous. There are  
19 people with a variety of different views on these subjects.  
20 But is this going to affect people's participation in our  
21 democracy? Is this going to affect people turning out at the  
22 ballot box and who they vote for?

23 **MS. JENNY KWAN:** Well, I hope not. And, you  
24 know, when you think about the foreign interference  
25 activities that are taking place, you have -- there are, I  
26 guess, two categories of it. One is there are those who may  
27 run for office, and then if they fear that they might get  
28 targeted, would they then not run for office? I think we

1 heard from former MP Kenny Chiu what was happening to him,  
2 and had he known all of this was going to happen, that he  
3 might not run. So that's an example of where people might  
4 go.

5 On the flip side of it, I have had seniors  
6 come up to me who are worried about, potentially, that they  
7 could be found out that they are a supporter of mine at the  
8 ballot box, and then, you know, and then they might fear that  
9 in voting, in participating in a democratic process, that  
10 they will somehow be impacted in that way.

11 So, you know, so people would perceive it  
12 different and react differently, but certainly those are some  
13 of the things that I've heard in the community.

14 **MR. NEIL CHANTLER:** Okay. In the limited  
15 time I have with you, I want to try and ask a rather large  
16 question. But we have recommendations from NSIRA and NSICOP,  
17 and the Special parliamentary Committee that you participated  
18 with, and we have a whole variety of recommendations about  
19 things that the government could be doing to strengthen our  
20 democracy and protect us against foreign interference. And  
21 we hear over and over again this reluctance to deal with  
22 these issues. Why is the Government of Canada reluctant to  
23 deal with an issue that ought to be bipartisan and that ought  
24 to be something we can all unite behind?

25 **MS. JENNY KWAN:** Well, that is what we have  
26 to do, actually. We do need to make sure that this is not  
27 about any one political party, but rather, it is about our  
28 democratic institutions. It is about protecting Canadians.



1 And we have to recognize that there are mistakes that have  
2 been made. There are.

3 And I always say this, my mom taught me this  
4 well, when you make a mistake, own it, because that is the  
5 only way that you can learn from it and to move forward.  
6 Don't try to hide it. Don't try to pretend it doesn't exist.  
7 Own it. More importantly, learn from it. What will you do  
8 differently? How will you ensure that this doesn't happen  
9 again? And that's what we need to do, I think, in Canada.

10 And so I think that some of the suggestions  
11 that I've sort of put on the floor today, you know,  
12 addressing Tik Tok, as an example, I think fixing the  
13 structure of how this is dealt with is important, the  
14 independence component of it. I think we really have to  
15 examine the NSIA's role.

16 You know, we have to understand that  
17 intelligence's products are produced by experts in that  
18 field, and they gather that information and then they share  
19 that information, especially in the NSIRA report, you know,  
20 it was meant to ensure that decision makers understand the  
21 extent and alarming situation related to PRC foreign  
22 interference activities, and as well as providing the report  
23 that is most detailed, up to date at that time.

24 How is it even possible that it actually  
25 never made it up to the decision maker's table? I don't get  
26 it. How is it possible that the CSIS directors do not have  
27 direct access to the Prime Minister, who is in charge of our  
28 national security? How is it possible that our Prime

1 Minister receives briefings verbally on national security,  
2 top secret classified documents, only receive it verbally,  
3 and says he does not read classified documents? My goodness.  
4 That's your job. You have to read it because it is about  
5 protecting our country. So we have to own all of that, and  
6 then we have to do a reset of how to do it properly, and to  
7 take the partisan politics out of it.

8 And I will also finally say this, there are  
9 some elements to which I think political parties have a role  
10 to play related to nominations, related to leadership races,  
11 because it was also mentioned in the report how those are  
12 avenues for compromising Canada's democratic processes. And  
13 we have to take that seriously.

14 I know parties don't like to. I would say  
15 probably all political parties don't want anybody telling  
16 them what they should do or should not do. Well, it has to  
17 be done. I'm sorry. Like it or lump it, it has to be done  
18 because it's in the interests of the country.

19 And then finally, I would say this, that we  
20 need to take measures as well in regard to staff as well.  
21 There needs to be some better vetting processes and security  
22 measures around staff, because staff can be very influential  
23 for the elected official because they control our calendar,  
24 they give us advice on what we should do, they meet with the  
25 public all the time. They are our face, especially when we  
26 are here in Ottawa and not there in the community. And we  
27 need to guard against potential infiltration in that process.  
28 Not to be hypersensitive around it, but we have to do our due

1 diligence.

2 And that's what I think that's what we need  
3 to do.

4 **MR. NEIL CHANTLER:** Thank you, Ms. Kwan.  
5 I've used my time. I wish there was more I could ask you.

6 **COMMISSIONER HOGUE:** Thank you.

7 So next one is going to be counsel for the  
8 Human Rights Coalition.

9 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

10 **MR. DAVID MATAS:**

11 **MR. DAVID MATAS:** Thank you. My name is  
12 David Matas.

13 I'm referring to something you've talked  
14 about before, in your interview summary, Stage 2, paragraph  
15 10, WIT.78.en, about providing due process without  
16 compromising national security to parliamentarians accused of  
17 acting as foreign agents. And you referred to special  
18 advocate or security-cleared counsel.

19 And the first question I had -- I wanted to  
20 ask you was, for the due process you have in mind, are you  
21 thinking of a court process or parliamentary process? Or is  
22 either, in your view, satisfactory?

23 **COMMISSIONER HOGUE:** Do you need to review  
24 what is mentioned in the -- sorry, no?

25 **MS. JENNY KWAN:** No, I'm good. Thank you  
26 very much.

27 I would say that what I'm thinking about is a  
28 parliamentary process. And in terms of releasing the names

1 and looking into it, one example that we can embark on is to  
2 bring this matter and the information to PROC, as an example.  
3 And so that would be for members of Parliament, and there  
4 would be a parallel committee at the Senate as well.

5 Or alternatively, it could be a joint  
6 endeavour with the Senate and members of Parliament through a  
7 committee process in that way.

8 It can be done in camera so that you can get  
9 access to the information. There has to be the security  
10 clearance so people can get access to the information.

11 You can then invite those parliamentarians  
12 that are impacted before Committee to be witnesses. Those  
13 who are unwitting, semi-witting, and wittingly participating  
14 in foreign interference activities. And so that they will  
15 know what the intelligence is and what it is about, and then  
16 they will be able to respond to it.

17 I think that you can do this by balancing the  
18 notion of transparency, accountability, and also, at the same  
19 time, due process for the individual.

20 It's possible that -- I'm not a lawyer, but  
21 it is possible to bring in a special advocate, particularly  
22 for those who might -- who are engaged in the witting,  
23 intentional engagement of foreign interference activities.

24 **MR. DAVID MATAS:** Is this parliamentary  
25 process you have in mind something that's already been done?  
26 Or would it be something that would have to be constructed?

27 **MS. JENNY KWAN:** Well, the PROC already  
28 exists and the parallel committee in Senate also already

1 exists, so you could bring the two together and create a  
2 joint committee. But have we actually gone through a process  
3 where top secret information is being disclosed? Well,  
4 NSICOP would be a similar structure where parliamentarians  
5 participated in that process, have gone through the clearance  
6 in order to access the information.

7 So it's not like it hasn't been done before  
8 in that context, but in this particular situation it can be  
9 replicated. There could be some minor adjustments  
10 accordingly. But in the interests, I think, of protecting  
11 our democratic institutions and processes, in the interests  
12 of ensuring and addressing the issue of violation of  
13 privileges of parliamentarians and the duty to warn and the  
14 duty to protect, I think that we should engage in this  
15 process.

16 This is something that I have raised with the  
17 Speaker in the House of Commons in June, and the matter is  
18 also before the Speaker for his determination.

19 **MR. DAVID MATAS:** I understand you'd prefer a  
20 parliamentary process. Would you object to a Court process?

21 **MS. JENNY KWAN:** In this instance, what we're  
22 talking about, of course, is intelligence, so it's not  
23 evidentiary evidence. Evidentiary evidence would then, of  
24 course, fall into the Court process, and so it should.

25 When we're talking about intelligence in this  
26 instance, I am suggesting a parliamentary process.

27 **MR. DAVID MATAS:** The *Immigration and Refugee*  
28 *Protection Act* has a special advocate system to review for

1       reasonableness security certificates issued by the government  
2       which are used for the purpose of findings of inadmissibility  
3       for permanent residents and people without -- with only  
4       temporary status or no status.

5                       I don't know if you're familiar with the  
6       system that exists in the *Immigration and Refugee Protection*  
7       *Act* for special advocates, but I was wondering whether,  
8       whether in Parliament or in Court, that sort of system might  
9       be applicable in this situation. Is that something you can  
10      comment on?

11                      **MS. JENNY KWAN:** You mean suggesting a quasi-  
12      judicial process in dealing with foreign interference  
13      activities related to parliamentarians? Is that what you ---

14                      **MR. DAVID MATAS:** Yes.

15                      **MS. JENNY KWAN:** At this point, I think that  
16      an effective way to deal with this -- I truly believe a  
17      Parliamentarian process would be an effective way to deal  
18      with it.

19                      **MR. DAVID MATAS:** I understand that.

20                      A special advocate, at least the way it works  
21      in the *Immigration and Refugee Protection Act*, is that the  
22      person concerned is not there. The advocate gets the  
23      information, but not the person concerned because of the need  
24      for security and not to disclose to the person concerned that  
25      -- the security information and then the special advocate is  
26      subject to confidentiality.

27                      Is that the type of system you have in mind?

28                      **MS. JENNY KWAN:** That is a possibility, and I

1 would say that -- you know, I'm not a lawyer, and how to  
2 ensure that the system is set up to address the question of  
3 due process, I think it is important, and so that's why I  
4 think it's -- you know, an equivalent concept of using a  
5 special advocate can be put in place for this because what we  
6 need to ensure and protect would be national interest issues  
7 and then, of course, the question around due process.

8 In that mix, I do think that we can strike  
9 that balance of transparency and accountability.

10 **MR. DAVID MATAS:** Thank you. Those are my  
11 questions.

12 **COMMISSIONER HOGUE:** Thank you.

13 So next one is the AG. It's you?

14 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

15 **MS. HELENE ROBERTSON:**

16 **MS. HELENE ROBERTSON:** Thank you, Madam  
17 Commissioner.

18 Good afternoon, Ms. Kwan. My name is Helene  
19 Robertson. I'm counsel for the Attorney General of Canada.

20 And I just wanted to talk about one area, and  
21 it's -- in fact, it just follows on fairly neatly from what  
22 Mr. Matas was talking with you about, and that's the NSICOP  
23 report.

24 So in your discussion with Mr. Ferguson  
25 earlier, you said that you believed there needed to be a  
26 process to deal with the issues raised in the report. You  
27 also noted in the course of that discussion the need to  
28 protect national security at the same time as being as

1 transparent as possible. Is that a fair statement of your  
2 discussion?

