



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

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

Public Hearing

Audience publique

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

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Government of Canada	Gregory Tzemenakis Barney Brucker
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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

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Malliha Wilson

The Pillar Society

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Yuen Pau Woo

Sikh Coalition

Balpreet Singh

Prabjot Singh

Bloc Québécois

Mathieu Desquilbet

Iranian Canadian Congress

Dimitri Lascaris

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Ottawa, Ontario

--- Upon commencing on Friday, September 27, 2024, at 9:33
a.m.

THE REGISTRAR: Order, please.

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

The time is 9:33 a.m.

COMMISSIONER HOGUE: Good morning, everyone.
For those who did not notice, it's Friday but we have a full
day today in front of us.

So we'll start right away.

[No interpretation]. Maître Chaudhury?

MS. SHANTONA CHAUDHURY: Yeah, it's possibly
a long day but we'll do the [no interpretation].

So our witnesses this morning are from the
Canadian Security Intelligence Service. May I ask that the
witnesses be sworn or affirmed?

THE REGISTRAR: All right. So starting with
Ms. Henderson. Ms. Henderson, could you please state your
full name and then spell your last name for the record?

MS. CHERIE HENDERSON: Cherie Lynn Henderson,
H-E-N-D-E-R-S-O-N.

--- MS. CHERIE LYNN HENDERSON, Affirmed:

THE REGISTRAR: Great, thank you.

And now with Ms. Tessier? Could you please
state your full name and spell your last name for the record?

MS. MICHELLE TESSIER: Yes. Michelle

1 Tessier, T-E-S-S-I-E-R.

2 --- MS. MICHELLE TESSIER, Affirmed:

3 THE REGISTRAR: Perfect.

4 Mr. Vigneault, could you give us your name
5 and spell your last name for the record?

6 MR. DAVID VIGNEAULT: David Vigneault, V-I-G-
7 N-E-A-U-L-T.

8 --- MR. DAVID VIGNEAULT, Affirmed:

9 THE REGISTRAR: [No interpretation].

10 And Ms. Lloyd. Could you please state your
11 full name and spell your last name for the record?

12 MS. VANESSA LLOYD: Vanessa Lloyd, L-L-O-Y-D.

13 THE REGISTRAR: Perfect, thank you.

14 --- MS. VANESSA LLOYD, Affirmed:

15 THE REGISTRAR: Thank you.

16 And Ms. Giles, could you please state your
17 full name and state your last name for the record?

18 DR. NICOLE GILES: Nicole Giles, G-I-L-E-S.

19 THE REGISTRAR: Thank you.

20 --- DR. NICOLE GILES, Affirmed:

21 THE REGISTRAR: Thank you.

22 And finally, Mr. Basler. Could you please
23 state your full name and spell your last name for the record?

24 MR. BO BASLER: Bo Basler. Excuse me. B-A-
25 S-L-E-R.

26 THE REGISTRAR: Thank you.

27 --- MR. BO BASLER, Affirmed:

28 THE REGISTRAR: Thank you.

1 Counsel, you may proceed.

2 **--- EXAMINATION IN-CHIEF BY MS. SHANTONA CHAUDHURY:**

3 **MS. SHANTONA CHAUDHURY:** Okay. Commissioner
4 and witnesses, just for your information this examination is
5 going to proceed in three parts. So I'm going to begin with
6 about an hour and a half worth of what I would call normal
7 examination, after which my colleague Ms. McBain-Ashfield is
8 going to examine very briefly on CSIS's public outreach
9 activities, and finally we will deal with the NSICOP motion
10 and the examination specifically on that.

11 So we're looking at at least two and a half
12 hours, broken up like that.

13 **COMMISSIONER HOGUE:** Fine.

14 **MS. SHANTONA CHAUDHURY:** And also, just to
15 deal with the routine housekeeping, which in this case is not
16 so routine because Commissioner and witnesses, you may
17 remember our witnesses were frequent fliers at the
18 investigation stage. So I believe there are one, two, three,
19 four, five, six, seven different witness summaries to enter.
20 So I've agreed with counsel for the AG and with the witnesses
21 that all we'll do is I will read out the doc IDs and ask the
22 witnesses to confirm each in turn that they have reviewed the
23 summaries, have no changes to make, and adopt them as part of
24 their evidence.

25 So Mr. Court Reporter, or Ms. Court Reporter,
26 I'm sorry. No need to call up each document, there are just
27 too many of them.

28 So the first one is WIT125, that is the

1 interview summary from June 2024. The second one is WIT111,
2 that's the addendum to the CSIS headquarters interview
3 summary from Stage 1. The third is WIT112, which is the
4 addendum to the Stage 1 CSIS regions interview. The fourth
5 one is WIT121, which is the addendum to the Stage 1
6 examination. The fifth one is WIT134, which is the summary
7 of the *in camera* examination from this July and August. Then
8 there is WIT135, which is the supplemental *in camera*
9 examination from July and August. And then there is WIT136,
10 which is the summary of the *in camera* examination from July
11 and August related specifically to the NSICOP motion.

12 So witnesses, again, I'll ask you each in
13 turn just to confirm you did read them, no changes to make,
14 and adopt them as part of your evidence.

15 Ms. Henderson?

16 **MS. CHERIE HENDERSON:** Yes, I adopt the
17 summaries.

18 **MS. SHANTONA CHAUDHURY:** Perfect.

19 Ms. Tessier?

20 **MS. MICHELLE TESSIER:** Yes, I do as well.

21 **MS. SHANTONA CHAUDHURY:** Mr. Vigneault?

22 **MR. DAVID VIGNEAULT:** [No interpretation]

23 **MS. SHANTONA CHAUDHURY:** Ms. Lloyd?

24 **MS. VANESSA LLOYD:** Yes, as well. Thank you.

25 **DR. NICOLE GILES:** [No interpretation]

26 **MS. SHANTONA CHAUDHURY:** Mr. Basler?

27 **MR. BO BASLER:** Yes, I do.

28 **--- EXHIBIT No. WIT0000125:**

1 Interview Summary: Canadian Security
2 Intelligence Service (Stage 2)

3 --- EXHIBIT No. WIT0000111:

4 Addendum to Interview Summary: CSIS
5 HQ Interview Summary

6 --- EXHIBIT No. WIT0000112:

7 Addendum to Interview Summary: CSIS
8 Regions Interview Summary

9 --- EXHIBIT No. WIT0000121:

10 Addendum to In Camera Examination
11 Summary: Mr. David Vigneault, Ms.
12 Michelle Tessier and Ms. Cherie
13 Henderson

14 --- EXHIBIT No. WIT0000134:

15 In Camera Examination Summary:
16 Canadian Security Intelligence
17 Service Senior Officials

18 --- EXHIBIT No. WIT0000135:

19 Supplementary In Camera Examination
20 Summary: Canadian Security
21 Intelligence Service Senior Officials

22 --- EXHIBIT No. WIT0000136:

23 In Camera Examination Summary re:
24 NSICOP Report: David Vigneault,
25 Michelle Tessier, Cherie Henderson,
26 Vanessa Lloyd, Bo Basler

27 **MS. SHANTONA CHAUDHURY:** Okay. I'll just
28 note there are no French versions available yet, but they

1 will be coming.

2 Finally, there is the CSIS Institutional
3 Report and its annexes. That is CAN.DOC44, CAN.DOC44.001,
4 CAN.DOC44.002, CAN.DOC44.003, and CAN.DOC44.004. Ms. Lloyd,
5 may I ask on behalf of CSIS that you confirm that you are
6 content to have the CSIS IR from part of your evidence before
7 the Commission?

8 **MS. VANESSA LLOYD:** Yes, we are. Thank you.

9 **--- EXHIBIT No. CAN.DOC.000044:**

10 Canadian Security Intelligence
11 Service (CSIS) Stage 2 Institutional
12 Report

13 **--- EXHIBIT No. CAN.DOC.000044.001:**

14 Appendix B2 to CSIS Stage 2
15 Institutional Report - 2022 CSIS
16 Public Report

17 **--- EXHIBIT No. CAN.DOC.000044.002:**

18 Appendix D to CSIS Stage 2
19 Institutional Report - Briefings
20 Related to the Threat or Incidence of
21 Foreign Interference in Canadian
22 Democratic Institutions since 2018

23 **--- EXHIBIT No. CAN.DOC.000044.003:**

24 Appendix G to CSIS Stage 2
25 Institutional Report - Overview of
26 Foreign Interference Threat Reduction
27 Measures 2015 - Present

28 **--- EXHIBIT No. CAN.DOC.000044.004:**

1 Appendix H to CSIS Stage 2
2 Institutional Report - Amendments to
3 CSIS Act Disclosure Authorities,
4 Amendments to the CSIS Act,
5 Amendments to the CSIS Act, Warrant
6 Authorities

7 **MS. SHANTONA CHAUDHURY:** Perfect.

8 Now witnesses, I'll actually just begin by
9 assign you each to introduce yourselves and to explain your
10 current positions and any relevant positions you have held
11 with the service since 2018. Starting at my right, Ms.
12 Henderson?

13 **MS. CHERIE HENDERSON:** Cherie Henderson. I
14 have been a longstanding member of the service who recently
15 retired in February of 2024. Prior to that I was the
16 Director General of our Intelligence Assessment Branch, which
17 is responsible for dissemination of intelligence. And then I
18 was also the Assistant Director of Requirements just prior to
19 retiring.

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

21 **MS. MICHELLE TESSIER:** [No interpretation]

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

23 **MR. DAVID VIGNEAULT:** [No interpretation]

24 July 2024 when I resigned from my position and I'm now in the
25 private sector.

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

27 Ms. Lloyd?

28 **MS. VANESSA LLOYD:** Thank you. In 2018, I

1 was our Director General of Human Resources and Operational
2 Security. Subsequent to that, I became our Chief
3 Transformation Officer, the first in the Service's history,
4 and then had the privilege of being appointed as our Deputy
5 Director of Operations upon Ms. Tessier's retirement in May
6 of 2023. And I am currently serving as the organization's
7 interim director since my colleague's retirement.

8 **MS. SHANTONA CHAUDHURY:** Dr. Giles.

9 **DR. NICOLE GILES:** I had the privilege of
10 joining CSIS in October 2022 as the Senior Assistant Deputy
11 Minister and Deputy Director responsible for policy and for
12 strategic partnerships.

13 **MS. SHANTONA CHAUDHURY:** Mr. Basler?

14 **MR. BO BASLER:** Career Service employee, and
15 since 2018 I've been Regional Deputy Director General of
16 Operations, a Regional Director General, and I'm currently
17 serving as the Service's Counter-Foreign Interference
18 Coordinator and Director General of the Counter-Foreign
19 Interference Tiger Team.

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

21 So witnesses, we have a lot of ground to
22 cover this morning, and we'll try to do it in as an efficient
23 a manner as possible.

24 To start, I'd like you to give the
25 Commissioner and all who are listening an idea of the current
26 threat landscape with respect to foreign interference in
27 Canada's electoral processes and democratic institutions.

28 To do that, I'm going to refer you to a

1 document, CAN44584.

2 --- EXHIBIT No. CAN044584 0001:

3 SITE Briefing to P5

4 **MS. SHANTONA CHAUDHURY:** So if the Court
5 Reporter can pull that up?

6 When it comes up, these are speaking notes --
7 perfect -- dated March 25th, 2024 for a briefing that I
8 believe Ms. Lloyd and Mr. Basler jointly gave to the Panel of
9 Five. And it provides a fairly succinct overview of the
10 threat landscape with respect to various countries.

11 So Ms. Lloyd, maybe I can ask you to begin by
12 explaining what this document tells us and what you know
13 about the PRC?

14 **MS. VANESSA LLOYD:** Certainly. Madam
15 Commissioner, perhaps I'll just note that this is a follow-on
16 briefing to prior briefings given to the Panel of Five, and
17 it would be important to emphasize that those briefings
18 provided the context that as foreign influenced activities
19 are defined in the *CSIS Act*, the subset of that being foreign
20 interference in particular in this context that we're
21 discussing as related to democratic processes, that those
22 briefings were anchored in what is now 40 years of
23 investigating that particular threat.

24 The other context for this document is that
25 we had previously shared with the panel that as the intensity
26 of that threat activity changed and as our methodologies
27 evolved, for example, as some of the things I'm sure that
28 we'll discuss today around the experience in the U.S. after

1 2016, that we applied different tools leading us to our
2 assessments across that time in terms of that threat
3 landscape at that time and where we are today.

4 And so what we've shared with the Commission
5 and what we shared with the panel is that we're looking at
6 the intensity of a threat actor's activity both in a point in
7 time and in context.

8 And that is important as we get to our
9 assessment of the current threat environment today that Ms.
10 Chaudhury has asked for, because it points to both our
11 awareness over time of the threats of each of the threat
12 actors that I'll walk through for Madam Chaudhury's -- in
13 response to Madam Chaudhury's question, but also the context
14 that we find ourselves now in and looking into the future.
15 And by that, I mean that the threat actor themselves will
16 undertake threat activity as it relates to Canada based on a
17 number of things: what's happening globally in the world;
18 their own domestic politics; and how relations are with
19 Canada at any particular point in time.

20 So in terms of the threat actors that are
21 covered in this summary, Madam Chaudhury, we had made the
22 point that the People's Republic of China is the most active
23 threat actor in conducting foreign interference activities
24 and the context that we explained that this is in both in the
25 context of broader FIs. We are equally concerned about the
26 harm that can come to social cohesion and to diaspora
27 communities in Canada as we are to that subset of PRC
28 activities that affect our democratic processes.

1 **MS. SHANTONA CHAUDHURY:** Perfect. And if I
2 can just interrupt you there for one moment, Ms. Lloyd?

3 If the Court Reporter would just scroll down
4 to page 2 we'll be able to see some of what Ms. Lloyd is
5 talking about here.

6 **MS. VANESSA LLOYD:** Thank you. That's most
7 helpful. So in the context of that specific attention of the
8 PRC toward democratic processes, what we provided in this
9 particular briefing was the context that the People's
10 Republic of China is primarily aiming its activities in order
11 to bolster the security and safety of the Chinese state and
12 the Chinese Communist Party in particular and directs its
13 foreign interference activities with regards to, in a very
14 party agnostic way to individuals that it views as most
15 friendliest or as willing to represent and advance the
16 interests of China in our electoral processes, both at the
17 provincial and federal level. And we talked a little about
18 how that's done, specifically through the use of networks
19 that are leveraged to be able to communicate that pro-China
20 narrative and amplify Chinese positions and policy as it
21 relates to engagement in our democratic processes.

22 **MS. SHANTONA CHAUDHURY:** Okay. So I think
23 that's a good summary of what's there. I'll just bring out a
24 couple of points.

25 So I believe that the fourth paragraph down
26 there, it notes that the PRC interferes at all levels of
27 government. So it's not just the federal government, but all
28 levels. And I think that's probably a good summary for the

1 PRC.

2 So let's keep scrolling down, please, until
3 we get to India. There we go.

4 So Ms. Lloyd, I'll ask you again to sort of
5 describe the threat here posed by India. First, I believe
6 this document states that India continues to be the second
7 most active state actor engaging in foreign interference in
8 Canada. is that accurate?

9 **MS. VANESSA LLOYD:** That's correct.

10 **MS. SHANTONA CHAUDHURY:** Okay.

11 **MS. VANESSA LLOYD:** And in terms of India,
12 I'll go back to where I started. So the important assessment
13 as it relates to India at this present time is in that
14 context. So for example, in the domestic context for India,
15 it itself underwent an election this year and so the level of
16 foreign interference and how India is posturing on the global
17 stage was relevant at that particular moment in time, and how
18 it might interact with Canada is also affected by bilateral
19 relations with Canada that have seen a variety of challenges
20 over the last year.