3 MS. JENNY KWAN: Yes, I believe that we can  
4 strike that balance.

5 MS. HELENE ROBERTSON: Okay. Thank you.  
6 And I would just say as well, and I'm happy  
7 for us to pull it up if you need, at paragraph 8 of your  
8 interview summary you make a reference to the need for  
9 Parliament to engage with the issues in a responsible way.  
10 Do you remember that as being part of the summary?

11 MS. JENNY KWAN: I do.

12 MS. HELENE ROBERTSON: Okay. Thank you.  
13 And I would just note and ask you whether or  
14 not you would agree with this as a proposition, that for a  
15 parliamentary process, you've mentioned the need for a  
16 security cleared committee members to access that classified  
17 information.

18 MS. JENNY KWAN: Well, yes, because if the  
19 members cannot access all the information, they would not be,  
20 I think, in the position to do their work responsibly.

21 MS. HELENE ROBERTSON: Right. And the NSICOP  
22 report, of course, came out of a parliamentary committee --  
23 NSICOP, National Security and Intelligence Committee of  
24 parliamentarians?

25 MS. JENNY KWAN: Yes.

26 MS. HELENE ROBERTSON: Yes. And they are all  
27 security cleared members of Parliament?

28 MS. JENNY KWAN: Yes.



1                   **MS. HELENE ROBERTSON:** Who are bound by what  
2 was earlier the *Security Information Act* ---

3                   **MS. JENNY KWAN:** Yes.

4                   **MS. HELENE ROBERTSON:** --- and permanently  
5 bound to secrecy.

6                   **MS. JENNY KWAN:** Yes.

7                   **MS. HELENE ROBERTSON:** Okay. And so they  
8 have that legislative requirement for their -- for them to  
9 obtain clearance before they access classified information?

10                  **MS. JENNY KWAN:** That is correct.

11                  **MS. HELENE ROBERTSON:** Okay. And so you're  
12 suggesting something similar to NSICOP, but different. Do I  
13 understand that correctly?

14                  **MS. JENNY KWAN:** I am suggesting something  
15 similar, true.

16                         You know, the PROC committee in the House of  
17 Commons are charged with looking into violations of members'  
18 privileges, and my point here is this, that I believe that  
19 members' privileges have been violated here.

20                         When you have a situation where all members  
21 of Parliament are cast under a cloud of foreign interference  
22 activities, potentially, wittingly, unwittingly or semi-  
23 wittingly, we're all under this cloud. Based on the report  
24 and the information that's provided, particularly those who  
25 are of Chinese descent or South Asian descent, are  
26 particularly highlighted as individuals who could face  
27 suspicion. And that, to me, is a big issue that we need to  
28 address in terms of our privilege that, you know, when you

1 have members of Parliaments' privilege being infringed on in  
2 a -- in a Parliament, that cannot be acceptable.

3 So if we continue on business as usual, if we  
4 say the NSICOP report in the way in which it's written and  
5 presented, although with a different mandate, is suffice to  
6 deal with this issue, I would argue that it isn't because  
7 their mandate was not to look at the issue of privilege for  
8 parliamentarians and then, by extension, not just one  
9 Parliamentarian, but for the entire Chamber, for the entire  
10 institution. And that is also -- was in jeopardy, and that  
11 needs to be addressed properly.

12 **MS. HELENE ROBERTSON:** Thank you.

13 And just a few more questions.

14 You're aware of the motion in the House of  
15 Commons asking this Commission to examine the issues that  
16 were raised in the NSICOP report?

17 **MS. JENNY KWAN:** Yes, I voted for it.

18 **MS. HELENE ROBERTSON:** Okay. And so you're  
19 obviously aware that the Commission agreed to examine the  
20 issues in the context of the broader examination that they  
21 are doing of foreign interference in our democratic  
22 processes?

23 **MS. JENNY KWAN:** I am.

24 **MS. HELENE ROBERTSON:** Okay. And you're  
25 aware that, as the Commissioner stated during her opening  
26 remarks on Monday, that she has had access to all of the  
27 intelligence and underlying information that the NSICOP  
28 committee had access to?

1                   **MS. JENNY KWAN:** Yes.

2                   **MS. HELENE ROBERTSON:** Okay. And my question  
3 to you, then, with all of that as context, is, how does that  
4 affect your thinking in this space in regards to dealing with  
5 the issues and balancing the national security against some  
6 of the issues raised and the transparency required?

7                   **MS. JENNY KWAN:** Yes. The Commission has  
8 been tasked with this work, which I do think is important,  
9 which is why I supported that motion.

10                   With that being said, I also think that there  
11 is another component to which is not necessarily the role of  
12 the Commission, and that is to say on the question around  
13 public accountability with respect to parliamentarians and  
14 the role that they play.

15                   And then on the question around privilege for  
16 parliamentarians, I think that's also another piece that's  
17 critical that needs to be considered.

18                   Now, I have no doubt the Commission will do a  
19 fantastic job with all of this work, but there's a lot of  
20 stuff to which the Commission is being charged to deal with.  
21 There's also a question in my mind, what role can  
22 parliamentarians play, what role can Parliament play to  
23 address these issues. And I think that the question of  
24 privilege that I've raised with the Speaker speaks to that  
25 and brings to the Speaker's attention around the role that  
26 Parliament needs to play.

27                   Parliament should not always just be reliant  
28 on a special commission, on a special inquiry to do all of

1 this, and the truth of the matter is, I don't know if the  
2 Commission will be able to do all of this work in the time  
3 constraint that they have either, and there might be some  
4 element to which there will be constraints that the  
5 Commission might be faced with that they will not be able to  
6 -- they may not be able to engage in in this process.

7 So we have to keep all of these issues in  
8 mind and then, when I talk about being responsible  
9 parliamentarians, part of that job is to say in light of all  
10 of this, what do we need to do as a Parliament to address the  
11 issue.

12 MS. HELENE ROBERTSON: Those are my  
13 questions. Thank you.

14 COMMISSIONER HOGUE: thank you.

15 Mr. Choudhry.

16 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

17 MR. SUJIT CHOUDHRY:

18 MR. SUJIT CHOUDHRY: MP Kwan, just a couple  
19 of points arising from the last sets of questions.

20 So the first is, and I'm afraid this isn't  
21 here before you, but as you know, there's a list of standing  
22 committees of the House of Commons. It's on the House of  
23 Commons website. It's a matter of public record.

24 You do know that NSICOP is not actually on  
25 that list of standing committees of the House of Commons;  
26 correct?

27 MS. JENNY KWAN: That is correct.

28 MR. SUJIT CHOUDHRY: Okay. And my second

1 point, then, is about the suggestion that the Commission  
2 could do all the work that's required to engage in a process  
3 to hold accountable, to use your words, individuals who might  
4 have been accused of being witting or semi-witting  
5 participants in foreign interference. Of course, the  
6 Commission will wrap up its work, but the foreign  
7 interference won't go away.

8 Do you see the need for a standing process in  
9 the future after this Commission has completed its work to  
10 address these issues?

11 **MS. JENNY KWAN:** Yes, I do.

12 **MR. SUJIT CHOUDHRY:** Thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 Any re-examination, Maître?

15 **MR. MATTHEW FERGUSON:** None, Madam  
16 Commissioner. Thank you.

17 **COMMISSIONER HOGUE:** So thank you.

18 We'll take 20 minutes' break before the next  
19 witness, and I want to thank you.

20 **MS. JENNY KWAN:** Thank you very much,  
21 Commissioner.

22 **THE REGISTRAR:** Order, please. À l'ordre,  
23 s'il vous plait.

24 This sitting of the Commission is now in  
25 recess until 3:52 p.m. Cette de la commission est maintenant  
26 suspendue jusqu'a 15 h 52.

27 --- Upon recessing at 3:32 p.m.

28 --- La séance est suspendue à 15 h 32

1 --- Upon resuming at 3:55 p.m.

2 --- L'audience reprend à 15 h 55

3 **THE REGISTRAR:** Order, please. À l'ordre,  
4 s'il vous plait.

5 The sitting of the Foreign Interference  
6 Commission is now back in session.

7 Cette séance de la Commission sur l'ingérence  
8 étrangère est retour en session. The time is 3:55 p.m. Il  
9 est 15 h 55.

10 **COMMISSIONER HOGUE:** Good afternoon, Mr.  
11 O'Toole.

12 **MR. ERIN O'TOOLE:** Good afternoon.

13 **MS. NATALIA RODRIGUEZ:** Good afternoon,  
14 Commissioner.

15 Natalia Rodriguez, Commission counsel, for  
16 the record.

17 And Madam Commissioner, the witness before  
18 you is Erin O'Toole, and I would ask that the witness be  
19 sworn, please.

20 **THE REGISTRAR:** All right. Mr. O'Toole, can  
21 you please state your full name and then spell your last name  
22 for the record?

23 **MR. ERIN O'TOOLE:** Erin O'Toole. Erin  
24 Michael O'Toole. O-apostrophe-capital T-O-O-L-E.

25 **THE REGISTRAR:** Thank you very much. And now  
26 for the swearing in.

27 **--- MR. ERIN O'TOOLE, Sworn/Assermenté:**

28 **THE REGISTRAR:** Thank you very much.

1 Counsel, you may proceed.

2 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN CHEF PAR**

3 **MS. NATALIA RODRIGUEZ:**

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

5 Good afternoon, Mr. O'Toole.

6 **MR. ERIN O'TOOLE:** Good afternoon.

7 **MS. NATALIA RODRIGUEZ:** On July 16<sup>th</sup>, 2024,  
8 you had an interview with Commission counsel and a follow-up  
9 interview on August 21<sup>st</sup>, 2024. Is that correct?

10 **MR. ERIN O'TOOLE:** That's correct.

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

13 **MR. ERIN O'TOOLE:** Correct.

14 **MS. NATALIA RODRIGUEZ:** And so I will pull up  
15 now WIT80.

16 And Mr. O'Toole, can you confirm this is the  
17 Stage 2 interview summary that was generated from your  
18 interviews with Commission counsel?

19 **MR. ERIN O'TOOLE:** Yes.

20 **MS. NATALIA RODRIGUEZ:** And is it accurate to  
21 the best of your knowledge, information, and belief?

22 **MR. ERIN O'TOOLE:** It is.

23 **MS. NATALIA RODRIGUEZ:** Do you have any  
24 corrections, additions, or deletions to make at this time?

25 **MR. ERIN O'TOOLE:** No, I had provided my  
26 feedback earlier.

27 **MS. NATALIA RODRIGUEZ:** And do you adopt this  
28 summary as part of your evidence before the Commission today?

1                   **MR. ERIN O' TOOLE:** I do.

2                   **MS. NATALIA RODRIGUEZ:** Thank you. And so  
3 we'll enter that as an exhibit. And for the record, the  
4 French translation of that summary is at WIT80.FR. And we  
5 don't need to pull it up, but it will also be entered into  
6 evidence.

7                   **--- EXHIBIT NO./PIÉCE NO. WIT0000080:**

8                                           Stage 2 interview summary

9                   **--- EXHIBIT NO./PIÉCE NO. WIT0000080.FR:**

10                                          Stage 2 interview summary, French  
11                                          translation

12                   **MS. NATALIA RODRIGUEZ:** Now, Mr. O'Toole,  
13 you'll recall that a Stage 1 interview summary addendum was  
14 also prepared based on issues discussed during your Stage 1  
15 interviews with Commission counsel on February 23<sup>rd</sup> and March  
16 1<sup>st</sup>, 2024 that were outside of the scope of the Stage 1  
17 hearings. Do you recall that?

18                   **MR. ERIN O' TOOLE:** Yes.

19                   **MS. NATALIA RODRIGUEZ:** And if I could ask  
20 the Court Operator to please pull up WIT88.en?

21                                          And this is the addendum to your Stage 1  
22 interview summary that was generated from your interviews  
23 with Commission counsel previously, as I mentioned, in  
24 February and March of this year; correct?

25                   **MR. ERIN O' TOOLE:** Yes.

26                   **MS. NATALIA RODRIGUEZ:** And do you have any  
27 corrections, additions, or deletions to make to this addendum  
28 at this time?



1                   **MR. ERIN O'TOOLE:** I do not.

2                   **MS. NATALIA RODRIGUEZ:** And do you adopt this  
3 summary as part of your evidence before this Commission?

4                   **MR. ERIN O'TOOLE:** Yes, I do.

5                   **MS. NATALIA RODRIGUEZ:** Great. So we'll have  
6 that now entered into evidence, along with WIT88.fr, which is  
7 the French translation of that summary. And we don't need to  
8 pull that up.

9                   **--- EXHIBIT NO./PIÉCE NO. WIT 88.en:**

10                                   Addendum to Stage 1 interview summary

11                   **--- EXHIBIT NO./PIÉCE NO. WIT 88.fr:**

12                                   Addendum to your Stage 1 interview  
13 summary, French translation

14                   **MS. NATALIA RODRIGUEZ:** So, Mr. O'Toole, I  
15 want to start with information in your Stage 1 interview  
16 summary addendum -- and we can take that document down, thank  
17 you -- about concerns that you had regarding a member of your  
18 caucus while you were leader of the official opposition. Can  
19 you tell us a little bit about what you observed that was  
20 concerning to you?

21                   **MR. ERIN O'TOOLE:** There was a member of our  
22 Upper Chamber Caucus that an MP brought to me that he may  
23 have been directly or indirectly promoting or lobbying an  
24 interest of a Chinese-state-owned enterprise in a riding in  
25 Ontario. And that member had -- there had been previous  
26 stories about sponsored travel and other things that led me  
27 to have some serious concerns, considering some of the  
28 subject we were discussing within caucus. But it was that

1 issue in that town in Ontario potentially advocating for an  
2 economic interest that really forced me to make a decision of  
3 some concerns about that member.

4 **MS. NATALIA RODRIGUEZ:** And when you said  
5 about the travel, was this foreign-state-sponsored travel?  
6 Or how would you characterize the travel that you were  
7 concerned with?

8 **MR. ERIN O'TOOLE:** Yes, it was sponsored  
9 travel to China, and a pretty extensive trip, from what I  
10 understood. And there was some media reporting of that  
11 sponsored travel. So you could say prior to being aware of  
12 this economic interest in Ontario, I had already sort of had  
13 some concerns about travel, about opening oneself up to  
14 potential influence. So the -- but it was really the  
15 economic issue raised to me by an MP that had been brought to  
16 him by one of his local mayors that really flagged it for me.

17 **MS. NATALIA RODRIGUEZ:** And you believed --  
18 the concern that you had is that you believed this behaviour  
19 could be consistent with engagement in some sort of foreign  
20 interference or foreign influence. Can you tell us why you  
21 thought that behaviour was consistent with those issues?

22 **MR. ERIN O'TOOLE:** To me, it was completely  
23 inappropriate for a Member of the Senate to be advocating for  
24 commercial interests related to a foreign entity in a riding  
25 in Canada, let alone in Ontario, and it was -- it had caused  
26 the municipal politician some concern, and that's how I was  
27 aware of it. It did not seem to be disclosed, or wasn't  
28 raised, or the context was not provided, and given we were

1 having very serious discussions at the time with respect to  
2 the relationship with China, the situation with the two  
3 Michaels, the consideration of the plight of the Uyghur  
4 peoples, Hong Kong, I was very concerned about this member.

5 **MS. NATALIA RODRIGUEZ:** So what measures or  
6 actions, if any, did you consider when you learned of this  
7 concerning behaviour?

8 **MR. ERIN O' TOOLE:** I spoke to our leader in  
9 the Senate and some other members of the Senate. I was  
10 exploring removing this member from caucus. And the  
11 challenge I had was I had no intelligence services' support.  
12 I had allegations that I could not verify. I had no  
13 learnings from intelligence agencies if they were aware of  
14 it. And the concern that some of my caucus members expressed  
15 to me was that if I took a rash decision of removing a  
16 member, I could be accused of racism, I could be accused of  
17 not allowing somebody the right to respond. So I was in a  
18 real conundrum on how to handle it, but concerned about the  
19 sensitivity of our caucus discussions.

20 So in the end, I did not proceed to remove  
21 the member, but I did ask our leader in the Senate to sit the  
22 person down for a very stern talking to about the  
23 appropriateness of conduct and what was inappropriate, in my  
24 view, as the leader at the time. And that was done and we  
25 moved on from there.

26 **MS. NATALIA RODRIGUEZ:** Now, did you report  
27 any of these concerns to CSIS?

28 **MR. ERIN O' TOOLE:** This is the larger

1 problem. I never, ever was spoken to by CSIS. It was never  
2 offered to me by the Prime Minister or the Minister of Public  
3 Safety. There was no mechanism to hear from CSIS or to seek  
4 guidance from them. And I am hoping that the Inquiry can  
5 explore changes and modernization to allow our Parliament to  
6 function with the appropriate level of professional guidance,  
7 warnings, briefings, education. So -- and I considered  
8 myself a leader very, very comfortable in security of  
9 information from my military time, from my legal time, yet I  
10 didn't have any options, nor were any given to me.

11 The real issue was, was CSIS aware of some of  
12 these activities at the time? My guess would be they likely  
13 were.

14 **MS. NATALIA RODRIGUEZ:** And so while there  
15 may not have been a formal mechanism for you to report  
16 issues, was it open to you to simply approach CSIS, as the  
17 leader of the opposition, to report concerns and seek their  
18 guidance?

19 **MR. ERIN O' TOOLE:** That had never been done.  
20 I guess I could have sent a general email or inquiry, but as  
21 I said, these functions weren't provided. So I conducted my  
22 own internal discussion and investigation, with what limited  
23 information I had, and we made a decision that way. But as I  
24 said, had we been able to rely on security to either verify  
25 or to investigate our concerns, that would have been very  
26 helpful to us at the time.

27 **MS. NATALIA RODRIGUEZ:** And in terms of  
28 reporting it to anyone else, did you have any concerns about

1 reporting it to the Minister of Public Safety, is there some  
2 issue with the leader of the opposition going to the  
3 government with concerns about members within their own  
4 caucus?

5 **MR. ERIN O'TOOLE:** Certainly, we're trail --  
6 you know, we're trailblazing a bit of new ground here. This  
7 is something that I don't think has been encountered before.  
8 Certainly, we're in a very partisan environment more and more  
9 by the month it seems. And so, if we don't have these  
10 resources provided, you know, it's not really an environment  
11 where you could ask for that.

12 I tried during Covid to seek briefings out  
13 from Dr. Tam and to get information and to work as team  
14 Canada as much as I could, but there was very little effort  
15 by the government to afford us with resources, briefings,  
16 background, assistance. And then of course, a month later  
17 we're also into the Winnipeg lab situation where they were  
18 denying parliament to even disclosure rights of information.  
19 So it was not a great environment.

20 Perhaps I could have been a bit more  
21 proactive, but we did an internal investigation, internal  
22 discussions, and as I said, the result was a stern talking  
23 to. But that's kind of how we netted out as a caucus, as a  
24 leadership team.

25 **MS. NATALIA RODRIGUEZ:** So is it fair to say  
26 that if there is a process in place by which a party leader  
27 can report concerns about their own members, that that would  
28 have been helpful if there had been that process in place at

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**MR. ERIN O'TOOLE:** Yes. And even more

I think there really needs to be a designated

**MS. NATALIA RODRIGUEZ:** And so, I want to

Yeah. So we can see that there are caveats

"With a better understanding of PRC foreign interference methodology and tradecraft [you], Mr. O'Toole, would be better able to reduce the effectiveness of...[foreign] interference threats in the

1 future..."

2 And that was part of the purpose of that  
3 classified briefing that you received. So I want to ask  
4 whether you did in fact leave that meeting with -- better  
5 prepared to face foreign interference threats?

6 **MR. ERIN O'TOOLE:** No, I did not. But I was  
7 also leaving parliament. I'd announced my intention to  
8 leave. So I feel that I appreciated this courtesy and the  
9 briefing, obviously it was very late, but they were not  
10 permitted to give it earlier.

11 So I do hope we learn from this process, but  
12 certainly my parliamentary career was winding down. It  
13 allowed me to have better insights into the type of  
14 intelligence we're gathering, but it really didn't provide me  
15 with safeguards, or best practices, or anything like this.  
16 There was no learning from it. It was more information.

17 **MS. NATALIA RODRIGUEZ:** So was it general?  
18 Did you consider it to be general in nature or specific in  
19 nature?

20 **MR. ERIN O'TOOLE:** There were specific  
21 aspects to it. When I raised it in the House of Commons, I  
22 broke it down into three or four, sort of, distinct areas of  
23 interference that I was briefed on. I was very careful to be  
24 very general. So it's the type of information that I think,  
25 hopefully now we will see regularly in terms of threats, or  
26 monitoring, or anything that impacts or impedes parliamentary  
27 -- a parliamentarian's duties, they should be advised about,  
28 with the right precautions for security of information.

1           But mine were some specific examples of  
2           intelligence, and I always say intelligence is not evidence,  
3           but it's data points and information that help inform your  
4           decisions.

5                   **MS. NATALIA RODRIGUEZ:** So did you leave that  
6           meeting with any actionable takeaways that you could  
7           implement?