21 In particular, in the case of India, India
22 focuses on the Indo-Canadian diaspora, and the Government of
23 Canada institutions that it's aiming to influence relate to
24 how India is trying to promote the pro-Indian agenda, pro-
25 Hindu, and pro-nationalist agenda of the current government.
26 And in balance with that, it also has interest in influencing
27 and interfering with regards to voices that either amplify
28 positions of the Sikh diaspora for example, and particularly

1 around the issues of engagements with Pakistan, and as well
2 as with regards to Khalistani extremism threats that emanate
3 and are present in Canada.

4 **MS. SHANTONA CHAUDHURY:** Perfect.

5 And Court Reporter, if you could just scroll
6 down to page 4 of 6?

7 Now we'll get to Russia. Just to summarize a
8 little bit, we've heard that Russia may not have or we may
9 not have seen large-scale interference in Canada's electoral
10 processes, but what we have here is an example of Russia
11 having interfered in I think it's a Slovak election here.
12 Would it be fair to say that that's a demonstration of
13 Russia's capabilities? What it could do, potentially, if it
14 wanted to?

15 **MS. VANESSA LLOYD:** I think that would be
16 fair to say. And if we take the focus and what has happened
17 over the course of the last year, this example being one,
18 another would be what is readily available in open media with
19 regards to activities that Russia may have taken with regards
20 to the French elections, for example, and the Commissioner
21 might be aware of a recent indictment in the United States
22 with regards to Russian attempts at mis- and disinformation
23 influence in the media sphere in the run-up to the U.S.
24 example -- U.S. elections as an example.

25 And so Madam Chaudhury, as you're stating, in
26 the past, Russia has been a more limited player in terms of
27 influencing Canadian democratic processes, but that context
28 that I referenced earlier is also important.

1 So you see that the document also talks about
2 the objectives of Russia in terms of countering the
3 narrative, for example, with regards to the Ukraine war, and
4 that is relevant to Canada in terms of our government's
5 position on that issue, and as well as being the fact that we
6 are partner with others in NATO. And so what we would want
7 to do is to remain vigilant that the context of going into
8 General Election 45 might be quite different with regards to
9 this and other threat actors because of the interests of that
10 particular country at this time.

11 **MS. SHANTONA CHAUDHURY:** Perfect.

12 Ms. Court Reporter, if you can just scroll
13 down now to page 5 of 6?

14 We'll get to Pakistan. And essentially what
15 it says here is that Pakistan conducts a range of foreign
16 interference activities in Canada which have included both
17 attempts to interfere in elections and transnational
18 repressions.

19 Ms. Lloyd, do you have any context to add to
20 that?

21 **MS. VANESSA LLOYD:** I think, Commissioner,
22 what I would add there is the context that engagement of
23 Pakistan is consistently in balance with trying to reduce the
24 influence of India. And so some of the elements that I
25 mentioned previously about the dynamics between suppressing
26 voices can also have the opposite effect in terms of
27 amplifying other voices, and in this particular case,
28 influence of Pakistan is directly related to support of

1 Khalistani extremism. So there's a different type of voice
2 there. And yet it is also a more limited actor on the
3 broader screens.

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

5 Court Reporter, we can take that document
6 down now and bring up instead WIT134, which is the in-camera
7 summary from July and August.

8 So the next threat actor that we're going to
9 talk about under this category is Iran. And once the
10 document comes up, you'll see Ms. Lloyd, that in the
11 examination you were talking about, how Iran's activities are
12 quite different from the threat actors that we've just seen
13 and they are -- they focus more on transnational repression.

14 And if you'll scroll down, Court Reporter, to
15 page 20? Not page 20, I'm sorry. Paragraph 20.

16 More focused on the diaspora, on dissidence,
17 and it brings out some links with criminal groups. So I'm
18 hoping that you can give us some context about that as well?

19 **MS. VANESSA LLOYD:** Certainly. Thank you.

20 Madam Commissioner, this is a country that is
21 in, what we would say, a separate group of threat actors,
22 where the primary consideration and concern for our
23 organization is looking at threats that have the potential to
24 cause harm in terms of transnational repression.

25 I would though add that in the case of Iran,
26 this is another threat actor that we would want to remain
27 vigilant in terms of their foreign interference activities
28 going into the next election cycle, and that's because of the

1 conflict in the Middle East. So conflicts that happen abroad
2 do have an impact here in Canada.

3 And also, in terms of the bilateral
4 relationships or factors that are affecting that, our
5 government has taken strong steps with regards to some of
6 these activities, including designation and listing of
7 various parts of the Government of Iran.

8 So as we go into the next election, again, we
9 would want to be mindful of the instances of foreign
10 influence and foreign interference that we've seen
11 historically and the potential for this to be a threat actor
12 in the democratic process.

13 **MS. SHANTONA CHAUDHURY:** Okay. Thank you for
14 that helpful overview of the threat landscape.

15 The next thing we're going to talk about are
16 some technologies and tactics.

17 So we've heard a lot about, in the Commission
18 already, some tactics used by threat actors like leveraging
19 community organizations, using proxies, but what I want to
20 focus on right now, because it seems to be emerging, is
21 cyber.

22 So Ms. Court Reporter, if I could ask you to
23 pull up CAN32961?

24 **--- EXHIBIT No. CAN032961 0001:**

25 India - [REDACTED] - CAB 2023-24/51

26 **MS. SHANTONA CHAUDHURY:** Mr. Vigneault, I
27 think we'll give Ms. Lloyd a break and I'll direct this
28 question to you.

1 So this is a CSIS analytical brief from
2 September 2023 and it talks about India and it talks about
3 cyber capabilities.

4 And Court Reporter, if you'll scroll down a
5 little bit, what we see here is -- and actually, the first
6 part of it is based on open-source reporting, but the sale of
7 -- or the purchase, rather, of Pegasus Spyware by India.

8 Ms. Court Reporter, if you could just scroll
9 down a little bit more? I'll show some of the context of the
10 document before I ask Mr. Vigneault to comment on it. Keep
11 going.

12 So we have, just pausing there, sort of a
13 business model where the NSO Group charges a fee for the use
14 of its spyware.

15 So Mr. Vigneault, can you just tell us what
16 this kind of spyware is and why India would be purchasing it?

17 **MR. DAVID VIGNEAULT:** Yes. Madam
18 Commissioner, the use of such tools as Pegasus by states is a
19 way for them to spy for their state purposes. In the case of
20 Pegasus, which is -- it's a zero-click system spyware, so the
21 person doesn't need to -- they don't need to do anything when
22 they receive a message for the spyware to do its work.

23 **COMMISSIONER HOGUE:** You mean that it's not
24 like when we receive an email, and we have to click on a
25 link.

26 **MR. DAVID VIGNEAULT:** [No interpretation].

27 **COMMISSIONER HOGUE:** In this case, they don't
28 -- there's no intervention ---

1 **MR. DAVID VIGNEAULT:** [No interpretation].

2 **COMMISSIONER HOGUE:** --- of the person?

3 **MR. DAVID VIGNEAULT:** Yes, that's right.

4 It's very pernicious. People often don't have any
5 understanding that their telephone has become a spy tool.

6 And with respect to India, what we've seen
7 with the open source, and it's been seen in great detail, to
8 refer to what Madam Lloyd has said, there's the use of
9 dissidents, journalists. And there are allegations, also,
10 that Pegasus tool was used against the Indian justice system.
11 And we also know that it's been used for spying; spying on
12 foreign targets.

13 So this is a very efficient tool that is able
14 to localize people, to get their password, and to intercept
15 their communications, so it really does allow to do very
16 precise targeting. Pegasus is one of the tools that is well-
17 known around the world for its efficiency in terms of
18 spyware.

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

20 Ms. Court Reporter, if you can scroll down
21 now to page 5 of 6 of that document? There's a textbox
22 summary under the title "Outlook", and it talks about the
23 international -- so, it's just not just India --

24 "International government demand for
25 sophisticated cyber tools remain[ing]
26 strong despite legal action against
27 individual companies who [...] provided
28 [those] tools [...]."

1 And, Monsieur Vigneault, in our interview, I
2 remember we talked a little about the fact that these kinds
3 of cyber tools are largely unregulated in the international
4 space. Can you speak to that a little bit and why that is?

5 **MR. DAVID VIGNEAULT:** Yes, that is the case.
6 We've seen that over the last few years, there's been quite a
7 lot of breakthroughs with the tools and companies can make
8 these tools and if there's a democratization of the access to
9 these tools, so they work with their -- sometimes with both
10 commercial partners and state partners.

11 And so what we've seen in the past, we've
12 seen the -- it's only -- they have powerful actor. For
13 examples, Signals Intelligence has that. But now these tools
14 are being developed by private companies and they're being
15 sold to states and to individuals.

16 There's no international regulation. There's
17 very little national regulation in countries where they're
18 being produced. Sometimes there's been attempts to put rules
19 in place, but those rules have been violated many times. And
20 so the United Nations would need to develop a normative
21 approach to regulate these tools. However, this is not yet
22 happening.

23 And Madam Commissioner, one of the obvious
24 cases of the Pegasus tools and other such tools is the use by
25 Saudi Arabia that used Pegasus to be able to identify and to
26 be able to get Mr. Khashoggi into their Consulate in Turkey,
27 then assassinate him.

28 And so these are tools that are really --

1 they work well, and they can be very useful if they're used
2 for a good end. But any technology it really depends on the
3 intention of people using them.

4 **COMMISSIONER HOGUE:** And if I understand,
5 those tools can be used, or at least they can be remotely --
6 they don't set up or they don't have to have a physical
7 access ---

8 **MR. DAVID VIGNEAULT:** [No interpretation]

9 **COMMISSIONER HOGUE:** --- the telephone.

10 **MR. DAVID VIGNEAULT:** That's absolutely
11 right.

12 **COMMISSIONER HOGUE:** So it can be done from a
13 foreign country?

14 **MR. DAVID VIGNEAULT:** Yes, it can be done
15 from the other side of the world, and not without the person
16 who is receiving the malware on their phone, they may not be
17 aware of it. They don't have to do anything for it to start
18 working. So that's why it's so useful as a spy tool.

19 **MS. SHANTONA CHAUDHURY:** Ms. Court Reporter,
20 if you can now scroll up to page 4?

21 The last thing I want to ask Monsieur
22 Vigneault in this document is on page 4, that textbox there
23 on the right speaks of something called "cognitive warfare".
24 Monsieur Vigneault, I'm wondering if you can explain to us
25 what cognitive warfare means?

26 **MR. DAVID VIGNEAULT:** Yes, I think I'll do it
27 in English this time.

28 Essentially, as the document says, cognitive

1 warfare is an unconventional warfare application. So in the
2 past we would talk about psychological warfare. It has been
3 used historically by military to try to influence other
4 militaries' perception, morale, and so on.

5 Cognitive warfare now is leveraging new
6 approaches in psychology, a new understanding of how the
7 brain functions, new technology of course, like social media,
8 the ability to penetrate into peoples' home and through their
9 devices to their brain. And the goal of cognitive warfare is
10 to change the way people are thinking. It is to find a way
11 to shape not just an individual, but contrary to
12 psychological warfare, cognitive warfare is designed to
13 change how an entire population will be reflecting and
14 thinking about an issue.

15 One of the most concrete examples of this has
16 been the use of the PRC of cognitive warfare against people
17 in Taiwan. So for years now and with the ramp up before the
18 last election in Taiwan, you saw the different elements of
19 the Peoples Republic of China bombard the population of
20 Taiwan with different messages, amplifying. You see the
21 little bit of information and you come back at it a couple of
22 weeks after with new elements.

23 And so really you start to shape people's
24 thinking and ways of reflecting on issues. And over time the
25 goal is to essentially change how enough people in the
26 population would see an issue, and therefore in this specific
27 case, the fact that the annexation of Taiwan to the PRC is
28 inevitable, and therefore you will lessen the resistance of

1 the people of Taiwan.

2 Another example of this that we see currently
3 is, of course, what Russian is going with Ukraine. It's
4 doing it both inside Ukraine to try to shape people's
5 thinking inside Ukraine, but also around the world. And it's
6 tailored to the specific areas, and one of the key messages
7 is to essentially -- that the Kremlin is trying to push, is
8 to tell people that Russian's goals are legitimate. They
9 have to protect themselves and therefore their invasion of
10 Ukraine is again, legitimate.

11 And so, it is a very pernicious, you know,
12 use of technology, media, and better understanding of human
13 psychology and how the brain works. And it's -- you have
14 people bring all of these new understandings together to try
15 to change the way an entire population is thinking about an
16 issue.

17 **MS. SHANTONA CHAUDHURY:** Thank you. That's
18 helpful. Terrifying, but helpful.

19 Bringing this back now to the Commission's
20 proceeding specifically, the next topic we're going to talk
21 about is the list of specific instances, significant
22 instances of foreign interference that's found at the CSIS
23 IR. So Ms. Court Reporter, if I could ask you to pull up
24 CAN.DOC.44?

25 Mr. Basler, these questions will largely be
26 directed to you. But just to set the context there a little
27 bit, so part of its investigation as you know, the Commission
28 asked the government to provide a list and description of all

1 major instances of suspected foreign interference targeting
2 Canada's democratic processes in the Commission's review
3 period. So Ms. Court Reporter, if you can just scroll down a
4 little bit here we can see that. And yeah, you can stop
5 there, and I'll just ask Ms. Basler to explain the process.

6 So how was the eventual list that we'll see
7 in a minute of six instances, how were those instances
8 arrived at?

9 **MR. BO BASLER:** So it was a fairly lengthy
10 process, and I'll start just by explaining that in trying to
11 build a list in response to the Commission's question. We
12 don't typically categorize or classify incidences of foreign
13 interference in this manner. We usually don't -- our
14 investigations aren't focused typically on an instance, or an
15 event. Our investigations are focused on a threat actor and
16 a breadth of activity over a long period of time of an
17 individual threat actor.

18 So when trying to build this list for the
19 Commission's purposes, we had to look at what was happening
20 in multi-year investigations to be able to find and pull out
21 an instance or an event to put on the list. So I order to do
22 that, what we did is we looked at within the service, we
23 looked at our disseminated intelligence products. So what we
24 had disseminated out to the rest of our government partners
25 with respect to foreign interference.

26 And we looked at the entirety of our
27 disseminated products to try and triage that down to a
28 manageable list of incidences or events. Which again, is not

1 typically how we categorize or look at the situation. But we
2 looked at everything we sent out over the period of the
3 Commission's mandate, and then looked for events and moments
4 in time, points in time.

5 We then had a longer than seven list, or six
6 by the end, which then we debated amongst the government
7 departments that are engaged on foreign interference
8 activities. So we brought these to the table, it was Global
9 Affairs, Communication Security Establishment, RCMP, Public
10 Safety, Privy Council Office, and debated those events. And
11 looked at each one of the events, or each one of the
12 instances, from each perspective of the mandates and
13 knowledge, and capacities of each of the government
14 departments, to settle on a list that really had from each
15 organizational mandate, met the definition of foreign
16 interference. Something that had an impact on a democratic
17 process, so a tangible -- what we believed to be a tangible
18 impact, or something that would erode trust with the Canadian
19 population in the democratic process or democratic
20 institution.

21 So we debated around the table each of these
22 individual instances from a couple of different lenses, which
23 reduced the list down to a consensus list of seven to begin
24 with, which we put into the initial CSIS Institutional
25 Report.

26 **COMMISSIONER HOGUE:** Which means that those
27 on the list are incidents or instances that are viewed by
28 everyone as being a foreign interference instance?

1 **MR. BO BASLER:** There is -- correct. There
2 was a consensus agreement with each one of those that, yes,
3 from the perspective of each department it met both the
4 definitions. So it had to have that clandestine, deceptive,
5 or threatening behaviour, but also it couldn't be categorized
6 as diplomatic behaviour only, for example. So each one of
7 those instances met the threshold from the perspective of
8 each of the government departments at the table.