8                   **MR. ERIN O'TOOLE:** No. In fact, as I left, I  
9           asked about my own personal device once I was leaving  
10          politics, because as I said in the House and it's in my  
11          remarks, they advised that I would likely be a person of  
12          interest for many years into the future. And so, I joked  
13          that that was one of my parting gifts from political life is  
14          I'm on a person of interest list. But they did say in the  
15          future, if you have concerns, or questions, or instances, I  
16          now have an ability to reach out to them.

17                 But I would have liked to have been briefed  
18                 and to have my own personal computing and phone and things  
19                 like that, to at least be leaving and going back into  
20                 civilian life, if I can call it that, best equipped to  
21                 prevent bad conduct and interceptions. So it's --- were  
22                 really left to swim on our own, and I know some of my  
23                 colleagues had mentioned that yesterday.

24                   **MS. NATALIA RODRIGUEZ:** Thank you. I'll take  
25           you now to CAN028170\_1. And this is a memorandum to the  
26           Prime Minister dated September 13, 2020 -- sorry, it's dated  
27           September 8<sup>th</sup>, the transmittal note 2023. And on that  
28           transmittal page we can see it is to the Prime Minister and



1 it is via Jody Thomas, we see that on the righthand side.  
2 And the subject line is "Updated Threat Reduction Briefings  
3 to parliamentarians".

4 And if we go to the second page, this one is  
5 stamped September 13, 2023, and it's a memorandum for the  
6 Prime Minister, and it's copied to John Hannaford and  
7 Nathalie Drouin. And the subject line there says, "Updated  
8 Upcoming Threat Reduction Briefings to parliamentarians".  
9 And you've had an opportunity to see this document; correct?

10 **MR. ERIN O'TOOLE:** Aspects of it, yes.

11 **MS. NATALIA RODRIGUEZ:** Okay. And then the  
12 summary section there details the process which led to threat  
13 reduction measure briefings, TRM briefings, given to members  
14 of parliament, including yourself.

15 And if we scroll down a little bit more, the  
16 second and third bullet points indicate that the Minister of  
17 Public Safety issued a Ministerial directive on threats to  
18 the security of Canada directed at parliament and  
19 parliamentarians on May 16, 2023. And then that on May 26<sup>th</sup>,  
20 2023, you received a classified briefing.

21 And the fourth bullet I do want to read. It  
22 says:

23 "Following Mr. O'Toole's speech in  
24 the House of Commons on May 30,  
25 Public Safety(PS) Canada and CSIS  
26 paused further disclosures to  
27 parliamentarians in order to develop  
28 a governance protocol through which

1 the security and intelligence  
2 community would have the opportunity  
3 to review CSIS' key messages for  
4 disclosure and the intelligence on  
5 which they are based." (As read)

6 Now, are you aware of what speech in the  
7 House of Commons is being referenced here?

8 **MR. ERIN O'TOOLE:** Yes.

9 **MS. NATALIA RODRIGUEZ:** And what was the  
10 subject matter of that speech? You alluded to it earlier,  
11 but I just wanted you to be more specific about that.

12 **MR. ERIN O'TOOLE:** I raised a point of  
13 privilege in the house to basically add to the point of  
14 privilege that Mr. Chong originally brought when he found out  
15 that he was -- there was a foreign threat with respect to  
16 him. I was leaving and this ended up being my second last  
17 speech in the House of Commons.

18 I thought it was very important at that time  
19 to put on the record the violations of my privilege as a  
20 parliamentarian and the wider gaps we have in our system and  
21 the risks we face from foreign interference.

22 Why it was important for me to do that was,  
23 at that time, this Inquiry was not called. At that time, the  
24 Special Rapporteur's report had been insufficiently put  
25 forward to deal with the issue of foreign interference. The  
26 government had literally been avoiding any discussion of what  
27 had happened in 2021 or in 2019 for several months. And I  
28 felt that I owed it as a public good duty and as a final

1 element of my parliamentary career to put on the record  
2 things that parliamentarians should think about if we want to  
3 defend our democracy.

4 It was very important for me as a veteran to  
5 ensure I did that in a way that didn't reveal intelligence  
6 source information or didn't put security of information at  
7 risk, so I sought legal counsel from one of the leading  
8 security and intelligence lawyers in the country to ensure  
9 that I could do this in a way that exercised my privilege,  
10 which is not restrained by *Security of Information Act* or  
11 anything else. parliamentary privilege is absolute. But to  
12 exercise that responsibly, and I think that speech did that,  
13 raising the four broad areas of interference that I was  
14 briefed on.

15 **MS. NATALIA RODRIGUEZ:** Now, were you aware  
16 prior to seeing this document that there had been a pause in  
17 briefings to other parliamentarians following the speech that  
18 you made on May 30th, 2023?

19 **MR. ERIN O'TOOLE:** No, I wasn't aware.

20 **MS. NATALIA RODRIGUEZ:** So let's go to page 9  
21 of this document.

22 And this is a previous memorandum to the  
23 Prime Minister on this issue. And looking at the third  
24 bullet of the summary, it says:

25 "Parts of Mr. O'Toole's speech  
26 misconstrued or overstated that  
27 information."

28 And this is in reference to the speech that

1     you gave on May 30th, as we can see on the second bullet  
2     point.

3             And then I just want to -- so hold that for a  
4     second and we'll go to page 10, and then I'll -- you can  
5     respond to all of it.

6             So under "CSIS Briefing of Mr. O'Toole", the  
7     first bullet point, and I'm paraphrasing, indicates that  
8     there was a Ministerial directive issued on May 16 under  
9     which CSIS was to inform parliamentarians of threats to the  
10    security of Canada directed at them.

11            And the second bullet says:

12                    "In implementing this directive, CSIS  
13                    identified and shared all information  
14                    pertaining to Mr. O'Toole, including  
15                    unverified information from  
16                    intelligence reporting. The  
17                    unverified information provided to  
18                    Mr. O'Toole (identified in Tab B)  
19                    included indications of a PRC  
20                    disinformation campaign, not that it  
21                    was aimed at Mr. O'Toole  
22                    specifically." (As read)

23            And the third bullet point says:

24                    "In its engagement with Mr. O'Toole,  
25                    CSIS specified that the briefing  
26                    included unverified information." (As  
27                    read)

28            And if we just go to the section that's

1 called "Speech in the House of Commons", the first bullet  
2 point says:

3 "On March 30th, 2023, Mr. O'Toole  
4 delivered a speech on foreign  
5 interference in the House of Commons.  
6 In his speech, he discussed the  
7 classified information he received  
8 from CSIS, including the unverified  
9 information about a PRC  
10 disinformation campaign without  
11 providing any caveats as to the  
12 reliability of the unverified  
13 information." (As read)

14 Now, the Commission anticipates receiving  
15 evidence from the Prime Minister and from other government  
16 witnesses that the Prime Minister and others were frustrated  
17 by your speech because it mischaracterized what you had been  
18 told and made uncertain intelligence sound more certain than  
19 it was. And I want to give you an opportunity to respond to  
20 that expected evidence as well as what's in this document.

21 **MR. ERIN O'TOOLE:** Yeah, I disagree with that  
22 assessment completely.

23 Could you go back up to the original tab  
24 where there was the misconstrued ---

25 **MS. NATALIA RODRIGUEZ:** Yes, that would ---

26 **MR. ERIN O'TOOLE:** --- where you started,  
27 please?

28 **MS. NATALIA RODRIGUEZ:** Yes. That was on

1 page 9, and it was the third bullet under "Summary".

2 Right, yeah. Just right there.

3 **MR. ERIN O'TOOLE:** Okay. Scroll up a little  
4 bit more so I can see the last bullet about Mr. Johnston.

5 **MS. NATALIA RODRIGUEZ:** Just down, yeah.

6 **MR. ERIN O'TOOLE:** A little bit more. There  
7 we go.

8 In the House of Commons, we're talking about  
9 the privilege of members and we're talking about intelligence  
10 and whether intelligence was or was not shared pertaining to  
11 individual members. I talked about four broad areas that  
12 were briefed to me, and I was very careful, as I said. I  
13 sought legal counsel with respect to this, so I certainly did  
14 not misconstrue, nor overstate, anything.

15 The issue here is, this is very new. The  
16 directive came a few days before my briefing. The directive  
17 only came as a result of leaks to the newspapers.

18 So the Prime Minister and his advisors,  
19 including the National Security Advisor, were giving these  
20 briefings reluctantly. And knowing how important  
21 intelligence and our agencies are, I respect that.

22 The problem is, we're in this position and  
23 we're in this Inquiry because a lot of intelligence was  
24 shared that was not acted upon. Intelligence by its very  
25 nature has degrees of accuracy, is there cross-referencing,  
26 is there open-source support, so it has to be used in a  
27 dynamic sense. But if it's ignored consistently, that is a  
28 problem.

1                   And I would refer you to even Mr. Johnston,  
2                   it's saying here, was -- CSIS confirmed that some of the  
3                   information communicated to Mr. O'Toole was not shared with  
4                   the Special Rapporteur. Why was that?

5                   My concerns with Mr. Johnston's report, and I  
6                   have great respect for him, was that he received a curated  
7                   view. So my concerns here are with the people curating. And  
8                   I did not misconstrue or overstate, and I'm hoping the  
9                   Inquiry can recommend a method, a ways forward where we can  
10                  trust parliamentarians to find the right balance, to be  
11                  warned, to be able to seek out direction so that they can  
12                  safeguard their own personal well-being, but also their  
13                  duties as a Parliamentarian.

14                  And so my concern is with the curation of a  
15                  lot of this, and that's why I wanted to put it on the record.  
16                  In fact, I think that speech may have been, as was Ms.  
17                  Kwan's, opposition day motion on the same day I gave my  
18                  speech on her briefing.

19                  These were all elements of opposition  
20                  pressure to have the Inquiry we're having now, so I think I  
21                  tried to be responsible with my speech, but it did yield a  
22                  process where I think we can improve our democratic systems.

23                  **MS. NATALIA RODRIGUEZ:** Is it your position  
24                  that you did not reveal classified information in that  
25                  speech?

26                  **MR. ERIN O'TOOLE:** I spoke about a classified  
27                  briefing I received, and I was very careful not to give  
28                  detail that would reveal intelligence specifics or sources,

1 but I did mention four areas of my intelligence briefing of  
2 foreign interference, people on the ground, financing, these  
3 sort of broad headings which I, with my counsel's advice, I  
4 believe balanced my objectives of my parliamentary privilege,  
5 the need for the country to take these issues seriously and  
6 the important of security of information.

7 **MS. NATALIA RODRIGUEZ:** So your position is  
8 that you did not misconstrue or overstate the information.  
9 Is it possible that you may have unintentionally, unbeknownst  
10 to you, misconstrued or overstated the information that you  
11 were provided?

12 **MR. ERIN O'TOOLE:** I don't believe so. I  
13 think the protocol that they wanted to put into place here --  
14 and I'm making an assumption now, but they're saying I did  
15 not provide enough caveats, so they're saying they would have  
16 liked me to put more warnings or red hands pointing saying  
17 this is intelligence, it's not evidence.