9 **COMMISSIONER HOGUE:** I see.

10 **MS. SHANTONA CHAUDHURY:** And so, picking up
11 on that point, Ms. Court Reporter, I'll actually ask you to
12 take the IR down for a second and put up WIT134.

13 Mr. Vigneault, during -- I believe this was
14 the *in camera* examination, we discussed at some length this
15 idea of the debate and the discussions around the table. Ms.
16 Court Reporter, it's a paragraph 30 it starts. And how
17 everyone comes to the table with a different lens, CSIS's
18 lens being the threat lens, obviously. So that's described
19 at paragraph 30. In some cases there's no ambiguity but
20 others there is.

21 And then if you scroll down a little bit to
22 paragraph 31, you'll see Mr. Vigneault -- sorry, go on a
23 little bit please, Ms. Court Reporter. There we go. Mr.
24 Vigneault saying that he believes in a democracy. It's
25 healthy that an intelligence not have the last word, and that
26 these different lenses, essentially, are a helpful thing and
27 lead to some better outcomes.

28 So Mr. Vigneault, can you -- with that

1 introduction, sort of take us through your thoughts on that?

2 **MR. DAVID VIGNEAULT:** Yes, Madam

3 Commissioner. As is mentioned in the document, I think
4 that's it important in a democracy that the intelligence
5 service not be the last word on everything that will
6 determine what happens with each issue with respect to
7 foreign interference.

8 We have heard that -- from many witnesses;
9 there's a lot of nuance when it comes to foreign
10 interference. Sometimes things are very precise and we have
11 a very high confidence. But sometimes the intelligence has
12 to be corroborated, and we have to look to get more
13 information.

14 So this document and the discussion that we
15 see here, Madam Chaudhury, we're looking to clarify this
16 aspect; the fact that it's normal that people have different
17 perspectives.

18 The mandate of the Service, which means that
19 each of the people that work at CSIS daily is to show up and
20 to make sure that they implement the Act, which is -- and the
21 law, which is to detect the threat, to get intelligence, to
22 produce reports on it, and that is the angle that we'll be
23 looking at these issues with. It's normal that someone has a
24 different angle on things, different point of view, could
25 conceive things differently.

26 But I think what's interesting is that over a
27 few years now, since the beginning of the Commission's work
28 and the public debates on foreign interference, we can see

1 that there's a sharp evolution. The nuances are better
2 understood by everyone, and we tend to go to the core of the
3 matter a bit faster. So in the context of this list, the
4 creative tension, it was useful. And the final product is
5 very useful for the Commission, as Mr. Basler described.

6 **MS. SHANTONA CHAUDHURY:** Thank you. And with
7 this introduction, we can move on.

8 Ms. Court Reporter, can you pull up the IR,
9 please, again? That's CAN.DOC44. Start at the top of page
10 2.

11 So Mr. Basler, we'll just go through these
12 one by one, and I'll ask you some pretty simple questions.

13 So the first one we see is about Pakistan,
14 reporting indicating that Pakistan attempted to clandestinely
15 influence federal politics, with the aim of furthering the
16 Government of Pakistan's interests in India.

17 And can you confirm for us, Mr. Basler, that
18 this is an instance that the Commission is already aware of,
19 the Commission -- the public have heard about in the
20 Commission's Stage 1 proceeding?

21 **MR. BO BASLER:** That is correct.

22 **MS. SHANTONA CHAUDHURY:** Okay. Moving, then,
23 to the second bullet, and Mr. Basler, to give my voice a
24 break, I'll ask you to read it, please.

25 **MR. BO BASLER:** So the paragraph indicates a
26 foreign government, particular foreign government undertook
27 several actions, including interference, to reduce the
28 likelihood of a specific candidate, in this instance a

1 Liberal candidate, from being elected federally. It was
2 suspected that the foreign government sought to thwart the
3 candidate's bid due to their -- how the foreign government
4 perceived the candidate's stance on issues related to that
5 foreign country.

6 **MS. SHANTONA CHAUDHURY:** Okay. And Mr.
7 Basler, just to make sure, this is not an instance that the
8 Commission was aware of before; so this is new to everyone in
9 the room?

10 **MR. BO BASLER:** That is correct.

11 **MS. SHANTONA CHAUDHURY:** Okay. And I believe
12 there's some information that we discussed in one of our *in-*
13 *camera* examinations that the service doesn't recall this
14 information being briefed to the political level; is that
15 correct?

16 **MR. BO BASLER:** I believe we spoke about that
17 *in camera*, yes.

18 **MS. SHANTONA CHAUDHURY:** Okay. Moving, then,
19 down to the third bullet, and this has a foreign government
20 being suspected of FI that resulted in a briefing to the
21 secret cleared representatives of the Liberal Party shortly
22 before the '21 election, and to the Prime Minister shortly
23 after.

24 So Mr. Basler, again, I'll just ask you to
25 confirm that, again, this is an incident that the Commission
26 heard about in its Stage 1 proceedings?

27 **MR. BO BASLER:** You are correct.

28 **MS. SHANTONA CHAUDHURY:** Okay. The fourth

1 one:

2 "Reporting indicates that a foreign
3 government actively supported an
4 individual's 2019 federal nomination
5 race in Don Valley North."

6 This is definitely one we've heard about
7 already.

8 And Ms. Court Reporter, can I ask you to turn
9 up CAN.SUM19?

10 **--- EXHIBIT No. CAN.SUM.000019:**

11 Further Han Dong Intelligence

12 **MS. SHANTONA CHAUDHURY:** CAN.SUM19 is a
13 topical summary prepared by the government on further hand-on
14 intelligence. And if we just scroll down to the second page,
15 I'll see the substance of it.

16 So the first bullet there reads:

17 "Should additional intelligence
18 investigations respecting or
19 implicating the 2019 [DVN] Liberal
20 Party nomination process exist, it
21 could not be disclosed publicly as it
22 would be injurious to national
23 security, potentially revealing
24 information on [intel] operations,
25 sources, targets, partners,
26 methods...or intelligence gaps."

27 The second bullet there reads:

28 "As with all investigations, should

1 additional intelligence or analysis
2 exist on this matter,...(CSIS) as per
3 established protocols, would
4 disseminate it to the Government of
5 Canada clients and respond to
6 requests for additional information
7 or analysis.”

8 And keep scrolling down. I’m not going to
9 read every bullet. I’ll get some highlights. There at
10 paragraph 5:

11 “Following the 2019 election,
12 the...(PMO) requested briefing about
13 the reported irregularities....[PM]
14 and PMO have received additional
15 briefings....”

16 And I think this is probably for Mr. Basler,
17 but I’m not entirely sure. Can you confirm that this is all
18 that can be said about this instance at this point?

19 **MR. BO BASLER:** I can confirm that’s all --
20 that’s everything that can be said, yes.

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

22 Then if take that down and go back to the IR.
23 Okay, we’ll scroll down to the fifth bullet on that list.
24 There we go.

25 “The Government of India is suspected
26 of leveraging proxy agents to
27 clandestinely provide financial
28 support to specific candidates from

1 three political parties in a federal
2 election. The receipt of the funds
3 cannot be confirmed, nor can the
4 candidate's potential awareness of
5 the origins."

6 So Mr. Basler, again I'll ask you to confirm
7 that this is an instance that was discussed at Stage 1?

8 **MR. BO BASLER:** It was.

9 **MS. SHANTONA CHAUDHURY:** Okay. Finally, the
10 6th bullet:

11 "A former parliamentarian is
12 suspected of having worked to
13 influence parliamentary business on
14 behalf of a foreign government."

15 And Mr. Basler, this one's new.

16 **MR. BO BASLER:** Correct.

17 **MS. SHANTONA CHAUDHURY:** Okay. So we can
18 confirm that four out of these six are actually instances
19 that the Commission and the public are already aware of
20 through the Commission's proceedings.

21 **MR. BO BASLER:** Correct.

22 **MS. SHANTONA CHAUDHURY:** Okay.

23 Ms. Court reporter, if you can just scroll
24 down until you see a footnote; I think it's at the bottom of
25 page 1 starts. You might have to scroll up to find page 1
26 again. There we go.

27 So to give a bit of context for this, the
28 list of instances originally contained seven instances.

1 **MR. BO BASLER:** Correct.

2 **MS. SHANTONA CHAUDHURY:** And Mr. Basler,
3 you'll see what it says at footnote 1 here is that in early
4 September, CSIS informed the Commission that it had
5 reassessed one instance which related to a specific
6 parliamentarian in light of additional information. Upon
7 undertaking a review of public records related to that
8 instance, CSIS learned information that actually directly
9 contradicted a significant element of the instance described
10 in the IR and the CSIS reporting on which it was based. And
11 that information, you can probably tell us this better than I
12 can, but had not been picked up because the parliamentarian
13 was not the subject or focus of investigation, is that right?

14 **MR. BO BASLER:** That is correct.

15 **MS. SHANTONA CHAUDHURY:** Okay. And then we
16 see the second bullet here, or the second paragraph, "CSIS
17 continues to view this as a suspected instance of foreign
18 interference," but of lesser import, "not the same order of
19 magnitude," and it's a consensus in government that it no
20 longer belongs on the list of significant incidents.

21 **MR. BO BASLER:** That is correct.

22 **MS. SHANTONA CHAUDHURY:** Fair summary?

23 **MR. BO BASLER:** Fair summary.

24 **MS. SHANTONA CHAUDHURY:** Anything else to
25 add?

26 **MR. BO BASLER:** I think to the earlier point
27 that the investigations look at the activities of the threat
28 actor, so as noted by Ms. Chaudhury. In this particular

1 instance, our investigations were focused on the threat actor
2 and not the MP. So when additional information came to our
3 attention in September related to this particular instance,
4 it gave us an opportunity to reevaluate, and in this
5 particular instance, reevaluate the impact that was resulting
6 from this instance on a democratic process. And when we
7 reevaluated that impact, that's when we changed our
8 determination on the impact on that democratic process, and
9 as such, because of the way in which the list was built for
10 the Commission, taking into account the impact on democratic
11 processes, the engagement of an MP, the erosion of trust in
12 the democratic institution, it didn't hit the same magnitude
13 as the other ones that were on the list in light of this new
14 information.

15 So once we made that determination -- which
16 is not uncommon in the intelligence world, we learn new
17 pieces of information as time goes on, and every time we
18 learn that new piece of information we reevaluate our
19 understanding of the situation. This is what happens in this
20 instance, and once we made the determination that the impact
21 on a process was a lesser order of magnitude. As indicated,
22 we engaged with the National Security Intelligence Advisor to
23 seek concurrence and then advise the Commission, but our
24 belief was it should no longer be on this list.

25 **MS. SHANTONA CHAUDHURY:** And I think you
26 highlighted there, Mr. Basler, the salient point, which is
27 the activity did not have the outcome intended by the foreign
28 government, and that's what the Service learned upon

1 reviewing public information?

2 **MR. BO BASLER:** That is correct.

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

4 **COMMISSIONER HOGUE:** And I imagine this is
5 something that can happen, I don't know if I should say
6 regularly or frequently, but you have one piece or a few
7 pieces of information. Then you're drawing some, not
8 conclusions, but at least some preliminary conclusions about
9 what is happening, and then you're getting more information
10 and you're reconsidering the assessment you have made and may
11 come to a different conclusion?

12 **MR. BO BASLER:** You are -- you are absolutely
13 correct. The nature of intelligence investigations is that
14 our information usually comes in in small bits and pieces at
15 a moment in time, but the information we receive today may be
16 indicating something that's happening in the future, or it
17 may relate to something that happened two years in the past.

18 So if we have an understanding of a
19 particular situation, so with respect to a foreign
20 interference instance, we may, based on the information
21 available to us today, understand the scope and impact of a
22 particular instance, but tomorrow we may learn a new piece of
23 information about something that happened two years ago,
24 which may impact our understanding of the situation today.

25 So this is common in intelligence
26 investigations and it's a continual reassessment of our
27 conclusions as we learn new pieces of information over time.

28 **COMMISSIONER HOGUE:** Okay. So I imagine it

1 may take time before being really in a position to make firm
2 conclusions on something because you're gathering information
3 throughout. Could be even throughout many years?

4 **MR. BO BASLER:** Our investigations can often
5 run a considerable period of time. You're correct.

6 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
7 I may add to this? The contrary example to this would be
8 that sometimes the information, the intelligence, we get is
9 so precise, so specific, with such a high level of confidence
10 in the source that we can make a determination and an
11 assessment in a very precise way very quickly. It is not
12 always the case; it's actually rarely the case, but sometimes
13 that can happen, that it's so precise that we can make a
14 determination.

15 **COMMISSIONER HOGUE:** So it depends on the
16 nature of the intelligence you receive?

17 **MR. DAVID VIGNEAULT:** Yes, correct.

18 **MS. SHANTONA CHAUDHURY:** And just to be
19 clear, when you say new information, that may be brand new
20 information or just information that had not come to the
21 Service. It may have been available, but had not come to the
22 service's attention?

23 **MR. BO BASLER:** Absolutely.

24 **MS. SHANTONA CHAUDHURY:** Okay. Moving now
25 from the IR to some tools and responses to foreign
26 interference. So how does the Service go about mitigating
27 this threat in various ways? We'll start with a concept of
28 threat reduction measures.

1 And Ms. Henderson, I believe I'm going to
2 address some of these questions to you.

3 Ms. Court Reporter, if you can pull up
4 CAN.SUM28?

5 **--- EXHIBIT No. CAN.SUM000028:**

6 CSIS Threat Reduction Measures

7 **MS. SHANTONA CHAUDHURY:** That is the topical
8 summary produced to the Commission on threat reduction
9 measures. Once it's up, if you can scroll down to page 2?

10 Okay. So Ms. Henderson, I'll just -- and
11 actually, Court Reporter, if you could just scroll down a
12 little bit more until we see three broad categories? There
13 we go.

14 So Ms. Henderson, can you just explain what a
15 threat reduction measure is and the three categories that are
16 listed at the bottom of page 2?

17 **MS. CHERIE HENDERSON:** So Ms. Chaudhury, I'm
18 going to actually ask Ms. Tessier ---

19 **MS. SHANTONA CHAUDHURY:** Ah, sorry.

20 **MS. CHERIE HENDERSON:** --- to answer this
21 question.

22 **MS. MICHELLE TESSIER:** Certainly. In 2015,
23 with the *Anti-Terrorism Act*, the Service obtained the mandate
24 for threat reduction, which was modified, I believe, in 2019,
25 I think it was.

26 So the three broad categories that you're
27 describing there, which I don't know if you want me to read
28 them, but I'll cite them, messaging, leveraging,

1 interference, or how the service has decided to categorize
2 its activities in relation to threat reduction.

3 Threat reduction is not, obviously, the --
4 the more regular Service mandate, if you will, or the major
5 Service mandate is to collect information, analyze it,
6 disseminate it.

7 So threat reduction was added as another
8 tool, as you mentioned, for the Service to do exactly that,
9 reduce a threat. And in order to -- there's a variety of
10 criteria and parameters the Service must follow, which I'd be
11 happy to go into if you wish, but these three broad
12 categories were our way of trying to categorize the type of
13 activities we may undertake as part of a threat reduction
14 mandate.

15 **MS. SHANTONA CHAUDHURY:** Okay. So you noted
16 messaging, leveraging, and interference. Can you just give a
17 brief description of what each of those are?

18 **MS. MICHELLE TESSIER:** Certainly. Messaging,
19 as it's stated, is whatever method we use is to try to get
20 the message to the threat actor. I can give an example. So
21 we may meet with somebody who is an associate of that threat
22 actor, telling them that we know that the threat actor is
23 involved in a threat, thinking that that message will make
24 its way back to the threat actor. So put transparency on the
25 activities of the threat actor.

26 Leveraging is using a third party to try to
27 reduce that threat. So as an example, we may go to an online
28 platform and say this site is disinformation or you may wish

1 to take down this site, something to that effect. Using a
2 third party within their own capabilities can reduce a
3 threat.

4 Interference is where the Service directly
5 gets involved. So we may confront a threat actor ourselves
6 and say, again, it's sort of, like, similar to the first one,
7 but where we can come out and try to get them -- tell them
8 that we know that they're involved in threat activity and to
9 reduce the threat.

10 Obviously we have other tools. I can't
11 necessarily go into all the details of the Service's tools,
12 but that's to give you an idea of the general category of
13 tools, especially for foreign interference these examples
14 apply really well.

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

16 And Court Reporter, if we just scroll down to
17 the bottom of this page, we'll see a line that says -- there
18 we go:

19 "Between January 2019 and the
20 present, CSIS [has] conducted nine
21 [...] non-warranted TRMs related to
22 foreign interference..."

23 For everyone's benefit, no need to turn it
24 up, but the CSIS IR, one of it's appendixes, the number is 20
25 since 2015, and it also provides the information that CSIS
26 has not conducted any warranted TRMs relating to foreign
27 interference since 2015.

28 We'll now go to an example of a TRM.

1 So, Ms. Court Reporter, can you pull up
2 CAN3712_R01?

3 --- EXHIBIT No. CAN003712 R01:

4 CSIS Engagement with Elected
5 Officials on Foreign Interference: An
6 Initiative of National Significance -
7 CAB 2021-22/89

8 **COMMISSIONER HOGUE:** And I have one question.
9 These TRMs have shown to be effective? At least some of them
10 have shown to be ---

11 **MS. MICHELLE TESSIER:** Yes, some of them have
12 been effective and the Service always assesses the impact.
13 Some of them have been more effective than others, but yes,
14 we have seen some success.

15 **COMMISSIONER HOGUE:** Okay.

16 **MR. DAVID VIGNEAULT:** Madam Commissioner, the
17 nature of foreign interference and the determination of the
18 states that undertake such actions means that the success
19 that Ms. Tessier was mentioning is sometimes going down over
20 time. So foreign interference continues, will be diminished
21 following our intervention, but the other party will find
22 different ways of doing it, will adapt their approach to it's
23 -- these TRM are very useful but it's very rare that we can
24 come to stop it completely. If the foreign state is so
25 determined, they'll find a different way of doing it.

26 So I just wanted to mention the example
27 because it's the nature of foreign interference. It's like
28 water, you'll find another crack. You'll always find a

1 different path.

2 **COMMISSIONER HOGUE:** So you always have to
3 remain vigilant and there can be the need to intervene
4 somewhere else.

5 **MR. DAVID VIGNEAULT:** Yes, in the past I used
6 -- it's the expression, it's a bit of a game of cat and
7 mouse. You have to always adapt your methods because you
8 have a party who is doing so.

9 **MS. SHANTONA CHAUDHURY:** Now that we have the
10 document up, this is a CSIS Analytical Brief dating from
11 November 2021.

12 Ms. Court Reporter, if you can just scroll
13 down a little bit?

14 The first paragraph there speaks about a
15 campaign of defensive briefings, which is the next thing
16 we're going to talk about. But before we go there, the
17 second paragraph talks about a TRM concerning foreign
18 interference activities conducted by India, directed at
19 Canadian democratic institutions and processes, and then
20 speaks a little bit more about the intention of that TRM. So
21 I don't know if, Ms. Tessier, or Ms. Henderson, you'd like to
22 take this one is Ms. Henderson, like to tell us a little more
23 about that NDO TRM.

24 **MS. CHERIE HENDERSON:** Yes, so I will just
25 speak to two issues, if that's all right, Ms. Chaudhury, that
26 we're discussing here. So as we have noted over -- in our
27 many interviews we've had with you, the Service has been
28 involved in investigating the foreign interference activities

1 of foreign states for a period of time, and in regards to how
2 they are impacting potentially the democratic institutions of
3 our country. So one of the things that we decided that we
4 would do is start to raise that awareness across the country,
5 and the Director has been coming out publicly as well, but we
6 also wanted to go and speak to those who we thought could
7 potentially be impacted directly and give them the tools that
8 they needed to protect themselves as they're moving forward
9 in their work. So we created a program to go out and speak
10 to specific MPs, to allow them or give them the tools to be
11 aware of what they might be facing and to defend themselves,
12 or at least recognize what they're seeing, and start to build
13 resiliency among the MPs.

14 The other part of that then is, as you
15 referred to, is our threat reduction measure. What we wanted
16 to do in that is particularly target the threat actor, and
17 that was a series of interviews that we engaged in under a
18 threat reduction measure in order to, again, raise awareness,
19 provide a little bit more classified information to
20 individuals, so that they, again, understood a bit more in
21 depth the threat, and again, could then try and prevent the
22 greater influence that the foreign interference threat actor
23 could have. And that all came under the threat reduction
24 measure.

25 **MS. SHANTONA CHAUDHURY:** Okay. And you've
26 just drawn out an important distinction, which is that the
27 threat reduction measure can involve providing classified
28 information; whereas, the defensive briefing is generally

1 unclassified?

2 **MS. CHERIE HENDERSON:** Absolutely.

3 **MS. SHANTONA CHAUDHURY:** Okay. And just
4 speaking a little bit more about that briefing campaign, Ms.
5 Court Reporter, if you can scroll down to page 2 of 6. What
6 was the content of the briefing there? So, Ms. Henderson, I
7 don't know if you want to go through a little bit and tell us
8 about what those -- the content of those briefings generally
9 was?

10 **MS. CHERIE HENDERSON:** Yes. So the contents
11 of -- many individuals have not had much contact or awareness
12 of the Canadian Security Intelligence Service. So the first
13 piece that we want to raise is actually what the CSIS's
14 mandate is, what our role in government is, and why we're
15 there, the fact that we're just raising awareness, we're not
16 a law enforcement agency. We're here to provide support, but
17 also, we're a collection agency. So if there is anything
18 that you have seen, please, don't hesitate to share with us.
19 That's what we're here for.

20 We then also want to make sure that the
21 individual we're speaking to understands the context of
22 foreign interference, what we're talking about, what foreign
23 interference does, how it's actually covert in nature. We're
24 not talking about the regular diplomatic activity or
25 engagement or overactivity. What we're really looking for
26 the covert activity. Excuse me. And so how -- when we're
27 looking at covert activity, what kind of trade craft a
28 foreign officer could use to try and influence, or impact, or

1 effect that person's democratic freedom. So those are sort
2 of what we're walking through. We recognize that many
3 people, this isn't their world. This is our world, and we
4 really want to try and explain what we're looking at, to
5 create a very good base understanding of what foreign
6 interference is, and just try and create a better resiliency
7 among our institutions.

8 **MS. SHANTONA CHAUDHURY:** What was the
9 feedback that you were receiving from these briefings?

10 **MS. CHERIE HENDERSON:** We got very good
11 feedback from the briefings. In some cases, a bit of
12 surprise, in some cases, a bit of, yes, I have recognized
13 this. We have -- many of the people that we spoke to
14 actually said they would have liked to have heard it earlier
15 and sooner but were very thankful that we had come and
16 started to brief them and felt that this briefing should be
17 provided to a broader audience.

18 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Court
19 Reporter, if you can pull up CAN18796?

20 Thank you.

21 **--- EXHIBIT No. CAN018796:**

22 Defensive briefings to two Members of
23 Parliament regarding PRC foreign
24 interference activity

25 **MS. SHANTONA CHAUDHURY:** And you'll scroll
26 down past this page. Okay. There we go. So this is -- and,
27 Mr. Vigneault, these questions may be for you, but this
28 speaks of a defensive briefing that CSIS was going to conduct

1 to MPs Chong and Chiu in 2021. Can you take us through a
2 little bit the history and context of that briefing?

3 **MR. DAVID VIGNEAULT:** Absolutely. As we
4 said, Madam Commissioner, we testified before the Commission
5 about this document. It is IMU, Issue Management Note. It
6 is prepared by the Service to inform departments or the
7 Minister because an activity was about to be launched by our
8 Service briefing for some members of Parliament, for
9 instance. So because these briefings can become public, the
10 very specific nature of those briefings for Chong and Chiu
11 about foreign interference, of course the goal was to inform
12 people that those briefings were going to take place in order
13 to make them aware of the threat, in order to give them an
14 opportunity to discuss with us and possibly to share some
15 concerns or to ask questions so that everybody has a better
16 understanding.

17 **MS. SHANTONA CHAUDHURY:** And at a very
18 mechanical level, how would a document like this be
19 disseminated?

20 **MR. DAVID VIGNEAULT:** Well, in terms of this
21 issue, it is done electronically by the authorities. So if
22 we go up in that document, you'll see the list of people on
23 the previous page.

24 So as you can see on the email, so there's a
25 distribution list for specific individuals and we ask for the
26 document to be read by those people. So normally it is done
27 through electronic means exclusive.

28 **MS. SHANTONA CHAUDHURY:** And this we know is

1 -- [no interpretation]. Have there been any changes in the
2 method of disseminating CSIS intelligence product since then?

3 **MS. CHERIE HENDERSON:** So, yes. This also --
4 this particular document, as I -- I'm just going to back up a
5 little bit. I apologize. So as I indicated when we opened
6 up that I was the Director General of our Intelligence
7 Assessment Branch. In that role, we were responsible for
8 analyzing and then disseminating intelligence to the
9 appropriate partners. Those would be the other reports that
10 we've looked at, like, the CSIS Intelligence Report, the
11 Intelligence Assessment, those would have all gone through
12 our Intelligence Assessment Branch. An IMU note was actually
13 -- or actually designed, written, and drafted, and
14 disseminated by the Strategic Policy Branch, which is what
15 Ms. Giles is responsible for. These particular IMU notes at
16 that point were created in order to give an awareness of
17 something, a heads up to the Minister of what -- something we
18 were going to engage in. We did not want our Minister to be
19 taken by surprise that we were going to be discussing issues
20 with his colleagues. So it was to manage the issue in that
21 sense. These particular notes would then be drafted,
22 approved internally, and disseminated by the Strategic
23 Program Management Branch by email to specific email
24 recipients at the other end, the intent being that we would
25 note who we felt that that report should be seen by, and the
26 receiver at the other end would then disseminate that to the
27 appropriate party. So I just want to make sure you
28 appreciate the two.

1 **MS. SHANTONA CHAUDHURY:** Absolutely. Thank
2 you.

3 **DR. NICOLE GILES:** If I might just add on the
4 IMU notes, I think one of the things we realized over time is
5 that we were not necessarily seeing where the notes wound up
6 after we sent them out via the email system, so what we've
7 done since is create a more robust system of feedback to
8 ensure that we have visibility on whether the notes have been
9 received, whether they have been read, and we've started to
10 link the distribution of those notes a little bit more
11 strongly to the distribution system that Ms. Henderson
12 managed in terms of linking it to also the tracking of
13 intelligence products, rather than keeping them entirely
14 separate. So we've been able to tighten that out as part of
15 our lessons learned and continual evolution.

16 **MS. SHANTONA CHAUDHURY:** Understood.

17 **COMMISSIONER HOGUE:** So does it mean that, as
18 of today, you are in a position to know whether a note have
19 been read or not by those to who the note was addressed?

20 **DR. NICOLE GILES:** That's very much the
21 intention. I think there's humans involved so no system is
22 perfect, but that's now how it is explicitly designed.

23 **COMMISSIONER HOGUE:** Okay. And roughly can
24 you tell me since when it's possible to get this information?
25 Is it something new, or?

26 **DR. NICOLE GILES:** It's relatively new. I'd
27 say over the last 12 months in particular we've been
28 tightening up that system, and it's been trial and error in

1 terms of figuring out what works best for each organization.

2 **COMMISSIONER HOGUE:** Thank you.

3 **MS. SHANTONA CHAUDHURY:** Can you estimate how
4 many IMUs like this would -- how often are they produced, say
5 over a week, a month, a year?

6 **DR. NICOLE GILES:** I would say right now
7 we're probably averaging three a week, would be my estimate.
8 But that is very much dependent on the ebb and flow of the
9 intelligence and the intensity of the threats that we're
10 experiencing.

11 **MS. CHERIE HENDERSON:** So I'm sorry, just to
12 go back on your question you were asked as well, whether or
13 not the dissemination process has changed, and it has, even
14 in regards to the regular intelligence reports that we're
15 sending out, and perhaps I'll ask Ms. Lloyd if she can speak
16 to the new dissemination process?

17 **MS. VANESSA LLOYD:** I'll just maybe check in
18 with Madam Chaudhury. Were you intending to address that
19 more broadly ---

20 **MS. SHANTONA CHAUDHURY:** Go ahead.

21 **MS. VANESSA LLOYD:** --- later on or did you
22 want to ---

23 **MS. SHANTONA CHAUDHURY:** No, go ahead.

24 **MS. VANESSA LLOYD:** Sorry. Thank you.
25 Certainly.

26 So perhaps, Madam Commissioner, it answers in
27 part your question.

28 So as a learning organization based on the

1 feedback frankly that has come out through the number of
2 specific reviews around foreign interference, as of around
3 this time last year, CSIS intelligence products, and indeed
4 more broadly, intelligence produced by the government, our
5 government departments who also have intelligence production
6 mandates, is housed in one system.

7 And I believe in our testimony and documents
8 before the Commission, it identifies that is a platform that
9 is managed by our colleagues at the Communication Security
10 Establishment. And the benefit of that is it allows us to
11 specifically address product to specific departments and
12 clients. It also has a more robust system of tracking when
13 that intelligence has been read, as well as affording an
14 ability for feedback on the intelligence to come back to the
15 service in a more systematic manner.

16 **COMMISSIONER HOGUE:** Thank you.

17 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Court
18 Reporter, can you now pull up CAN12593_R01?

19 **--- EXHIBIT No. CAN012593 R01:**

20 Threat Reduction Measure: PRC

21 [redacted] Members of Parliament

22 **MS. SHANTONA CHAUDHURY:** We're going to fast
23 forward now from 2021 to 2023 and to a TRM briefing that was
24 given to MP Chong on May 2nd, I believe.

25 So this document is a memorandum to the
26 Minister describing that the TRM that was undertaken to Mr.
27 Chong.

28 Scroll down a little bit, please. Thank you.

1 So the TRM is described there. Then the
2 background is given.

3 Keep scrolling if you can, please, until we
4 get to page 3 of 14. Well we can stop there and look at that
5 text box actually.

6 So it speaks a little bit here to the
7 interests that the PRC officials had in conducting:

8 "...research on certain MPs with the
9 intent of imposing sanctions against
10 those who oppose the CCP. PRC
11 officials also sought to obtain
12 information about Mr. Chong's
13 relatives, who were potentially in
14 the PRC."

15 So Mr. Vigneault, I'll just ask you to
16 confirm that this confirms your understanding of what was
17 happening here?

18 **MR. DAVID VIGNEAULT:** Absolutely.

19 **MS. SHANTONA CHAUDHURY:** Okay. So there was
20 research being done with the intent of imposing sanctions.

21 If we can keep going down until we get to the
22 page 5 of 3, I believe? Five of 13, sorry. There we go.
23 Oh, sorry, scroll up a little bit? There we go.

24 So the bullet there, the last paragraph, Mr.
25 Vigneault says:

26 "At no time did intelligence
27 reporting indicate a threat to [the]
28 life, physical harm, or detention of

1 any of [the] individual or their
2 families.”

3 Can you confirm that that was your
4 understanding?

5 **MR. DAVID VIGNEAULT:** Absolutely.

6 **MS. SHANTONA CHAUDHURY:** Okay.

7 **COMMISSIONER HOGUE:** I noticed in a previous
8 document that the word “target” was used. Can you just
9 explain what you mean by being a target in your world?