18 I never presented it as findings of fact, but  
19 even the process of how to properly brief parliamentarians,  
20 that -- a duty to warn I think that there should be for  
21 elected officials, I think we're now struggling with how best  
22 to deal with this, so if they wanted to pause it to get it  
23 right, but saying I should have had more caveats is not  
24 saying I misrepresented anything. It's saying they would  
25 have liked me to give more background on how intelligence has  
26 to be carefully considered.

27 **MS. NATALIA RODRIGUEZ:** And do you think  
28 there is a risk in a Parliamentarian receiving classified



1 information and trying to provide that information in the  
2 House of Commons, trying to be careful not to disclose  
3 sources and methods, as you say, but is there a risk in doing  
4 that at all?

5 **MR. ERIN O'TOOLE:** It's about mitigating the  
6 risks by finding a responsible balance. Canadians send their  
7 parliamentarians to Ottawa to tackle the affairs of the day.  
8 They send a cross-section of exceptional men and women, and  
9 we have to empower and trust them, to a degree. And I think  
10 other nations do this; we are a laggard in this regard. So  
11 I'm hoping some of the recommendations of Phase 2 of this  
12 Inquiry can help parliamentarians and our government and its  
13 agencies find the appropriate balance here.

14 We're not doing enough, hence this Inquiry.  
15 So how can we ensure that parliamentarians are part of the  
16 solution and can do their job unfettered by interference and  
17 pressure?

18 **MS. NATALIA RODRIGUEZ:** And just to take  
19 maybe an extreme example, you did mention that, to you,  
20 parliamentary privilege is paramount, and it is absolute. So  
21 in your view, then, is a member of Parliament who's briefed  
22 on classified information entitled to go in the House of  
23 Commons and disclose classified information? So means and  
24 methods, sources, potential human sources.

25 **MR. ERIN O'TOOLE:** I wouldn't use the word,  
26 "entitled," Ms. Rodriguez. I would say privilege does give  
27 them a lot of latitude. This is the responsibility we have  
28 to expect by our elected officials, to ensure that they're

1 balancing off those fundamental free speech and democratic  
2 rights, with a responsibility to our agencies and our allies,  
3 which is why I sought counsel from a leading security and  
4 intelligence lawyer on my speech.

5 But you have to remember the context. The  
6 context was I had seen a government, over several years,  
7 obfuscate, avoid; create positions called special  
8 rapporteurs; take the Speaker of the House of Commons to  
9 court on the Winnipeg Lab; misuse the intention of the NCICOP  
10 Committee, which I was involved in creating. It was never  
11 meant to take challenging issues out of parliamentary debate.

12 So I had seen a pattern of not taking  
13 intelligence reports and foreign interference threats  
14 seriously, which is why I felt I had part of an obligation  
15 not just for my own parliamentary record, but for the public  
16 good, to responsibly put that on the record.

17 **MS. NATALIA RODRIGUEZ:** Okay. So in your  
18 view it was a responsible way of putting it on the record,  
19 and it struck the balance between protecting classified  
20 information and openness.

21 **MR. ERIN O'TOOLE:** Yes. And from the report  
22 they would have liked me to use more caveats and other  
23 things. And perhaps this is longer term, as we get more  
24 comfortable to finding this balance of informing and warning  
25 MPs about foreign interference threats against them, that we  
26 can educate and talk about how we can find the right balance,  
27 about parliamentary privilege and the need to have robust  
28 debates defending our democracy and ensuring that our

1 intelligence men and women who serve our country are not put  
2 at risk or sources dry up because of irresponsible use of  
3 that information.

4 Our American allies do it with a lot of their  
5 Senate and Congressional committees being read in and being  
6 trusted. I think that's what Canadians expect us to do, is  
7 trust our elected officials to find that balance.

8 **MS. NATALIA RODRIGUEZ:** And you do talk about  
9 this in your Stage 2 interview summary, and it's at paragraph  
10 17, you say:

11 "The status quo in which no MPs other  
12 than members of Cabinet have access  
13 to classified information is not  
14 desirable, and Canada needs to move  
15 towards a model in which MPs are  
16 trusted with a certain level of  
17 information." (As read)

18 And you reference practices existing in the  
19 U.S. Is this the type of system that you're talking about?

20 **MR. ERIN O'TOOLE:** Yes, and I think the  
21 responsibility and privilege you have of being a member of  
22 Parliament or a member of the Senate means that you have to  
23 educate yourselves on security of information and our  
24 agencies and be part of this balance. Only a select few  
25 would then be part of things like NCICOP or a read-in public  
26 safety committee. And then if each party had a trusted  
27 individual that could be the conduit to CSIS, then if there  
28 were issues happening in parliamentary debates or in

1 committees or in nominations or in anything, there would be a  
2 way -- especially for opposition parties that are operating  
3 in the complete blind, as I was, with my concern about the  
4 caucus member you asked about, we need to be able to have a  
5 conduit and a resource, and I think hopefully that's one of  
6 the recommendations we can see from this stage of the  
7 Inquiry.

8 **MS. NATALIA RODRIGUEZ:** And so is your  
9 recommendation that all members of Parliament have access to  
10 classified information? Are you going that far, or what is  
11 the recommendation, specifically?

12 **MR. ERIN O'TOOLE:** I think at a bare minimum  
13 all members of Parliament should be trained and educated into  
14 trying to find the right balance. Even they do so with the  
15 sensitive personal information of their constituents every  
16 day, in terms of their financial situation, in terms of  
17 immigration and status. So how can we make sure that that  
18 also goes into things like security and intelligence and  
19 foreign interference? I think a baseline of education and of  
20 trust, and then there would be -- like there is with Cabinet,  
21 there would be additional responsibility placed on a smaller  
22 number of members of Parliament who was specifically involved  
23 in some of these standing committees that should have the  
24 ability to go *in camera* with classified information, when  
25 appropriate.

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

27 I want to talk a little bit about political  
28 party governance and administration and any vulnerabilities

1 in that system. And I want to take you to CAN4985.

2 **--- EXHIBIT No./PIÈCE No. CAN004985:**

3 Foreign Interference and Elections: A  
4 National Security Assessment - CSIS  
5 IA 2022-23/57

6 **MS. NATALIA RODRIGUEZ:** If we look at the  
7 title, it's a CSIS Intelligence Assessment entitled, "Foreign  
8 Interference and Elections: A National Security Assessment".  
9 And I just want to take you to page 2 of that assessment.

10 Just keep going down, please. Second bullet  
11 point, yeah, right there:

12 "During elections, Hostile Activities  
13 by State Actors employ...FI to  
14 influence Canadian politics by i)  
15 clandestinely supporting individuals  
16 who are perceived to be receptive to  
17 foreign state interests, and ii)  
18 opposing individuals who are  
19 perceived to be against these foreign  
20 states. To accomplish their goals,  
21 [Hostile Activity State Actors] HASA  
22 exploit loopholes in political party  
23 nomination processes; engage in money  
24 and financing operations; mobilize  
25 and leverage community organizations;  
26 and, manipulate media outlets."

27 So this seems to suggest -- and I want to see  
28 if you agree -- that federal political parties are vulnerable

1 to foreign interference. Do you agree with that?

2 **MR. ERIN O'TOOLE:** Yes, and when I first saw  
3 this document, and this section specifically recently, it  
4 reminded me of many of the things we were flagging to the  
5 SITE Task Force in the election. Of course, we didn't see  
6 this document, or issues related to it, then. But there are  
7 these vulnerabilities, and we need to know they exist, know  
8 that in some cases -- limited cases, but in some cases  
9 they're being exploited, and find ways to build up or  
10 buttress our democratic systems.

11 **MS. NATALIA RODRIGUEZ:** Now, you said in your  
12 interview summary that this was an all-party problem. What  
13 did you mean by that?

14 **MR. ERIN O'TOOLE:** Well, I spoke earlier  
15 about one of the issues I struggled with, with my caucus  
16 member in questions you asked me. This is issues that where  
17 with nominations in some parts of the country, some ridings  
18 are determined in the nomination because they're safe seats,  
19 although byelections don't appear to be as safe as they used  
20 to, I notice. But if you win a nomination, you're an MP in  
21 some seats; blue, red, orange. And so if there is  
22 infiltration -- that sounds like a strong word, but if there  
23 is manipulation or interference, parties should know that  
24 before someone walks in to take their oath and sit in the  
25 House of Commons.

26 So how do we close these loopholes; how do we  
27 protect vulnerabilities? That's what you're charged with,  
28 and I know you're -- the Commission is working very hard at

1       it. And I think all of these areas, from fundraising to  
2       policy creation to nominations to leaderships, have  
3       vulnerabilities. Are they always exploited? In the vast  
4       majority of cases, no, but we do know in some cases they are,  
5       so we have to fix them.

6                   **MS. NATALIA RODRIGUEZ:** And in paragraph 7 of  
7       your Stage 2 interview summary you say that leadership  
8       contests are uniquely vulnerable to foreign interference.  
9       Can you explain why you're of that view?

10                  **MR. ERIN O'TOOLE:** Well, my main -- my main  
11       concern right now is with the Liberal Party, to be honest  
12       with you, because in that situation, there is no membership.  
13       There's no bus to join. If you supply an email address,  
14       you're in.

15                   And if you get an organizer or diaspora  
16       figure to just gather emails, you could have people voting or  
17       participating in a nomination context who could be non-  
18       citizens, you know, visiting students, and are they there  
19       because they want to be there, because that's their choice,  
20       or are they being marshalled or pressured?

21                   All parties have different rules, whether  
22       there's a financial or, you know, a sign up requirement, and  
23       in some communities and some diaspora groups, and other issue  
24       -- single-issue groups, and marshal large numbers at a time  
25       where you see membership in organizations declining, you  
26       know, in legions and rotary clubs, and the traditional ground  
27       for membership in these groups are in decline, so the ability  
28       to marshal community groups or other things is a very

1 powerful tool in nominations. And so how can we ensure that  
2 doesn't happen?

3 **MS. NATALIA RODRIGUEZ:** And what about in  
4 leadership contests?

5 **MR. ERIN O'TOOLE:** It would be the same,  
6 depending, as I said, the Liberal's no membership rule makes  
7 it particularly vulnerable. But our party has a point  
8 system, so in certain areas where there's the ability to  
9 deliver large single-issue groups or large diaspora  
10 communities, you can win the points.

11 One of the suggestions I've made is perhaps  
12 you have to be a member a year before the nomination to  
13 ensure that there's not astroturf sort of pop-up memberships,  
14 or if there's this conduit with our intelligence agencies, we  
15 should know if there's -- if we're aware of an effort to  
16 influence a nomination. The party should be made aware of  
17 it.

18 **MS. NATALIA RODRIGUEZ:** And there are  
19 allegations of attempted interference in the last two  
20 Conservative Party leadership contests, including the one in  
21 2020. Do you have any knowledge, any personal knowledge,  
22 regarding these allegations?

23 **MR. ERIN O'TOOLE:** No.

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

25 **COMMISSIONER HOGUE:** I have one question for  
26 Mr. O'Toole. Do you believe that designing the rules in  
27 relation to the nomination processes should be left to the  
28 parties? And if so, why?



1                   **MR. ERIN O' TOOLE:** My only concern is a level  
2 playing field for everyone. So if the parties were all  
3 involved in setting the terms of fundraising for membership  
4 for who can vote and who can't vote, I don't think it should  
5 be, you know, ran through by one party and change the rules  
6 of the game if we can avoid it, because we're trying to work  
7 together to avoid foreign interference. So I think, you  
8 know, this -- because we know it's being -- it's vulnerable,  
9 this level needs to be regulated or have more transparency to  
10 it.

11                   Now, in the past, this was probably not  
12 needed, and -- but I think we've seen that now it probably  
13 needs to be transparent with some rules that at least avoid  
14 manipulation or interference. And that could be about  
15 membership rules, that could be, you know, permanent  
16 residents -- like, certain rules that are applied to  
17 everyone.

18                   **COMMISSIONER HOGUE:** Thank you.

19                   **MS. NATALIA RODRIGUEZ:** I just wanted to  
20 briefly touch on the concept that you had brought up earlier  
21 about having a designated individual who would be security  
22 cleared to receive information. And I'm just wondering how  
23 that would -- how that would assist, potentially, in  
24 nomination contests or leadership contests to help kind of  
25 bridge that gap and close some potential loop holes or areas  
26 of vulnerability that might otherwise exist?

27                   **MR. ERIN O' TOOLE:** Well in the extreme  
28 example, if there was somebody that was already a person of

1 interest of one of our intelligence agencies, and suddenly  
2 they were marshalling forces to win a nomination of a certain  
3 area, and the agency is aware of that, you would hope that we  
4 could prevent that from happening. And this Inquiry has  
5 heard similar circumstances already.

6 You know, that person that would be trusted  
7 would have to be trusted by the party to be able to intervene  
8 very early on to prevent it, and they may not be able to  
9 share any information why, but if the party knows that  
10 they're our conduit to the intelligence agencies, it could be  
11 that person has kind of a veto on certain people.

12 I do think the parties, if it was approached  
13 in a transparent way and everyone worked together, I think  
14 there would be a lot of trust in that figure that could do  
15 this both for the parliamentary caucus, but for -- or for the  
16 party side for nominations so that we don't have a situation  
17 where someone gets a nomination and then later on has to be  
18 reviewed, and then it becomes public. If someone is not  
19 allowed from day one, it may not even be known. And I've  
20 seen parties disqualify candidates based on living one street  
21 outside the riding or not having enough signatures. People  
22 have been disqualified for far less. So I think that could  
23 be a new development that the parties would quickly adapt to  
24 using.

25 **MS. NATALIA RODRIGUEZ:** Thank you. Now,  
26 before we close, is there any other matter that you wish to  
27 draw the Commissioner's attention to that we have not  
28 discussed today?

1                   **MR. ERIN O'TOOLE:** You know, my testimony to  
2 the Inquiry has been tabled. There's a lot more in there.  
3 As I said from the beginning, I really hope that this can be  
4 an all-party effort from whatever recommendations the Inquiry  
5 makes. We owe it to parliamentarians now and future that we  
6 have a more robust system and send the message that our  
7 democracy is important.

8                   So nothing else to add other than what's on  
9 the record, and I appreciate the work of your team.

10                  **MS. NATALIA RODRIGUEZ:** Thank you very much,  
11 Commissioner. Those are my questions.

12                  **COMMISSIONER HOGUE:** Thank you.

13                  Looking at the list, the first counsel is  
14 counsel for the Concern Group.

15                  **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

16                  **MR. NEIL CHANTLER:**

17                  **MR. NEIL CHANTLER:** Good afternoon, Mr.  
18 O'Toole. My name is Neil Chantler and I'm counsel for the  
19 Chinese Canadian Concern Group.

20                  Could the Court Reporter please pull up  
21 WIT88.en?

22                  Mr. O'Toole, this is your interview summary  
23 Stage 1 addendum. You were brought to this earlier and I  
24 just bring it up again for your reference.

25                  At page 1, paragraph 1, you provided that an  
26 individual within your own caucus took trips sponsored by  
27 foreign states and engaged in lobbying efforts on behalf of  
28 foreign interests. And how did you come to know that?

1                   **MR. ERIN O'TOOLE:** As I said earlier, the  
2                   allegation that there was advocacy or lobbying on behalf of  
3                   an economic interest was brought to me by an elected member  
4                   of Parliament who had had the issue brought to him by one of  
5                   their mayors, with the mayor saying, "Why is this person  
6                   making inquiries here on behalf of a project that already had  
7                   attracted a little bit of controversy in this small-town  
8                   area?" And so it accidentally came on our radar because of  
9                   the report of that mayor.

10                  **MR. NEIL CHANTLER:** And you've taken us  
11                  through some of the exercise you went through in deciding not  
12                  to take steps to expel that individual at the time. One of  
13                  those was that you might be accused of being racist. Is that  
14                  correct? And of course you were not being racist if you had  
15                  taken those steps. You would have been responding to very  
16                  legitimate concerns about the integrity of this person's  
17                  conduct.

18                         But you're probably familiar with the fact  
19                         that that's a common refrain among groups that might be pro-  
20                         PRC or pro some other foreign state to turn efforts against  
21                         them into accusations of racism. You've heard that before;  
22                         correct?

23                   **MR. ERIN O'TOOLE:** I have.

24                  **MR. NEIL CHANTLER:** And the fact that it had  
25                  that effect on you indicates the true power of that  
26                  allegation. Nobody wants to be accused of being racist.  
27                  It's a very effective counter attack to our legitimate  
28                  efforts to combat foreign interference; isn't it?

1                   **MR. ERIN O'TOOLE:** It is a chill, but it  
2 wasn't the only factor in why we decided to proceed the way  
3 we did.

4                   I gave a lot of latitude and respect to the  
5 views of my colleagues in the Senate.

6                   **MR. NEIL CHANTLER:** Now, on the issue of  
7 sponsored travel, we heard some evidence earlier today that  
8 there might be nothing wrong with that conduct as long as  
9 it's out in the open, as long as it's transparent for the  
10 parliamentarians receiving benefits or sponsorship from a  
11 foreign state. But even if the recipient is transparent  
12 about that benefit in the moment, I suggest to you that  
13 there's a risk the public is going to perceive that that  
14 favour is meant to be reciprocated, a *quid pro quo* of sorts,  
15 at some point in the future, and when it's reciprocated, that  
16 might not be so transparent. Do you agree with that?

17                   **MR. ERIN O'TOOLE:** My view on sponsored  
18 travel, if the reason for it is clear, you're reviewing a  
19 security situation, you're reviewing the results of famine,  
20 you're showing support for an area overcoming adversity or,  
21 you know, a disaster. And if it's all Party and -- then it's  
22 different than if it seems to be catered to give you a good  
23 trip. So I think transparency is paramount and fundamental,  
24 but also the intention of the trip is important.

25                   **MR. NEIL CHANTLER:** So is it an  
26 oversimplification to suggest that we might simply ban  
27 sponsored travel by foreign states of our parliamentarians?

28                   **MR. ERIN O'TOOLE:** Again, I think if -- I

1       only took one sponsored travel trip in my decade in politics.  
2       It was one that was all Party and it was about security and  
3       other issues. So I wouldn't want to have a sweeping "no"  
4       whatsoever because I do think it gives an opportunity for  
5       members of Parliament to learn more and to build  
6       international relationships, but if something seems to be  
7       designed to just show you a good time, then it can be part of  
8       an elite capture type influence operation, and I think  
9       transparency usually shows that. And in this case, my case,  
10      there had been media reports critical of that sponsored trip.

11               **MR. NEIL CHANTLER:** How regulated is this  
12      area? Are there party rules surrounding ---

13               **MR. ERIN O'TOOLE:** There's rules from the  
14      Ethics Commissioner and they've actually been tightened in  
15      the last couple of years, likely due in part to this.

16               **MR. NEIL CHANTLER:** But you agree with me  
17      that the risk to the public's perception of the integrity of  
18      parliamentarians is so great that receiving essentially  
19      nominal sponsorship for travel or for some other -- some  
20      other forms of benefits, really, we could just do without  
21      that and try and do everything we can to preserve the  
22      integrity of the public's faith in parliamentarians.

23               **MR. ERIN O'TOOLE:** That's not my position.  
24      My position is absolute transparency, bipartisanship to the  
25      intention of it, and a real rationale for it.

26               My experience is that MPs, especially from  
27      all Parties, are here to work hard for their constituents and  
28      to learn, and so if those three sort of caveats are part of

1 it, I'm not as -- I don't think a blanket ban is needed.

2 **MR. NEIL CHANTLER:** You've talked a bit today  
3 already about leadership contests, about them being a unique  
4 risk to foreign interference, some similarities with riding  
5 contests. And you answered many of the questions I was going  
6 to ask you, but I'll ask you this.

7 Is it your view that Parties' resistance to  
8 the regulation of their own processes such as leadership  
9 contests is really just a desire to retain some partisan  
10 control over those contests?

11 **MR. ERIN O'TOOLE:** Well, I've been in both  
12 government and in opposition. I prefer government. But the  
13 challenge is, is when someone wins and they've worked hard to  
14 win, they're not going to want to change the system. And so  
15 this is why FI gives us an opportunity and why I've spoken  
16 about some of the challenges I faced. We need to fix this  
17 for the long term, and so the Parties have to not think about  
18 their short-term advantage, they have to think about the  
19 long-term interests of our parliamentary democracy.

20 **MR. NEIL CHANTLER:** Thank you, sir.

21 **COMMISSIONER HOGUE:** Thank you.

22 Counsel for RCDA, Maître Sirois.

23 **--- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

24 **MR. GUILLAUME SIROIS:**

25 **MR. GUILLAUME SIROIS:** I'm Guillaume Sirois,  
26 counsel for the Russian Canadian Democratic Alliance.

27 Have you heard about the recently unsealed  
28 U.S. Department of Justice indictment about Russian

1 interference?

2 MR. ERIN O'TOOLE: I've read the media  
3 stories, yes.

4 MR. GUILLAUME SIROIS: Okay. You might be  
5 aware, then, that, according to this indictment, Canadian  
6 influencers received \$10 million from Russian operatives to  
7 set up a news outlet identified as Tenet Media aimed at  
8 influencing U.S. elections.