10 **MR. DAVID VIGNEAULT:** Absolutely. In this
11 particular case, in our vocabulary for CSIS, if you are a
12 target it means that someone or a state or an individual
13 wants to understand what you are doing in order to have an
14 influence on you. So you are a target of the actions by that
15 particular state. So if we say you are a target, it doesn't
16 mean that there's a threat on your life or on your physical
17 wellbeing.

18 So our vocabulary, being a target in certain
19 cases it could include a threat to the physical security of
20 an individual, but in most cases, it simply refers to the
21 fact that you are being targeted by a foreigner or by a
22 foreign state.

23 **COMMISSIONER HOGUE:** So there's no
24 contradiction between the fact that you concluded that some
25 people could be targeted while saying that they were not
26 physically threatened by a foreign entity.

27 **MR. DAVID VIGNEAULT:** Absolutely. There's no
28 contradiction in terms of how we assess a situation. Of

1 course if the opposite is true, we have specific measures if
2 information indicates that there's a potential threat to the
3 physical integrity or a risk of imprisonment or detention
4 outside of the country, there are immediate measures that are
5 taken in order to share the information so that people are
6 well protected in such circumstances.

7 **COMMISSIONER HOGUE:** And when I read stuff
8 coming from CSIS and that I see the term, "Target" I cannot
9 conclude anything but the fact that it is a person of
10 interest. And if you concluded that risks did exist, it
11 would be mentioned in the papers normally?

12 **MR. DAVID VIGNEAULT:** Yes, but it is indeed
13 quite rare. I want to be able to reassure Canadians it is
14 very rare that someone is being physically threatened or
15 could be jailed or kept in detention. So that's very, very
16 rare, and it would be indicated.

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

18 **MS. MICHELLE TESSIER:** Well, I don't want to
19 add to the confusion, but in our jargon, in our daily
20 vocabulary, it means also that you are the target of an
21 investigation by CSIS.

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

23 **MS. MICHELLE TESSIER:** [No interpretation].

24 **COMMISSIONER HOGUE:** But then it means that
25 you are a target for CSIS ---

26 **MS. MICHELLE TESSIER:** [No interpretation].

27 **COMMISSIONER HOGUE:** --- and not a target for
28 a foreign entity.

1 **MS. MICHELLE TESSIER:** [No interpretation].

2 **MS. SHANTONA CHAUDHURY:** One word is doing a
3 lot of work.

4 So the Commissioner has actually guessed my
5 next question, so I'll just, in the interest of time, go
6 through them very briefly.

7 Ms. Court Reporter, if you'll pull up WIT135,
8 paragraph 24?

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

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

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

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

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

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

15 So at page -- sorry, paragraph 24, not 34.

16 That's perfect.

17 So I think this discussion at paragraph 24
18 reflects what we were just discussing, which is target does
19 not necessarily mean target for violence or harm.

20 And the last thing I'll ask, Mr. Vigneault,
21 is we know that on May 2nd, you provided a TRM briefing to MP
22 Chong. There's a note about that, but the only line that I
23 want to ask you about directly, so I won't pull the document
24 up, is it says that you informed him it was not a direct
25 threat, but a concern. Can you tell us your recollection of
26 what you conveyed to MP Chong in that meeting?

27 **MR. DAVID VIGNEAULT:** Well, the context for
28 this interaction with Member Chong, it's following the fact

1 that in some media there was information that was contacted,
2 communicated. So I met the Prime Minister, and I met Mrs.
3 Thomas, the National Security Advisor in order to discuss the
4 information by CSIS about Mr. Chong and the action of the
5 Republic of China in that case.

6 And then Mrs. Thomas, the Prime Minister, and
7 myself, we met Mr. Chong for a few minutes. The Prime
8 Minister left the room, and then I indicated to Mr. Chong the
9 information that we had.

10 Madam Chaudhury, made the difference between
11 defensive briefings where we don't have classified
12 information and a TRM where you can use classified
13 information. And in this case, I spoke about the TRM to be
14 able to give classified information to Mr. Chong in a secure
15 space in Parliament. And so we spoke about the intentions of
16 the activities of -- related to the Chinese intelligence
17 community with respect to Mr. Chong and I was able to answer
18 Mr. Chong's numerous questions. It was a good exchange.

19 And so that was the nature of the exchange.
20 As it was indicated in the note, I spoke to Mr. Chong about
21 all of the information that we had come from an evaluation
22 that we didn't have any information that would indicate that
23 there would be a potential physical threat to him or to his
24 family in Hong Kong.

25 **MS. SHANTONA CHAUDHURY:** I have 18 minutes
26 left, so maybe I could continue.

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

28 **MS. SHANTONA CHAUDHURY:** We're continuing on

1 with this theme, so might as well forge ahead.

2 The next thing I want to ask you about is
3 something that emerged, perhaps out of what was happening in
4 early May 2023. The Ministerial Direction on Threats to the
5 Security of Canada Directed to Parliament and
6 Parliamentarians. So Court Reporter may I ask you to pull up
7 CAN28170, and scroll down to the second page, please?

8 **--- EXHIBIT No. CAN028170 0001:**

9 Update - Upcoming Threat Reduction
10 Briefings to Parliamentarians

11 **MS. SHANTONA CHAUDHURY:** So this is a PCO
12 memo, not at CSIS document, but it provides a fairly helpful
13 chronology that we can use to discuss these events. Can you
14 just scroll down again, Court Reporter until you see that
15 entire box pretty much? There we go.

16 So memorandum is dated September 13th, 2023,
17 but it speaks to events that were happening early on. And we
18 see that -- we'll see that the third bullet speaks about the
19 TRM to Michael Chong, and also that there were TRM briefings
20 delivered to Ms. Kwan and Mr. O'Toole. The fourth bullet
21 says that:

22 "Following Mr. O'Toole's speech in
23 the House of Commons, Public Safety
24 and CSIS paused further disclosures
25 to parliamentarians in order to
26 develop a governance protocol through
27 which the security and intelligence
28 community would have the opportunity

1 to review CSIS's key messages for
2 disclosure and the intelligence on
3 which they are based." (As read)

4 So stopping there, perhaps Ms. Henderson, I'm
5 not sure if you're best placed to speak to this, or perhaps
6 Mr. Basler. But the history maybe of the Ministerial
7 Direction and what occurred in the house in early May, and
8 the effect that that had going forward through to September.

9 **MS. VANESSA LLOYD:** Perhaps could I start on
10 the directive, and you could do the second, with Madam
11 Chaudhury's position?

12 **MS. SHANTONA CHAUDHURY:** Tag team.

13 **MS. VANESSA LLOYD:** I think, Madam
14 Commissioner, what I would emphasize is that the Ministerial
15 Directive that the service received at that time was
16 reflective of an emphasis of the priority of the government
17 to activities that the service was already doing. And so,
18 you've heard from our discussion this morning that we had
19 already been using the range of tools that we had from
20 protective security briefs to TRMs, to be able to engage with
21 parliamentarians.

22 And as we touched on earlier this morning in
23 the threat summary of the landscape, the intensity of the
24 activities by hostile threat actors was intensifying around
25 this time. And so, the government had issued to us a
26 Ministerial Directive that made *une précision* about how they
27 expected the service to engage with parliamentarians.

28 And the challenge that is captured in this

1 briefing note and what the events that unfolded afterwards,
2 was that we proceeded with those engagements with
3 parliamentarians based on the authorities and tools that we
4 had and that those were in the process of evolving.

5 And so, in terms of the third and fourth
6 bullet there, the authorities that we used at that time in
7 the early days of these renewed and prioritized engagements
8 were the TRMs. And we were grappling with how the classified
9 information being shared in the course of those briefings
10 could also factor into the public narrative on foreign
11 interference.

12 **DR. NICOLE GILES:** Maybe to add to the
13 development of the MD itself, one of the things that it
14 really clearly communicated was the intent that the
15 government had for CSIS to really prioritize investigations
16 in this area, and also the information surrounding it. But
17 the language of the MD itself spoke of a requirement for CSIS
18 to inform of all threats that were directed at
19 parliamentarians.

20 And so, when the briefing was done -- the
21 briefings were done that mention the bullets here, and
22 specifically to Mr. O'Toole, CSIS briefed in the way that the
23 MD was phrased, which was on all threats, but that included
24 information that was not necessarily credible, or
25 corroborated, or verified, because we were staying true to
26 the language of the MD.

27 **COMMISSIONER HOGUE:** So as soon as there was
28 a possibility that a threat exists, you mentioned that

1 threat?

2 **DR. NICOLE GILES:** Exactly. And in this
3 case, this was a former [no interpretation].

4 So it was going back to previous information
5 that we had held, that we were aware of, and were in a sense
6 ensuring that that information was being provided to
7 parliamentarians. And the information regarding Mr. O'Toole
8 was particularly important for us to share, because some of
9 that was emerging in the media and we wanted to make sure
10 that Mr. O'Toole had the information that he needed to feel
11 secure and to understand the definition of the threat that he
12 was experiencing.

13 But what happened out of that briefing is it
14 became clear that that was not workable in terms of briefing
15 on all intelligence regardless of whether it was at that
16 point credible, verified, corroborated. And so, the pause
17 allowed us to reflect on how to clarify the scope of the
18 briefings to really focus in on the credible threat
19 information. And then also making it clear that while the MD
20 was directed at CSIS, it really did require the entire
21 intelligence community to be part of those conversations and
22 to think strategically about the information being provided
23 in those briefs.

24 So the protocol that was developed after the
25 pause by ourselves, with our Public Safety, our CSE, our PCO,
26 our GAC colleagues, built a process where all of those
27 stakeholders would come together to look at the intelligence
28 packages prepared by at that point, Ms. Henderson's teams,

1 have a conversation about whether there was other information
2 that needed to be considered, and then went through a very
3 robust consultation process. So it clarified the scope, but
4 also made sure that all the intelligence community was
5 brought into the conversation so that the briefs were
6 reflecting the broader set of information that was available.

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

8 **COMMISSIONER HOGUE:** And once the protocol
9 was agreed upon, was there a need to modify the Ministerial
10 Directive, or there was no need?

11 **DR. NICOLE GILES:** The Ministerial Directive
12 has not been modified at this point.

13 **MS. SHANTONA CHAUDHURY:** Okay. Ms. Court
14 Reporter, if you can scroll down to page 9? So we'll see the
15 third bullet there says, "Parts of Mr. O'Toole's speech..."
16 this is of course the speech in the house:

17 "...misconstrued or overstated the
18 information that he had been provided
19 with." (As read)

20 Now, we've heard some evidence from Mr.
21 O'Toole saying that he disagrees quite strongly with that
22 statement and that he sought legal counsel and did this in as
23 careful a manner as he could.

24 Ms. Court Reporter, if you can pull up now
25 CAN23483?

26 **--- EXHIBIT No. CAN023483:**

27 Briefing to Member of Parliament

28 **MS. SHANTONA CHAUDHURY:** Scroll down to the

1 second page, I believe. Oh, no, it's not the second page,
2 sorry. Keep going. Page 9.

3 Okay. So this is a document that compares
4 Mr. O'Toole's statements in the house and the information
5 that was provided to him by CSIS. So maybe Mr. Basler, would
6 you be prepared to sort of explain that righthand column,
7 which I think details some of the problems that the service
8 saw?

9 **MR. BO BASLER:** Absolutely. As you noted,
10 this is a document that was prepared by the Privy Council
11 Office, but is based on the service's understanding of the
12 situation at the moment.

13 Madam Commissioner, you had asked earlier if
14 we kind of track the impact of our threat reduction measures
15 and then reevaluate and continue. We may need multiple threat
16 reduction measures over time. I think it's important to
17 frame this. The briefing to Mr. O'Toole was done as a threat
18 reduction measure. So the information we were providing, it
19 was consistent with our Ministerial Direction that we had
20 been given, but our legal authority to undertake this
21 activity was to provide information, in this case to Mr.
22 O'Toole, to reduce the threat as we assessed was against him
23 from a foreign state actor, from a threat actor. So all of
24 the information we provided to Mr. O'Toole was intended
25 directly for the use by Mr. O'Toole to reduce the threat. So
26 that is kind of the frame of why we were the legal authority
27 under which we were sharing the information within the bigger
28 frame of the Ministerial Direction to engage with

1 parliamentarians.

2 So we crafted our speaking points for Mr.
3 O'Toole, and we engaged with him to present the information.
4 So the information, as already noted, spanned the entirety of
5 our holdings, anything that could be considered a threat
6 because that was the direction under which we were operating
7 at the moment, prior to the protocol. So this document
8 compares the speech that Mr. O'Toole made in the House of
9 Commons after our briefing, and the information from our
10 briefing that we provided to Mr. O'Toole.

11 I think it's extremely important to
12 understand the situation the moment in time that this was
13 happening. Mr. O'Toole came to our headquarters building,
14 sat down with senior members of the nation's intelligence
15 service, to be able to hear from CSIS threats that the
16 Service had in its holdings that may relate to Mr. O'Toole.
17 It was a very painstakingly crafted form of words that tried
18 to contextualize the information we were providing to Mr.
19 O'Toole, but it was also classified information.

20 So as part of that, Mr. O'Toole received the
21 information, was asked not to take detailed notes because
22 there'd be no way to store classified information he might
23 have received. And we provided the information, and when we
24 provided it, we tried to contextualize. So if something was
25 information that we had a strong basis for an assessment, we
26 would note it. If it was information that we had a weaker
27 basis of assessment, we would note it. So if something was
28 unverified information, we would note that. If it was

1 uncorroborated information, we would note that.

2 I think it's human nature for any person who
3 is sitting across from senior executives of intelligence
4 service to be informed of threats being presented to him,
5 that they will understand -- and Mr. O'Toole has a history
6 with the government and the Armed Forces. He understands
7 intelligence. He understands his role, but the important
8 element, I believe, is he understood the information that was
9 presented, maybe not all the contextual information that we
10 provided. It was an hour-long briefing, so I don't think any
11 human -- if I was brought in, in a different situation, and
12 police informed me of threats to me, I'm only going to
13 remember the threat pieces. I'm only going to remember the
14 key notes. So I think that is incredibly important to
15 understand that because this included classified information,
16 there's not the ability -- we couldn't write the information
17 and present it to him and let him walk out with a document
18 that detailed everything because there's no way to support
19 it.

20 So this -- after the speech in the House,
21 there's a couple of things that we had to do. This was, as
22 noted, we provided the information to reduce the threat. The
23 speech in the House of Commons was an unintended outcome of
24 our presentation. That was not -- it certainly was not
25 something -- it's we provided the information to Mr. O'Toole
26 for the purpose of reducing the threat. The intent, it
27 wasn't foreseeing that shortly thereafter it would be public
28 speech in the House of Commons based on that briefing.

1 So there's a couple things. The first thing
2 we had to do was immediately undertake a national security
3 review of what had been said. So our first order of
4 business, because we knew we had provided classified
5 information, is we had to take the statements that were made
6 publicly in the House, trace them back to the original
7 intelligence to see if there was potential national security
8 injury that resulted from the disclosures, the unintended
9 disclosures from the Service perspective, but the disclosures
10 that had happened. So that was the first order of business.

11 The second order of business was what became
12 this document, which was an analysis of the information that
13 we provided paired up to what was said. So I guess you could
14 phrase it somewhat -- and this may be a little bit of an
15 overstatement but an accuracy kind of check. So is what Mr.
16 O'Toole said in the House speech, is it what we delivered, or
17 is there a divergence from the information we presented? Is
18 it combined with other information? And that is this
19 document where we took the transcript from the House of
20 Commons and then we compared it, and each of the major
21 statements in the speech we tried -- and we're -- you know,
22 the speech -- and I think Mr. O'Toole testified to this. He
23 took the information and combined it and made it into a
24 number of broad themes that were very important to Mr.
25 O'Toole with respect to the threat.

26 So we had to take those public statements and
27 try and reverse engineer them to what part of the classified
28 briefing is this statement in public based on, and then is

1 that actually what was said or not said, or is it the same
2 weighting that we provided to the reporting or not. This
3 does a side-by-side -- it's an attempt at a side-by-side
4 comparison where we note what was said, and then we say this
5 is consistent with the information we provided, but we noted
6 it as it was actually unverified reporting, so, you know, not
7 a strong statement, important from an intelligence
8 perspective, but not a statement of fact and -- or it's an
9 uncorroborated piece of intelligence, which, again, not a
10 statement of fact, but a piece of intelligence. That is kind
11 of the genesis and the output of that ---

12 **MS. SHANTONA CHAUDHURY:** I think when we
13 discussed this in one of our previous encounters -- maybe it
14 was you, Mr. Vigneault, my memory may fail me, but discussed
15 how this sort of illustrates some of the difficulties or the
16 complications that may be involved in providing classified
17 information by CSIS and then to parliamentarians perhaps in
18 particular. I'm wondering if you can speak to that a little
19 bit.

20 **MR. DAVID VIGNEAULT:** Absolutely. Madam
21 Commissioner, you have heard a lot of information in private
22 with respect to intelligence, and you've looked at a lot of
23 documents; you've seen what has been said in public before
24 the Commission and the media have noted that there is a lot
25 of information. And we spoke to you about the nature of the
26 intelligence, how the different pieces of the puzzle that we
27 try to bring together. And so often what happens, or
28 sometimes what happens is that sometimes some parts of the

1 puzzle are lost, there may be an element that might be spoken
2 about in a specific context. It may be spoken about in
3 another context, and it may become something quite different
4 to where there might be more importance given to that element
5 than what we would have given to it.

6 So what you can see here -- and this is why
7 we had concerns with the written directive, Ministerial
8 Directive, because our point is to give the information to
9 the people and to give them classified information that
10 allows them to understand the threat that they're facing, and
11 to work with us and others to be able to protect themselves
12 from this threat.

13 And so there's a lot of nuance and there's
14 the word of caution; we always have to be careful when the
15 context that the information is disclosed.

16 And what you see in front of you, and Mr.
17 Basler described it well, is that someone like Mr. O'Toole
18 receiving that information to not be able to take any notes,
19 and after that do his work of an MP to inform the House and
20 Canadians of some things, it's very complex. There's a lot
21 of risk associating to that.

22 So when we talk of continuing a mature
23 discussion with Canadians on intelligence, on the nature of
24 national security, it's all these different components that
25 we're talking about to make sure that the individual
26 specifically, and Canadians in general, can well understand
27 the nature of the threat, understand what we know and what we
28 don't, and be able to take the appropriate actions.

1 **COMMISSIONER HOGUE:** All this while
2 protecting ---

3 **MR. DAVID VIGNEAULT:** The intelligence, yes.
4 You have the first part of the Commission where we testified
5 under oath of the complexity of protecting the information,
6 the need to protect classified information due to how complex
7 it is to collect that information. Human sources, technical
8 tools that we use, if that is made public people will not
9 talk to us anymore; their lives could be in danger. And
10 people abroad who share information to protect Canadians and
11 the techniques that we use, all this will be rendered
12 useless, and Canada will be made vulnerable.

13 **DR. NICOLE GILES:** [No interpretation].

14 I think it's also important, as colleagues
15 have mentioned, to remember that while Canadians are watching
16 the hearings and the information that's put in public, so are
17 our adversaries. And right now, I think we're all very
18 confident that our adversaries are watching these hearings
19 and are reading every word that comes out from them just as
20 they read every word that comes out from statements in the
21 House of Commons.

22 So that's something that's front of mind for
23 us, but sometimes gets lost in the broader conversation in
24 how we balance that transparency, understanding that
25 everything that's made transparent is also made transparent
26 to our adversaries.

27 **MS. SHANTONA CHAUDHURY:** Important
28 discussion, but ate up the rest of my examination time.

1 Can I ask for 10 minutes' indulgence, but we
2 can take a break first?

3 **COMMISSIONER HOGUE:** Yes, we'll take the
4 break first.

5 So we'll come back at 11:30.

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

7 This sitting of the Commission is now in
8 recess until 11:30 a.m.

9 --- Upon recessing at 11:13 a.m.

10 --- Upon resuming at 11:33 a.m.

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

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

14 The time is 11:33 a.m.

15 **MS. SHANTONA CHAUDHURY:** Madam Commissioner,
16 I think I have about 10 minutes left, four topics to cover.
17 We shall see. After which my colleague, Ms. McBain-Ashfield,
18 will do her 15 to 20-minute examination, and then I suggest
19 that we break for lunch before ---

20 **COMMISSIONER HOGUE:** And you'll do the third
21 part.

22 **MS. SHANTONA CHAUDHURY:** After lunch.

23 **COMMISSIONER HOGUE:** Excuse me. After lunch.

24 --- MS. CHERIE LYNN HENDERSON, Resumed:

25 --- MS. MICHELLE TESSIER, Resumed:

26 --- MR. DAVID VIGNEAULT, Resumed:

27 --- MS. VANESSA LLOYD, Resumed:

28 --- DR. NICOLE GILES, Resumed:

1 --- MR. BO BASLER, Resumed:

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

3 **MS. SHANTONA CHAUDHURY:** So witnesses, the
4 next topic -- we're sticking with the idea of briefings to
5 parliamentarians, but now we're going to talk a bit about
6 unclassified briefings.

7 So just to set the context for this -- and
8 Madam Court Reporter, if you can pull up CAN47986.

9 --- EXHIBIT No. CAN047986 0001:

10 Foreign Interference - Briefing to
11 Canadian Parliamentarians

12 **MS. SHANTONA CHAUDHURY:** Actually, before we
13 go to that document, you can leave it up, but we know that
14 NSICOP in 2018 and then 2019 recommended that all
15 parliamentarians be briefed on the foreign interference
16 threat and, for reasons that we'll get into with other
17 witnesses, that did not happen immediately.

18 What I'd like to discuss with you for a
19 moment, and this is probably for you, Mr. Vigneault, is, in
20 terms of who has authority to brief parliamentarians, what's
21 your understanding of that?

22 **MR. DAVID VIGNEAULT:** This is a good
23 question. There are different nuances to bring again here.
24 If it is an MP, an individual, the Service Act, CSIS Act
25 enables us, as was demonstrated this morning, to go talk
26 directly to them and ask them to meet us. However, when it
27 comes time to meet a caucus or a group of parliamentarians,
28 whether they be MPs or Senators, as a group, in that case it

1 requires more coordination, there's the authority of the
2 House or the Senate that we have to work with, and we work in
3 an environment where we don't want any surprises, so we have
4 to coordinate with our partner. In this case, Public Safety,
5 Privy Council Office, who, of course, is the link with the
6 PMO. And I would say that, for us, all these people have to
7 be made aware, but in general, comfortable with the idea that
8 there would be an engagement done with parliamentarians.

9 **MS. SHANTONA CHAUDHURY:** So in your view,
10 this is not something that CSIS would undertake of its own
11 volition.

12 **MR. DAVID VIGNEAULT:** Absolutely not. I
13 thought about the question greatly. I took stock of the
14 NSICOP Report in 2018, 2019, I thought it was good
15 initiative. I had mentioned that with our partners here in
16 Canada and abroad to see how they do this kind of stuff in a
17 democratic parliamentary system, how they interact with
18 elected representatives. So it was a good idea but for sure
19 it was not an initiative that the intelligence service could
20 undertake on its own in a unilateral way.

21
22 **MS. SHANTONA CHAUDHURY:** And Ms. Court
23 Reporter, if you can actually pull up now CAN047988?

24 **--- EXHIBIT NO. CAN047988 0001:**

25 FI Briefing to Parliamentarians -
26 Script

27 **MS. SHANTONA CHAUDHURY:** We understand that
28 recently, June 2024, unclassified briefings to

1 parliamentarians were delivered, and here we have,
2 essentially, the script for those briefings.

3 So Mr. Basler, I'm wondering if you can take
4 us through that process a little bit.

5 **MR. BO BASLER:** Sure. This series of
6 briefings, following on to what Mr. Vigneault had said, with
7 all the increased attention and focus on foreign interference
8 and the democratic processes in last summer, so in late
9 spring, early summer 2023, there was a renewed effort and a
10 renewed conversation, I guess going on probably in a multiple
11 -- a multitude of different areas about briefing
12 parliamentarians.

13 So one of those was Sergeant-at-Arms for the
14 House of Commons had reached out to our capital region
15 requesting these briefings. So if the Service could come and
16 deliver a briefing to the caucuses, on a caucus-by-caucus
17 basis, regarding foreign interference.

18 Rather than just kind of the Service
19 responding to the Sergeant-at-Arms and trying to coordinate
20 with PCO and whatnot to do that, we really felt that this
21 needed to be a unified approach across government. So the --
22 all parties, all parts of the security and intelligence
23 community here in Canada getting together to ensure that the
24 presentation that we give parliamentarians is comprehensive
25 from everyone's perspective.

26 So with the requests that had come in last
27 year, we engaged with Public Safety colleagues, the Office of
28 the National Coordinator for Foreign Interference, to create

1 a community-wide briefing that we would undertake.

2 So that effort began just before the House
3 rose last summer, and it didn't get completed by the time the
4 House rose. So when parliamentarians went back to their home
5 ridings, the opportunity wasn't there to present.

6 It did, again, over the past year, get
7 reignited in conversation in which we updated the
8 presentation and then in, I believe it was -- correct, it was
9 in June, again in coordination with all partners and the
10 Sergeant-at-Arms sat down, caucus by caucus, to deliver a
11 briefing.

12 So it's very much a baseline briefing to
13 inform parliamentarians on what foreign interference is, what
14 it may look like, how they individually may experience it; if
15 they are targets of foreign interference activities, what it
16 may look like to them. And give them the opportunity to ask
17 questions of, be it the Centre for Cyber Security, the RCMP,
18 Public Safety officials or the Service. So we presented
19 those to each of the parties in the House of Commons.

20 **COMMISSIONER HOGUE:** And do you know how many
21 parliamentarians participated?

22 **MR. BO BASLER:** It was -- I don't have the
23 exact number but based on my understanding of the size of
24 each caucus and who was there, it was -- I would estimate in
25 between about 50 and 60 percent off each caucus was present
26 for the presentation. The ones that were there were very
27 engaged with the presentation, asking follow-up questions.

28 **COMMISSIONER HOGUE:** Thank you.

1 **MS. SHANTONA CHAUDHURY:** Ms. Court Reporter,
2 if you can just scroll down in the document very briefly,
3 just scroll quickly and you'll give everyone an idea of the
4 contents of that briefing. Okay, that's good.

5 Can you take that document down now, Ms.
6 Court Reporter and put up WIT134?

7 So the next topic we're going to address --
8 and this is for you, Ms. Tessier, I believe -- is starting at
9 paragraph 73 of the witness summary. There, a warrant.

10 So to set the context for this, during the
11 *in-camera* examination, Commission counsel asked you about a
12 warrant, and a warrant where there were -- this is a CSIS
13 warrant where there were several weeks between when the
14 warrant was sent to the Minister for approval and when it was
15 signed.

16 With reference to the discussion here at
17 paragraph 73 through 80...

18 So Ms. Court Reporter, you can sort of follow
19 along, probably, as Ms. Tessier goes along.

20 Can you provide us your recollection of how
21 that unfolded?

22 **MS. MICHELLE TESSIER:** Yes, certainly.

23 So obviously I can't go too much into the
24 details about the subject of the warrant but at several times
25 if we ask for something new, I'm not going to say that the
26 warrants are routine. Each warrant is representative of what
27 we're looking for, but it often happens that we'll brief the
28 Minister's office before. And in this case, there were

1 discussions before we presented the warrant, and that was
2 done. There were discussions before we submit the warrant.
3 And for all these warrants, there are a lot of different
4 players: Public Safety; Justice; the CSE, who are involved in
5 the process.

6 So the mandate went through its due process,
7 but once the mandate got approved, that the submission was
8 approved by the Director, it was sent to the Minister's
9 office, and I think there was a delay of about six weeks
10 before it got signed by the Minister.

11

12 **COMMISSIONER HOGUE:** Which is unusual?

13 **MS. MICHELLE TESSIER:** Yes. In general, we
14 give about 10 days to the Minister's office for them to read
15 the affidavit and sign it, sign the warrant. Of course, if
16 it's urgent, it's done faster but in general it's about 10
17 days.

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

19 **MS. SHANTONA CHAUDHURY:** And were you
20 disturbed by this delay?

21 **MS. MICHELLE TESSIER:** Well, we always want
22 it to be done quickly operationally because people want to
23 move ahead. So I think that there was some frustration
24 operationally because people, obviously, wanted to get this
25 mandate presented to the Federal Court for approval. But I
26 won't say that it was disrupted, it's just that we had some
27 frustration.

28 **MS. SHANTONA CHAUDHURY:** Ms. Court Reporter,

1 if you can keep scrolling down in the document a little bit.

2 Was there anything that gave you an
3 impression, Ms. Tessier, or probably Mr. Vigneault here, that
4 there was an intentional -- an intention to delay this
5 warrant?

6 **MS. MICHELLE TESSIER:** Absolutely not.

7 **MS. SHANTONA CHAUDHURY:** Okay. So we'll see
8 at paragraph 78 there, I think you say -- you're speaking
9 about discussions that you had with the Minister's Chief of
10 Staff, and it was your impression that she -- or she never
11 had the impression, you never had the impression that she
12 wanted to sit on the warrant or delay.

13 And then Mr. Vigneault, I believe you
14 mentioned that Ms. Astravas was forthcoming and transparent;
15 is that your recollection?

16 **MR. DAVID VIGNEAULT:** [No interpretation].

17 **MS. SHANTONA CHAUDHURY:** Okay. I think you
18 can take that down now and go to the next topic, which will
19 be very brief.

20 Can we pull up WIT134 again at paragraph 55?

21 **THE COURT OPERATOR:** Can you please repeat
22 the paragraph number?

23 **MS. SHANTONA CHAUDHURY:** Fifty-five (55).

24 So Mr. Vigneault, this question is for you,
25 and it's a brief one but this is about a document called the
26 Targeting Paper, a CSIS document. And this Targeting Paper
27 was a CSIS product that summarized some intelligence on PRC
28 foreign interference targeting various parliamentarians, and

1 we understand from the chronology is that it was actually
2 written in 2021, wasn't published by CSIS until 2023. When
3 it was published, it was made inaccessible soon after, and
4 then we understand that there was a different version
5 produced, a shorter, more sanitized version; is that correct?

6 **MR. DAVID VIGNEAULT:** That's correct.

7 **MS. SHANTONA CHAUDHURY:** Okay. And your
8 impression was that that was destined to go to the Prime
9 Minister?

10 **MR. DAVID VIGNEAULT:** That was my impression,
11 yes, amongst other people, but including the Prime Minister.

12 **MS. SHANTONA CHAUDHURY:** Okay. And would
13 that have been going to the Prime Minister for a particular
14 action or for situational awareness or ---

15 **MR. DAVID VIGNEAULT:** I think in our view, in
16 my personal view, this was a very important piece of analysis
17 that was bringing together the totality of what we knew,
18 including using some exquisite intelligence, that provided a
19 picture of the continuum of the specific activities and the
20 country norm of activities employed by the PRC to target
21 elected officials in Canada. So I thought that this was a
22 very illustrative piece of intelligence analysis that should
23 have been, yes, read by the Prime Minister, but not
24 necessarily that therefore something he needed to do
25 personally, but more for how as a community, intelligence
26 community the government should continue to assess the PRC's
27 actions and, therefore, you know, what other measures could
28 take place. So it's part of a very important piece of

1 intelligence analysis, amongst others, to speak to how to
2 address the threat of the PRC.