9 MR. ERIN O'TOOLE: Yes, I read about that.

10 MR. GUILLAUME SIROIS: Thank you.

11 I would like to ask the court reporter to  
12 pull RCD 39, please.

13 --- EXHIBIT No./PIÈCE No. RCD0000039:

14 Far-Right Media Outlet Linked to  
15 Secret Russian Influence Campaign  
16 Produced 50+ Videos Focused on Canada

17 MR. GUILLAUME SIROIS: So this is one of the  
18 media -- many media articles that came out after the  
19 indictment became public. The interest of this news article  
20 specifically is that it analyzes the Canadian content that  
21 was published by Tenet Media.

22 Can we zoom out a little bit? I'd like to  
23 see the title of the article and the date, please.

24 As we can see from the first page, it has  
25 been published on September 5th and it's about the 50 or plus  
26 videos that focused on Canada from Tenet Media and that were  
27 reviewed half a million times.

28 I'd like to go to page 5, please, so we can



1 see some examples of those videos. I would take you to the  
2 source material, but they've all been taken down following  
3 the unsealment (sic) of that indictment.

4 We can see that's the YouTube page of Tenet  
5 Media. There are some videos about inflation, Canada's  
6 immigration to spiral out of control.

7 And scroll down.

8 "Trudeau's Canada can't handle the current  
9 level of immigration." "How Indian scams will be the end of  
10 Canada".

11 We can scroll down.

12 And again, I won't read them all out loud,  
13 but they all -- I'm wondering if you have any comments  
14 regarding the subject matter of these videos. Why would  
15 Russia be behind the promotion of such content?

16 **MR. ERIN O'TOOLE:** I didn't see any of the  
17 videos, but I refer you to my previous testimony at Stage 1.

18 In my experience, I did see what I often  
19 assumed was bots or Russian misinformation efforts often  
20 around LBTQ issues or often around vaccine or vaccine mandate  
21 issues. Again, I have no way to verify that because, as an  
22 opposition person, I have no access to briefings, no  
23 information. I've learned more with the work this Inquiry  
24 has done on what monitoring there was.

25 In my experience and from what I've read,  
26 Chinese interference is more like a scalpel on a riding level  
27 for specific outcomes, whereas Russian misinformation is more  
28 chaos generating. They want us just fighting and making

1 democracy look ineffective and challenging some western  
2 values and other things. But I've never seen and I can't  
3 comment on anything specific.

4 **MR. GUILLAUME SIROIS:** And would the intent  
5 of making -- creating chaos -- I believe we can take the  
6 document down now. I don't have any more questions about the  
7 document itself.

8 But I find your comment interesting. Does  
9 the promotion of divisive content in that -- showing that  
10 democracies cannot work, is it something that targets the  
11 elections as well or is it something that's more general that  
12 aims only to society? Does it target democratic processes or  
13 only society at large? Is there a distinction to make  
14 between the two?

15 **MR. ERIN O'TOOLE:** My experience is I didn't  
16 see any targeting at a riding level or nominations or things  
17 like that. Issues and that sort of chaos appears to me,  
18 without, you know, direct security briefings, to be sort of  
19 the intention.

20 I have publicly commented on my concerns  
21 about how Russian propaganda with respect to the war in  
22 Ukraine has eroded in some areas support for Ukraine, which  
23 is a very important ally and Canada should -- and our allies  
24 should be doing more. And when, you know, when fatigue fits  
25 in from war, and there's propaganda and misinformation, it  
26 can impact people and it can impact the public mood and the  
27 policy direction more than the election day nominations or  
28 things that we've seen in other foreign interference.

1                   **MR. GUILLAUME SIROIS:** So can I just  
2 summarize this by saying that would it be correct to say that  
3 the long-term impacts of this -- these propaganda campaigns  
4 from Russia could influence some policy decisions such as the  
5 support for Ukraine?

6                   **MR. ERIN O'TOOLE:** Yes, that's my concern.  
7 As a member of Parliament before I was the leader, I believe  
8 when I was the Foreign Affairs Shadow Minister for the  
9 Conservatives, I was suggesting Russia Today, RT, should not  
10 be licensed to appear on the Canadian cable airwaves and, you  
11 know, it was pushing propaganda into our democracy.  
12 Eventually it was removed, but it had been there operating  
13 for many years. So their propaganda and their misinformation  
14 is not just bots and troll farms. It has also been RT and,  
15 you know, even diplomatic actions at times.

16                   So we have to be aware of it,  
17 parliamentarians have to be educated again, and then the  
18 public also needs to be warned where there's instances.

19                   So the news stories in the United States I  
20 think don't really inform this Inquiry per say, but they do  
21 allow us to see that these efforts by adversarial nations  
22 like Russia are pervasive, they're committed for the long-  
23 term, and we're playing catch up as a democracy. And so I  
24 think we have to take all of these precautions and safeguard  
25 measures more seriously.

26                   **MR. GUILLAUME SIROIS:** And why do you say  
27 we're playing catch up with these measures?

28                   **MR. ERIN O'TOOLE:** Well we don't know how

1 long many of these propaganda efforts, misinformation efforts  
2 have truly been operating.

3 In the case of Russia Today, as I said, I was  
4 asking for that to be removed in around 2018, 2019.

5 You really don't know, particularly with  
6 social media, but even regular media, it's that constant  
7 stream of misinformation that changes the dialogue. It's not  
8 the one time you see something, but when your tenth friend  
9 shares the same message, my concern on the misinformation on  
10 the war in Ukraine, I would deal, when I was still an MP,  
11 with veterans, as a veteran myself, I'd call them and say,  
12 "You are falling for misinformation on the war and on  
13 corruption, and on the Bandera Brigades," and in some cases,  
14 these are multi-decade propaganda tools of Russia and we're  
15 only now really catching up to their impact on our debates.

16 **MR. GUILLAUME SIROIS:** So these impacts on  
17 our debates, as you say, is intentional from Russia? It's  
18 not only to divide society, it's to have an impact on debates  
19 themselves?

20 **MR. ERIN O'TOOLE:** Yes. When I used to host  
21 officials as a member of the government, as a Cabinet  
22 Minister in the Conservative Government, I would post a photo  
23 with a Russian dignitary -- sorry, a Ukrainian dignitary, and  
24 trolls would say I was supporting Neo-Nazis and the Neo-Nazi  
25 Brigade. And we've seen this narrative continue. But I'm  
26 now talking 2013/2014, when we first started sharing military  
27 equipment after the invasion and annexation of Crimea.

28 So this has been with us for a decade. And,

1     you know, we've focused a lot on one specific country in this  
2     Inquiry, but I do think it's good for us to remember there  
3     are many attempts at interference, and I think we can't just  
4     focus on the one that has been the majority of this Inquiry.  
5     What Russia is doing is just as insidious.

6                   **MR. GUILLAUME SIROIS:** And I'll finish with  
7     that because I only have one minute left, but concerning the  
8     very specific challenges associated with those propaganda  
9     campaigns, such as the fact that it's ongoing for over  
10    multiple years, 10 years, as you said, and also the fact that  
11    it mostly concerns some things that could be seen as  
12    legitimate political speech, how do you think that Canada can  
13    better detect, deter, or counter these propaganda campaigns?

14                   **MR. ERIN O'TOOLE:** Well I've said with social  
15    media I really have some concerns with WeChat, and TikTok,  
16    and other devices where the algorithm is controlled, or at  
17    least has oversight by Beijing. But as I've said, RT was a  
18    tool for many years that we kind of allowed to run rampant on  
19    cable channels here. The bot farms and other things, I think  
20    we really need public education about social media use, and  
21    potentially the revealing of some of these cases like we've  
22    seen in the United States, where we can show people that  
23    there's misinformation here sowing division, sowing  
24    uncertainty, pull back the cloak as much as possible.

25                   **MR. GUILLAUME SIROIS:** All right. Thank you.

26                   **COMMISSIONER HOGUE:** Thank you.

27                   Next one is counsel for the Human Rights  
28     Coalition, Mr. Matas.

1 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

2 MR. DAVID MATAS:

3 MR. DAVID MATAS: Yes, I'm David Matas, the  
4 Human Rights Coalition.

5 In your interview summary, you -- at stage  
6 two, WIT78, paragraph 16, you say that MPs -- when MPs and  
7 their family are at risk or vulnerable to foreign  
8 interference threats, they should be informed so that they  
9 can take appropriate measures.

10 In paragraph 20, you express support for  
11 limited briefings by CSIS to members of the public who may be  
12 targets of foreign interference.

13 So my question is, do you see any difference  
14 between the information provided to MPs and their families  
15 and the briefings to members of the public?

16 MR. ERIN O'TOOLE: Well, if there's -- like,  
17 particularly, if it concerns the personal wellbeing or, you  
18 know, intercepts or observation of that person and their  
19 family, that, I think, requires immediate duty to warn and  
20 much more detailed information than what might be shared with  
21 the public on that.

22 I do -- the point I'm trying to make with  
23 elected officials, MPs, if we have to trust that they've been  
24 sent by their electors, by their constituents, to be trusted  
25 with the affairs of state, whether they're in government, in  
26 Cabinet, or whether they're an individual member. Having the  
27 right balance needs to be what the protocols and what the  
28 training and kind of the rules of the House indicate as

1       trying to force the right balance. But there has to be trust  
2       on that individual that's elected.

3               **MR. DAVID MATAS:** I understand, but if the  
4       Commissioner -- or the Commission is to set out some sort of  
5       protocol of disclosure, would it be any different if it were  
6       a member of Parliament or a member of the public?

7               **MR. ERIN O'TOOLE:** Well I think diaspora  
8       groups and other organizations that are being targeted should  
9       receive briefings and cautions as well, but they don't have  
10      the same public duty as an elected official. But they  
11      certainly live in a free democratic society and should be  
12      able to advocate and have free speech. So they should be  
13      afforded protections and briefings, and perhaps law  
14      enforcement liaison to ensure they're safe.

15              **MR. DAVID MATAS:** Michael Chong said that  
16      members of Parliament should be informed first, before  
17      members of the public. Do you have any views on that?

18              **MR. ERIN O'TOOLE:** Well, you know, if -- it  
19      depends on the nature of foreign interference. If it relates  
20      to an election, or a policy, or a committee, or a foreign  
21      policy position of Canada, that is more for the elected  
22      officials. But I often had concerns that the Uyghur  
23      community, the Falun Gong, the Hong Kong groups in Canada,  
24      they were often fearful of their communications and their  
25      activities being monitored. So those individuals, where  
26      risks to them can be reduced, I think should be warned. Are  
27      they then given the same level of information? Probably not.  
28      But their wellbeing should be at the top of the consideration

1 of our intelligence agencies.

2 **MR. DAVID MATAS:** When you say the same level  
3 of information, could you maybe elaborate a bit on that?  
4 What the difference in levels might be?