3 **MS. SHANTONA CHAUDHURY:** Okay. And we know
4 that the targeting paper was formed -- the basis of a
5 discussion by NSIRA in its recent review. That's at
6 paragraphs 121 to 133. In our in-camera examination, Mr.
7 Vigneault, you said that it was your understanding that the
8 NSIA, at the time, had decided not to provide that paper to
9 the Prime Minister.

10 **MR. DAVID VIGNEAULT:** I have -- I discovered
11 through the NSIRA questions that were asked to me during
12 their examination that the document had not been distributed
13 to the Prime Minister. And what I learned at that point is
14 that the National Security Advisor had made that ---

15 **MS. SHANTONA CHAUDHURY:** But just to be
16 clear, the source of your knowledge on that is the NSIRA
17 Report ---

18 **MR. DAVID VIGNEAULT:** NSIRA question.

19 **MS. SHANTONA CHAUDHURY:** --- not personal
20 knowledge?

21 **MR. DAVID VIGNEAULT:** Absolutely.

22 **MS. SHANTONA CHAUDHURY:** Okay. Thank you.

23 **MR. DAVID VIGNEAULT:** Yeah.

24 **MS. SHANTONA CHAUDHURY:** That's it for my
25 questions for now, so I'll cede the floor to my colleague,
26 Ms. McBain-Ashfield.

27 **COMMISSIONER HOGUE:** Thank you.

28 **--- EXAMINATION IN-CHIEF BY MS. EMILY McBAIN-ASHFIELD:**

1 **MS. EMILY McBAIN-ASHFIELD:** Good morning,
2 Commissioner, witnesses. My questions today will largely
3 focus on the Service's public outreach initiatives. But
4 first, Dr. Giles, I have one question about Bill C-70. I
5 understand that several aspects of Bill C-70 for an Act
6 respecting countering foreign interference as enacted will
7 assist CSIS. Can you provide a brief overview of the core
8 areas of amendment to the *CSIS Act* that will assist CSIS in
9 exercising its authorities?

10 **DR. NICOLE GILES:** Very happily. So the
11 fundamental nature of the changes for the *CSIS Act* amendments
12 really stemmed from the fact that the Act was four years old,
13 predigital, before the complexity and the persistence of the
14 threats that we're facing. So we looked at it from a
15 perspective of how to better equip CSIS to detect for and
16 defend against foreign interference, while making sure that
17 the really important safeguards remained. There were four
18 main sets of amendments, and I'll go through very briefly
19 each in turn.

20 So the first set of amendments is really
21 around enabling CSIS to disclose information outside the
22 federal government. And we've heard in the testimony this
23 morning some of the challenges with the tools that we had at
24 the time that were perhaps imperfect for that goal. So the
25 *CSIS Act* amendments do allow now CSIS to disclose information
26 outside the federal government for the purposes of building
27 resiliency. And so, for example, there could be a scenario
28 where there's a foreign state that's targeting a particular

1 region in Canada, or riding, or a particular ethnic community
2 group for foreign interference. And now, we are able to
3 disclose specific information, whether it's to the MP whose
4 riding it's in, to the community group about the trade craft
5 that they could expect to see from the foreign interference
6 actor, or even with the permission of the Minister of Public
7 Safety, provide the name of the FI proxy who's carrying out
8 those activities. And that will enable the individual who's
9 receiving that disclosure, again, MP, community group,
10 private sector, to recognize the foreign interference threat
11 when they're faced with it, and then also to be able to build
12 resiliency, to put measures in place to help protect against
13 it from emerging in the first place.

14 The other really important part of the new
15 disclosure authority is to allow CSIS to share information
16 with agencies that have investigative authority. And so
17 really critically from a foreign interference perspective is
18 we're now able to share information with provincial elections
19 commissions for the purpose of them conducting
20 investigations, including into foreign interference
21 activities in democratic processes.

22 Would you like me to go to the next
23 amendments or did you have any questions?

24 **MS. EMILY McBAIN-ASHFIELD:** No, you can go to
25 the next.

26 **DR. NICOLE GILES:** Okay. The next set of
27 amendments was around providing CSIS with new judicial
28 authorizations, so warrants and orders. And so the first one

1 is provided us with a single-use warrant, rather than simply
2 having the one-size-fits-all appropriately intrusive and
3 therefore very heavy process to seek permission from the
4 federal court. The single-use warrant will allow us to
5 request from the federal court the ability to do something
6 once. And so, for example, in a foreign interference
7 context, there's a foreign interference actor who's
8 transiting through a Canadian airport. All we want to do is
9 look at their cell phone once. And so now we have the
10 ability to seek a single warrant from the federal court, so
11 that we're able to do the single assessment and data grab
12 from their Smart phone, so that we can analyze that
13 information and know immediately why they're there, the
14 activities they're trying to perpetuate, who they might be
15 meeting with.

16 Another example in the foreign interference
17 sphere with the new warrants and orders would be the
18 preservation order authority. So the new preservation order
19 authority will allow us to compel, for example, an internet
20 service provider to not delete information that would be part
21 of their regular deletion schedule. And so, for example,
22 there could be a foreign interference actor that we're
23 observing doing postings about mis and disinformation against
24 a particular candidate. We're now able to ask the internet
25 service provider to not delete that information while we go
26 through the process of seeking from the federal court a
27 production order or a warrant. Without that new authority,
28 we would have lost all of that information and not been able

1 to identify the foreign interference actor perpetrating the
2 mis and disinformation on that internet service provider's
3 platform, or to understand perhaps where the orders are
4 coming from. So those are not the whole gamut of the warrant
5 orders, but a couple of really important ones.

6 The third set of amendments is around really
7 giving us a more nimble dataset regime. And so it wasn't a
8 full overhaul, but some really important adjustments. So,
9 for example, we now have more time to analyze datasets, and
10 that's important from a foreign interference perspective in
11 that foreign interference related databases almost every time
12 need to be de-encrypted. They're in a foreign language, so
13 they need to be translated, and we have to have the time to
14 analyze it and assess it before we request permission to
15 retain it. And so rather than risking losing those really
16 critical foreign datasets that could have really valuable
17 foreign interference information, we now have the time to
18 process them, given the complexity of foreign interference
19 related databases.

20 Another example is that we're now able to use
21 Canadian datasets to do government and immigration security
22 screening. And so an example of why that would be really
23 important is we could have a list of individuals in Canada
24 who have lived in countries where we know the country's a
25 foreign interference actor. And that list of individuals in
26 Canada who have lived in a foreign interference actor country
27 could have their educational institutions that they attended.
28 So now, we'll be able to query, while doing a government

1 security screening or immigration security screening against
2 that database, and, for example, discover that an individual
3 studied at a foreign military university that we as CSIS know
4 to be a perpetrator of foreign interference, whether it's
5 economic security, or other types of FI. And so that's
6 really important to enable us to make sure that people that
7 are getting government security clearances, or getting
8 immigration entry into Canada are not, in fact, foreign
9 interference actors.

10 The last set of amendments, I'll be very
11 brief, is around enabling our foreign intelligence
12 collection. So we're now able to collect information from
13 within Canada when the information is stored outside of
14 Canada. And that's very important because for example, there
15 could be a foreign interference actor within Canada whose
16 emails are backing up outside of Canada. We're now able to
17 collect that information. So that goes back to the
18 borderless world that we're now living in, in terms of where
19 information is stored.

20 It now also enables us for when a foreign
21 interference actor is temporarily leaving Canada to continue
22 collection. So for example, foreign interference actor
23 crosses the border to go outlet shopping and happens to meet
24 a contact. We're now able to continue to collect that
25 information, so we don't have a blackout period while they
26 temporarily cross outside of our jurisdiction.

27 **MS. EMILY McBAIN-ASHFIELD:** Okay. Thank you,
28 that was helpful.

1 Turning to public outreach and engagement,
2 first I'd like to get your views on the importance of public
3 outreach and raising awareness as a tool against FI. Madam
4 Court Operator, can you please pull up CAN.38232_1?

5 **--- EXHIBIT No. CAN038232 0001:**

6 Canada towards 2028 - IA 2022-23/90

7 **MS. EMILY McBAIN-ASHFIELD:** This is a CSIS
8 intelligence assessment from February 2023, titled "Canada
9 Towards 2028". If you can just go to the bottom of page 3?

10 And so that last bullet you'll note states:

11 "Similarly, a more mature, less
12 hesitant public- and private-sector
13 outreach strategy on CI..."

14 CI being counterintelligence threats:

15 "...will be required to better
16 sensitize potential targets on the CI
17 threat, including insider threat
18 activity and communities targeted for
19 infiltration by foreign states."

20 And then further down the last sentence:

21 "A 'taking to the people' strategy
22 will, for example, help support
23 threat reduction measures...by
24 encouraging a general public that is
25 more aware and by instilling a
26 normative national security culture
27 in the population."

28 And so, while this paragraph is not specific

1 to foreign interference, Dr. Giles, does the service
2 similarly view increased transparency with the public as an
3 important tool for countering foreign interference?

4 **DR. NICOLE GILES:** Absolutely. I think what
5 this intelligence product speaks to is the fact that the
6 targets of threats now extends far beyond the Federal
7 Government and really does target whole of society and
8 Canada. And so, it does require a whole of society response.
9 And in order for all Canadians and the various sectors to be
10 able to protect themselves against foreign interference, they
11 need to be aware of it.

12 And so that's why it's really important that
13 we increase the awareness, we increase the engagement to
14 enable them to be able to protect themselves, and their
15 communities, and their institutions. But fundamentally, we
16 also can't do that unless they trust us. And if they don't
17 trust CSIS, they're not going to trust the information that
18 we're providing to them.

19 And so that's also one of the fundamental
20 aspects underlying our strategic engagement and academic
21 outreach program that was launched in 2019, is to ensure that
22 we're able to build that trust, so the first time we have an
23 engagement isn't in the midst of a crisis. The relationships
24 of trust are built in advance. And also, to enable us to
25 learn from the various sectors in the communities so that we
26 better understand their concerns and their fears. Quite
27 frankly, quite often in terms of communities that have come
28 to Canada to seek safety and find themselves targeted once

1 they're here.

2 **MS. EMILY McBAIN-ASHFIELD:** Okay. And we'll
3 talk about the academic outreach and stakeholder engagement
4 program in just a moment. But I'm wondering if in that last
5 sentence you can explain what is meant by a normative
6 national security culture?

7 **DR. NICOLE GILES:** So one of the challenges
8 that I think we've really faced in Canada is that there has
9 not been a comfort level to talk about national security.
10 We've been very privileged as a country to not have been
11 exposed directly to wars, and threats, and attacks in the
12 same way that unfortunately many of our allies have. And so,
13 there's been a hesitancy in Canada to think about national
14 security and to talk about national security, and to factor
15 it in how people go about their daily lives.

16 So that awareness and that base level of
17 understanding is not there and that's why you see in this
18 product and in a lot of the publications we've put out as
19 well, we're trying to baseline the understanding of what the
20 threats are and how Canadians can address them.

21 And that's why for example, we have really
22 stepped up the information that's included in our annual
23 public report. So in 2012 for the first time, we disclosed a
24 lot of data and information for example about how many
25 intelligence products we put out every year, how many
26 engagements we have, how many security screening applications
27 we've reviewed in an attempt to lean into the transparency
28 and to start to shed some of that -- shed some of that light.

1 And in the 2023 annual report this year, we
2 provided far more detailed information on a threat assessment
3 than we ever have before. And what we found is that that's
4 been picked up with a lot of receptivity and we have seen the
5 increased understanding starting to manifest. And we've also
6 seen that emerge from some of the more innovative social
7 media campaigns we've done as well, for example, around how
8 to detect and identify mis- and disinformation. So that
9 broader strategy we've had in terms of those broader
10 engagements with the public seems to be paying off in terms
11 of increasing the transparency.

12 We've also had a number of different
13 publications as well that are a little bit more focused. So
14 for example, in 2021 we put out a Foreign Interference in
15 Electoral Processes publication to help individuals identify
16 when that foreign interference is happening and what to do
17 about it. And then in 2023 we put out very snappily named
18 Foreign Interference and You publication that's in eight
19 languages, including the languages of the communities that we
20 know to be most targeted, so Mandarin, Cantonese, Russian,
21 Farsi, because we believe very strongly that linguistic
22 ability should not be a barrier to getting information from
23 CSIS about how to identify the foreign interference threat
24 and how to protect themselves.

25 **MS. EMILY McBAIN-ASHFIELD:** And so, with the
26 public report, and also all the other publications that you
27 mentioned, do you track or evaluate the engagement whether
28 you're reaching the populations that you're intending to

1 reach?

2 **DR. NICOLE GILES:** So our data analytics on
3 our social media sites are -- is something that we're
4 starting to increase and build as that team tries to increase
5 the sophistication. I have to stress, these are very tiny,
6 tiny, and tiny teams that are doing gargantuan work, and so
7 as we're putting increased focus on this, we're also
8 increasing the tools that are sitting behind it.

9 And for the annual report we do have some
10 data tracking how often it's been downloaded from our
11 website, which has been a big increase. But we also are a
12 bit old school, we have a lot of hardcopies, I think we've
13 handed them out to the Commission. And so, of course, we're
14 not able to track that. But we've seen increased printing of
15 the annual reports in order to meet that -- in order to meet
16 that demand. But the social media pickup has increased
17 dramatically in particular over the last two years as a
18 result of some of those innovative campaigns.

19 **MS. EMILY McBAIN-ASHFIELD:** Okay. Thank you.
20 And you mentioned the academic outreach and stakeholder
21 engagement program, which if I understand correctly, the
22 academic outreach part of the program was created in 2008 and
23 then the stakeholder engagement part was added in 2019. And
24 through that program you're engaging civil society partners,
25 including advocacy associations and diaspora groups and
26 national organizations.

27 And I'm wondering if you can specifically
28 talk about those engagements and whether the issue of foreign

1 interference is discussed with those stakeholders?

2 **DR. NICOLE GILES:** So the strategic
3 engagement program has a series of formal engagements that
4 take place. So the more perhaps traditional engagements
5 where there'll be a meeting that can be quite large, it has a
6 formal agenda, we're tracking next steps, coming out of it.
7 And to give you a sense, there were 150 formal engagements in
8 2023 with those community organizations, private sector, and
9 we had over 200 briefings more specifically on foreign
10 interference and on espionage as well.

11 There are other parts of that program that
12 are equally important. Violent extremism is a threat that
13 we're also very focused on and very concerned about that's
14 outside of this scope. But it's also important to
15 contextualize it within that broader context of what
16 community groups and different associations are concerned
17 about in terms of threats that they are experiencing. But
18 the foreign interference and espionage part which go hand in
19 hand, are very much part of those engagements right now.

20 One of the things that we've been trying to
21 do as part of this is to really lean into the degree possible
22 on the information interactions between those formal
23 engagements, because we know that it takes time to build up
24 the trust in those relationships and that can't just happen
25 in a large meeting with a formal agenda. But part of that as
26 well for us has been leaning in on how we codevelop products
27 for these communities.

28 So for example, we had a coedited version of

1 our external newsletter last year, which again we have a very
2 clever communications team, it's called Need-To-Know is our
3 external newsletter. But we did a coedited Need-To-Know
4 piece last year with the Chinese Canadian National Council
5 for Social Justice, and that was specifically on foreign
6 interference. And those newsletters go to several hundred
7 readers, and that one in particular, we received a lot of
8 positive feedback on.

9 We've also done work, for example, to
10 codevelop action plan commitments for CSIS to the UN
11 Declaration on the Rights of Indigenous Peoples. And we're
12 the only intelligence agency in the world that has made
13 action plan commitments.