5 **MR. ERIN O'TOOLE:** Well, really for the  
6 members of the public who are advocating and exercising their  
7 democratic rights, if there's risks to them, either their  
8 physical well-being or risks that their communications are  
9 being intercepted, those risks can be eliminated by proper  
10 intervention, by security services. There probably doesn't  
11 need to be much intelligence sharing at all with them if it's  
12 just about taking precautions to keep them safe.

13 parliamentarians have a duty to make sure  
14 that we're doing a good job and to have oversight, to a  
15 degree, of the agencies themselves.

16 So I think levels of briefing, there would be  
17 no reason to brief unelected officials on issues related to  
18 the RCMP or Public Safety.

19 With members of diaspora communities, I'm  
20 really referring to intelligence agencies know their house is  
21 being bugged or something. We should help reduce that  
22 threat. But I don't think there needs to be intelligence  
23 sharing. It's about safety.

24 **MR. DAVID MATAS:** Understood. Now, foreign  
25 interference can come through -- one can find out about  
26 foreign interference because a security system finds out  
27 about it, but foreign interference can come directly to  
28 members of diaspora communities through threats and it may be



1       that they find out about it before the security commission --  
2       the security system finds out about it. Would you agree?

3               **MR. ERIN O' TOOLE:** In some cases, yes.

4               **MR. DAVID MATAS:** So foreign interference  
5       isn't necessarily secret to diaspora communities. Sometimes  
6       it's something the public, in the sense that they know about  
7       it directly from the people who are interfering? Would that  
8       be right?

9               **MR. ERIN O' TOOLE:** They sometimes have first-  
10      person observation knowledge of what is happening. So yes, I  
11      often received information from diaspora groups as a  
12      parliamentarian that I would take into my consideration in  
13      terms of the advocacy I was doing for human rights, these  
14      sorts of things. So they're on the front lines, and -- which  
15      is why they're also vulnerable. And so they should be  
16      protected as much as our agencies can.

17              **MR. DAVID MATAS:** There was some -- I had  
18      previously asked some questions of Micheal Chong about the  
19      issue of whether foreign interference needed to be covert to  
20      be foreign interference. You've mentioned that issue as  
21      well. And in a situation where foreign interference is  
22      directed specifically and immediately through threats to the  
23      diaspora community, that would not be covered; would it?

24              **MR. ERIN O' TOOLE:** Can you name a -- like, a  
25      public threat issued by, like, ---

26              **MR. DAVID MATAS:** Well ---

27              **MR. ERIN O' TOOLE:** --- an embassy or  
28      something like that?

1                   **MR. DAVID MATAS:** The threats would be  
2 directed to individuals. I mean, they would know about it.  
3 It may not be in the media, but it would be something that  
4 wouldn't be secret to them.

5                   **MR. ERIN O'TOOLE:** Well I think there's a big  
6 difference between things that are done publicly by an  
7 ambassador, or by a consular, or by, you know, a statement by  
8 a state and, you know, threats and what we might call  
9 diaspora politics. These things have to be investigated, but  
10 if something is done by a state, it's not really covert. If  
11 it's done within circles, or a hall, or somebody in a store,  
12 some of that is kind of covert, the way it's done, not to the  
13 person being threatened, clearly, but it would not be on the  
14 radar of most Canadians.

15                   **MR. DAVID MATAS:** So when you're talking  
16 about covert, it's not so much that it's not known by the  
17 target, it's just not known publicly. Is that what you're  
18 talking about when you're talking about covert?

19                   **MR. ERIN O'TOOLE:** I think it depends on the  
20 instance. You know, in foreign interference, it's generally  
21 clandestine, because they want to interfere without it being  
22 attributed to the state or one of their actors. Some of the  
23 threats or intimidation that people on the ground might see  
24 from people they believe to be United Front Work Department  
25 people, or people close to consular staff, these sorts of  
26 things, then it's a little less covert, but it's still not  
27 widely known. So our agencies need to work with our diaspora  
28 communities, not just to safeguard them, but to also gain

1 information and learn from them.

2 MR. DAVID MATAS: Okay.

3 COMMISSIONER HOGUE: Mr. Matas, your time is  
4 already exhausted, so I will ask you to ask your final  
5 questions, please.

6 MR. DAVID MATAS: Well, in fact, that was my  
7 final question.

8 COMMISSIONER HOGUE: Thank you.  
9 So the Attorney General, do you have any  
10 questions?

11 MR. BARNEY BRUCKER: I have good news. I do  
12 not have any two questions because the two areas were covered  
13 by your counsel during her examination in-chief. Thank you.

14 COMMISSIONER HOGUE: Thank you.

15 And Mr. O'Toole's -- where is he? Ah.

16 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

17 MR. THOMAS JARMYN:

18 MR. THOMAS JARMYN: Thank you, Commissioner,  
19 I just have a couple of questions in follow up.

20 Ms. Rodriguez had asked you about  
21 parliamentary privilege and the use of parliamentary  
22 privilege to protect classified -- the statement of  
23 classified information in Parliament. How is the use of  
24 parliamentary privilege supervised?

25 MR. ERIN O'TOOLE: Well the Speaker  
26 ultimately, who is the -- and parliamentary precedent. And  
27 the paramountcy of your privilege is kind of fundamental.

28 I often would refer to the decisions of

1 Speaker Milliken with respect to the Afghan Detainee  
2 Documents, which was during the Conservative Government just  
3 before I was elected, as one of the considerations of how to  
4 balance off national security, public security, with the  
5 privilege of members of Parliament.

6 The paramountcy of the members was absolute,  
7 but we trust the MPs to have a responsible approach to it,  
8 which is why when I did rely on my point of privilege to  
9 discuss broad themes from my CSIS briefing, I was very  
10 careful to strike that balance. I sought counsel from Andrew  
11 House, you know, a leading lawyer in this area, to make sure  
12 that I was being responsible, because I respect and  
13 appreciate the work done by CSIS, by CSE, by our police  
14 forces, and so finding that right balance is the sort of  
15 standard we want to expect all members of Parliament to have,  
16 whether they're in Cabinet, on a committee, or just locked in  
17 to the House, like Mr. Stewart was the other day. So it  
18 should be an expectation we work towards.

19 **MR. THOMAS JARMYN:** And if parliamentary  
20 privilege is being abused, it's within the providence of the  
21 Parliament to make that determination?

22 **MR. ERIN O' TOOLE:** Yes. I -- yes. And the  
23 Speaker usually provides a lot of latitude on issues and you  
24 have to give notice you're going to be rising. And I re-read  
25 my speech after seeing some of the materials tabled with the  
26 Inquiry and I was careful not to stray into debate as much as  
27 I could prevent myself. In the privilege motion, you're  
28 supposed to be really getting at the pith of what you're

1 saying, not indirectly making a political attack or speech.

2 And so the speaker can corral you back to the  
3 fundamentals, if it's being used politically.

4 **MR. THOMAS JARMYN:** And in fact, if members  
5 of Parliament, in the course of regular business, were given  
6 access to classified information, it would be within the  
7 jurisdiction of the Speaker to control the usage of that?

8 **MR. ERIN O'TOOLE:** Yes.

9 **MR. THOMAS JARMYN:** you had some questions  
10 about sponsored travel, and sponsored travel rules are set by  
11 Parliament how often? Are they an ongoing thing? They  
12 change? What's your experience with that?

13 **MR. ERIN O'TOOLE:** I'm no longer a member of  
14 Parliament, but, you know, this was a topic that would come  
15 up regularly. And as I said, I only, in 10 years,  
16 participated in one. Members of the government, so Cabinet  
17 and parliamentary secretaries, cannot go on sponsored travel.

18 Usually that transparency requirement is the  
19 most important thing. I do believe the current, or maybe the  
20 most recent, Ethics Commissioner was wanting to end the  
21 process entirely. But I've seen benefit from it, as I said,  
22 provided it's non-partisan, it's publicly transparent, and  
23 that there's a goal, you know. And often that goal fulfils  
24 some of our strategic or foreign affairs interests, or  
25 expresses our values as a country, if it's to view a country  
26 in distress, for example, and you're going with an NGO, like  
27 World Vision or something like this.

28 It's very different if it's a, you know,

1       bespoke trip planned to gain influence or to hopefully gain  
2       favour down the road, that should be, you know, banned  
3       entirely.

4                   **MR. THOMAS JARMYN:** Your former colleagues,  
5       McKay, MP McKay, MP Genius and Chong were both asked -- they  
6       were all asked about the importance of being warned of these  
7       activities. And I can guess from your response to Mr. Matas  
8       that -- what would your view be with respect to establishing  
9       for agencies a duty to warn, with respect to foreign  
10      interference, both for members of Parliament and for diaspora  
11      communities?

12                   **MR. ERIN O'TOOLE:** I think there should be a  
13      duty to warn. One of the reasons we're here, I think, and  
14      particularly some of the leaks that occurred, was because, I  
15      think, people internal to the intelligence agencies felt that  
16      the work they were doing was not being taken seriously.

17                   And it does not justify them leaking, but  
18      there's an erosion of trust. And so at a bare minimum we  
19      should know that parliamentarians who are observed being  
20      obstructed, threatened, pressured, there's a duty to warn if  
21      there's operations intended to influence them or impact them,  
22      they should be able to seek counsel if they see it or if they  
23      originate, or in my case as leader, I have questions about  
24      information we receive from a municipal figure, I need to be  
25      able to verify this, if I can.

26                   So the duty to warn and the duty to kind of  
27      work with the political parties in an appropriate way with  
28      full protections for security of information and reading in

1 the appropriate people, I think these protocols are what we  
2 need to explore at this stage of foreign interference now  
3 being a regular facet of democracy's face.

4 **MR. THOMAS JARMYN:** Commissioner, those are  
5 my questions. Thank you very much.

6 **THE COMMISSIONER:** Thank you.

7 Re-examination?

8 **MS. NATALIA RODRIGUEZ:** There is none. Thank  
9 you, Commissioner. No questions.

10 **THE COMMISSIONER:** Thank you very much, Mr.  
11 O'Toole. You're free as a bird now.

12 **MR. ERIN O'TOOLE:** Thank you.

13 **THE COMMISSIONER:** Thank you.

14 So we'll start tomorrow morning at 9:30.

15 **THE REGISTRAR:** Order, please. À l'ordre,  
16 s'il vous plaît.

17 The sitting of the Foreign Interference  
18 Commission is adjourned until tomorrow, the 19<sup>th</sup> of September  
19 2024 at 9:30 a.m.

20 Cette séance de la Commission sur l'ingérence  
21 étrangère est suspendue jusqu'à demain, le 19 septembre 2024  
22 à 9 h 30.

23 --- Upon adjourning at 5:18 p.m.

24 --- L'audience est suspendue à 17 h 18

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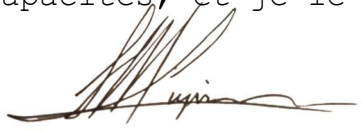
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