14 So what we're trying to really do is make
15 sure that we're having a two-way street for that engagement,
16 that it's codeveloped, really within a broader application of
17 the mantra, "Nothing about us without us." And so that's how
18 those relationships are being built and the foundation of
19 that trust exists. And that allows us to ensure that the
20 information that we're providing is being heard, understood,
21 and actioned, and that we're also receiving information to
22 better understand the concerns of Canadians.

23 **MS. EMILY McBAIN-ASHFIELD:** Okay. And my
24 final question that I'm going to ask, because I understand
25 I'm short on time, some of the challenges with engagement and
26 public outreach. So you've mentioned mistrust and some of
27 the things that you are trying to do. And if you want to
28 elaborate on other things that the Service is doing to try

1 and address the issue, that there are some communities who
2 may not trust security agencies?

3 And then the second challenge is, given that
4 much of the Service's information is highly classified, can
5 you describe some of the challenges that this creates when
6 engaging with the public or engaging with organizations who
7 may have an interest or may want to know some of that
8 information?

9 **DR. NICOLE GILES:** Those are great questions.
10 So I think maybe beginning with the trust deficit issue, what
11 we've been trying to do is really, as the first step, just
12 recognize it and own it, and understand that there is a trust
13 deficit that we are not always trusted, both as CSIS and also
14 as part of a more amorphous perception of the security
15 intelligence and law enforcement community in Canada. And so
16 that acknowledgement has been a really important part of
17 that.

18 And an example of how we're trying to address
19 that is, for example, the Director's Annual Speech last year
20 was at the Canadian Human Rights Museum in Winnipeg. And it
21 was not coincidental that we chose that location. It was to
22 make a very deliberate point about how human rights, from our
23 perception, needs to sit at the center of how we do national
24 security. They're not in juxtaposition.

25 We've also tried to ensure that we have been
26 really understanding where the foundations of that come from.
27 And we did jointly develop with some marginalized and
28 racialized groups, what we call our Trust Pamphlet, which

1 goes to the heart of what we're trying to accomplish by
2 ensuring that human rights are at the center of how we do our
3 national security.

4 In terms of the ability to share specific as
5 well as classified information, the changes to the *CSIS Act*
6 that we just spoke about are going to go a long way, because
7 what we would sometimes find is that the initial engagements
8 were very exciting for people to be speaking to us. We'd do
9 the general threat landscape, share some general information,
10 but it quite quickly transformed into the second or third
11 meeting of, "Okay, so we've heard this before. Can you tell
12 us anything more specific that we can actually use to be able
13 to protect ourselves and our communities?"

14 So the changes to the Act will go quite some
15 way enabling us to move past that frustration and provide
16 more actionable information.

17 But fundamentally, there are some inherent
18 limits because we do need to protect the methodology and the
19 sources and, as I said in an earlier comment, recognizing
20 that everything that we say publicly is seen, and read, and
21 absorbed by our adversaries.

22 We are making progress in being able to
23 communicate that the reason we don't share that information
24 all the time is not because we're being guarded, it's not
25 because we're trying to keep information that we feel they
26 need, but because we need to protect that information so that
27 we can protect them.

28 And that circles back to building that

1 baseline understanding of national security within Canada is
2 going a long way to help that understanding.

3 And then finally, on that, I think the more
4 they trust CSIS, the more they'll also trust that we're not
5 keeping information from them, but we're keeping that
6 information secret so that we can help to protect them.

7 **MS. EMILY McBAIN-ASHFIELD:** Okay. Thank you.
8 Those are all my questions.

9 **COMMISSIONER HOGUE:** Thank you.

10 So we'll break for lunch at this point. We
11 are a bit off schedule. So we'll come back at -- would it be
12 enough for you if I say we'll take an hour -- let's say we
13 come back at 1:20? It's fine? So we'll come back at 1:20
14 and then Ms. Chaudhury will complete her examination, and
15 after that, we'll start the cross-examination. Thank you.

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

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

19 --- Upon recessing at 12:11 p.m.

20 --- Upon resuming at 1:23 p.m.

21 **THE REGISTRAR:** Order please.

22 This sitting of the Foreign Interference
23 Commission is now back in session.

24 The time is 1:23 p.m.

25 **--- MS. CHERIE LYNN HENDERSON, Resumed:**

26 **--- MS. MICHELLE TESSIER, Resumed:**

27 **--- MR. DAVID VIGNEAULT, Resumed:**

28 **--- MS. VANESSA LLOYD, Resumed:**

1 --- DR. NICOLE GILES, Resumed:

2 --- MR. BO BASLER, Resumed:

3 COMMISSIONER HOGUE: Good afternoon.

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

5 MS. SHANTONA CHAUDHURY: Good afternoon.

6 Good afternoon, witnesses. Welcome back.

7 So we'll now be spending the next hour, hour
8 and 15 minutes or so talking about the examination that we
9 did on the NSICOP House Motion.

10 And let me begin just by introducing the
11 process that the Commission went through.

12 So the Commission received all documents and
13 all intelligence reporting that was provided to NSICOP,
14 reviewed the report, and honed in on allegations regarding
15 the witting or semi-witting involvement of current or former
16 parliamentarians in foreign interference activities.

17 The Commission then reviewed the documents
18 cited for each allegation and asked the Service to produce
19 the raw intelligence cited or relied on in each of the
20 documents in those footnotes.

21 Also, to identify and produce any additional
22 intelligence or information that hadn't yet been produced,
23 but was nevertheless relevant to those allegations.

24 The Commission then asked the Service a
25 series of questions in writing with respect to each
26 allegation and conducted in-camera examinations with
27 yourselves, the CSIS witnesses, and a brief examination of
28 some officials from PCO.

1 Mr. Basler, I see you nodding, so I gather
2 you're familiar with that process?

3 **MR. BO BASLER:** I certainly am. Yes.

4 **MS. SHANTONA CHAUDHURY:** For the Court
5 Operator's benefit, this one is going to be simple because
6 I'm only going to be referring to two documents. The first
7 is WIT136, which is the Summary of the In-Camera Examination
8 on the NSICOP Report, and the second is COM363, which is the
9 Public Version of the NSICOP Report.

10 **--- EXHIBIT No. COM0000363:**

11 NSICOP Special Report on Foreign
12 Interference in Canada's Democratic
13 Processes and Institutions

14 **MS. SHANTONA CHAUDHURY:** Mr. Basler, I'll
15 direct the first question, and maybe several questions, to
16 you.

17 One thing to get out of the way right off the
18 bat, it's a fact that has not been made public yet and that
19 the Commissioner was unable to mention in her opening
20 statement because it hadn't yet been made public. I'll just
21 ask you to confirm that there are no names of
22 parliamentarians in the NSICOP report?

23 **MR. BO BASLER:** You are correct.

24 **MS. SHANTONA CHAUDHURY:** Okay. And Ms. Court
25 Reporter -- Operator, I'm sorry, if you can pull up the in-
26 camera examination summary? Paragraph 51. It's at page 14.

27 So you'll see, Mr. Basler, you discuss here
28 how it's been a reverse engineering exercise. So for both

1 the Commission and the Service, it was an exercise in pouring
2 over the documents referred to in the footnotes and trying to
3 figure out who was being referred to. Is that correct?

4 **MR. BO BASLER:** Correct.

5 **MS. SHANTONA CHAUDHURY:** Okay. And we're
6 pretty confident that we've now identified the persons whom
7 NSICOP had in mind, but actually, the only people who could
8 confirm that with certainty are NSICOP themselves. Is that
9 correct?

10 **MR. BO BASLER:** That would be correct as
11 well, yes.

12 **MS. SHANTONA CHAUDHURY:** And the last thing I
13 want to ask you on this is that we know that certainly the
14 Service's position that the identities of those
15 Parliamentarians are classified information?

16 **MR. BO BASLER:** It is classified. Yes.

17 **MS. SHANTONA CHAUDHURY:** Okay. And can you
18 explain why that is?

19 **MR. BO BASLER:** I think it's very important
20 to remember with any attempt to try to put classified
21 information out into the unclassified space, it has to go
22 through the National Security Confidentiality Review process
23 to determine if there is injury to the release of that.

24 Why the names would be classified is because
25 by releasing the names, especially in conjunction with an
26 incident or a matter that is described, even in general
27 terms, within the unclassified, but the unclassified NSICOP
28 report would reveal to the adversaries, so to the foreign

1 governments that are engaging with the MPs, it would advise
2 them that we know about a specific activity at a point in
3 time, which would then potentially reveal the method of
4 collection that we had targeting the threat actor that's
5 engaged or is part of this activity.

6 So it is whenever you move anything into the
7 unclassified space, you're always trying to ensure that
8 you're not revealing the sources or methods, when we
9 collected it, how we collected that piece of information.
10 And that key element when you identify one of the individuals
11 as being part of a moment, it will be telegraphing to our
12 adversaries when we collected it, how we collected it.

13 So that is, essentially, at its core, why
14 those names would remain classified.

15 **MS. SHANTONA CHAUDHURY:** Okay. So the
16 contents of the summary that's up on the screen now and
17 that's been prepared, essentially reveal as much information
18 as the Service has decided can be publicly disclosed about
19 this examination? Is that correct?

20 **MR. BO BASLER:** That is correct.

21 **MS. SHANTONA CHAUDHURY:** Okay. Before
22 getting into the specific allegations, I'm going to go
23 through some more general topics that came up in the context
24 of the examination.

25 And the first one, sticking with a theme of
26 names, can we scroll to paragraph 10, please? It's at page
27 3.

28 So at paragraph 10, Ms. Henderson, you were

1 explaining that in section 16 reporting, the Service has to
2 suppress the identities. Can you explain why that is? First
3 of all, what is section 16, a brief reminder?

4 **MS. CHERIE HENDERSON:** So section 16 of the
5 Act is information that the Service is asked to collect on
6 behalf of either Foreign Affairs, Global Affairs Canada, or
7 Department of National Defence in order to support their
8 programs. And we often refer to that as foreign
9 intelligence.

10 **MS. SHANTONA CHAUDHURY:** Okay. And we'll see
11 that under that mandate, CSIS can't report on Canadian
12 individuals, officials, or corporations. Is that correct?

13 **MS. CHERIE HENDERSON:** Yes. Under that
14 mandate, we collect information at the request of the
15 requesting departments, but we do not collect information on
16 Canadians. So we are collecting information on our -- on
17 foreign engagement, but not Canadians. Therefore, we must
18 suppress all Canadian identities.

19 **MS. SHANTONA CHAUDHURY:** Okay. And I
20 understand that -- so essentially the report will go -- will
21 be shared, and it will say something like Mr. X instead of a
22 particular name. Is that right?

23 **MS. CHERIE HENDERSON:** It will not -- yes.
24 Yes.

25 **MS. SHANTONA CHAUDHURY:** Okay. And then if
26 the recipient wants to know the identities, they can make a
27 request of the Service to have the identities disclosed?

28 **MS. CHERIE HENDERSON:** Yes, they can. And

1 when they make their request, they must advise on behalf of
2 who they're making their request and why the release of that
3 particular name would support their program.

4 **MS. SHANTONA CHAUDHURY:** Okay. And those
5 requests are sometimes granted, sometimes not?

6 **MS. CHERIE HENDERSON:** Yes.

7 **MS. SHANTONA CHAUDHURY:** Okay. The second
8 broad topic I'd like to address, Ms. Cour Operator, if you
9 can just scroll down to paragraph 13? Sorry, just a little
10 up. There we go.

11 So it's the concept of wittingness. So if
12 you see at the top of paragraph 13 there, it says:

13 "The witnesses, including Mr.
14 Vigneault and Ms. Lloyd, highlighted
15 throughout their testimony that the
16 Service's focus is on the activities
17 of the threat actor, [i.e., the
18 foreign state or individual acting on
19 the state's behalf] not necessarily
20 the wittingness of an MP."

21 Can I ask you to comment on that, either Ms.
22 Lloyd or Mr. Vigneault?

23 **MS. VANESSA LLOYD:** Certainly. I think this
24 is a really important piece, Madam Commissioner, to underline
25 the investigation of the threat activities are the threat
26 activities of the foreign state actor or adversaries. So
27 it's important to understand that in the course of our
28 investigations, the large majority of information that we

1 have that would relate to those impacted by the threat
2 activities of the foreign actor are collected incidentally.

3 And so that means that we will have gaps as
4 it relates to the affected party. So our focus is
5 understanding the intent, and the capabilities, and the
6 intended outcome that the foreign state wants to have, and
7 not necessarily do we have all of the information related to
8 how the person themselves received that information, or
9 conversely, was able to be resilient against that activity.

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

11 And if we go down now to paragraph 14, which
12 says:

13 "In some cases, CSIS has collected
14 sufficient intelligence to determine
15 that an MP may [-- essentially I'll
16 paraphrase here --] been suspected of
17 posing a threat to the national
18 security of Canada. However, this
19 has happened very few times in the
20 Service's history."

21 Mr. Vigneault, can I ask you to confirm?

22 **MR. DAVID VIGNEAULT:** Yes, absolutely.

23 [No interpretation] -- there is no sanctuary,
24 so we follow the threat activity where it will take us. So
25 if that means that, you know, a member of Parliament, elected
26 official, is engaging in threat activity, we can go there.

27 In our history, the way we carry out
28 investigations, and the requests that were made to the

1 Service, it is truly the state foreign actor -- the state
2 actor, rather, that is the subject of our investigation. So
3 this is an important concept to allow us to eliminate what we
4 know and realize what we don't know on the voluntary aspect
5 of the activities of certain individuals. I think it is very
6 important to understand this nuance.

7 We focused our activities and our
8 investigations on the foreign threat actor, and from time to
9 time, that could include, because there's no sanctuary, that
10 could include elected officials, but it's been very few
11 instances.

12 **MS. SHANTONA CHAUDHURY:** Okay.

13 **MS. VANESSA LLOYD:** If I might add, Madam
14 Chaudhury, it's very similar to the discussion we had this
15 morning in terms of what we characterize and what we don't.

16 So where -- the terminology that we're
17 talking about here is wittingness of an MP, and we would very
18 rarely characterize the activities of the person who was
19 subject to the FI. We would do so, further to Mr. Basler's
20 comments, in order to determine what is our next
21 investigative step with regards to the threat actor, and that
22 could include whether or not we could engage the
23 parliamentarian to fill some of our intelligence gaps, and we
24 would have to do a calculus of, in doing so, how are we
25 protecting our methodologies, and our sources, and our
26 classified information?

27 And to our conversation earlier this morning,
28 as we have those engagements with parliamentarians, there is

1 a sliding scale of the level of awareness of FI that a
2 parliamentarian has. And that is from someone who is unaware
3 about the nature of FI and therefore would be, as Ms.
4 Henderson said this morning, surprised that they could be
5 subject of activities of a threat actor or directed at them,
6 to someone who has a better understanding of FI and is
7 grateful for the engagements that we have to help them to
8 make better informed decisions on that scale of absolutely
9 legitimate engagement with foreign actors and their duties
10 and functions to perhaps situations where they might not be
11 as aware that the interest of a foreign country could also be
12 detrimental to the interests of Canada.

13 And then at the other end, there's that
14 spectrum of a very small subset of individuals who understand
15 that the activity is FI, and by nature of their engagements
16 with the threat actor, that they are either knowingly
17 benefiting from that activity, or engaged themselves. And
18 this is, in the course of our history, as Mr. Vigneault said,
19 very rare that we get to that end of that sliding scale.

20 And further to our discussion about
21 significant instances, as we have information, those
22 assessments can also change.

23 **MS. SHANTONA CHAUDHURY:** Thank you. That's a
24 very good lead-in, actually, to my next questions. I'll just
25 bring out some of that information as it came out in the
26 examination.

27 Madam Court Operator, can you scroll down so
28 that we can see both paragraphs 15 and 16? Great. A little

1 more, please. Yeah.

2 Okay. So just to situate us then, in
3 paragraph 15, this discusses a TRM that was conducted. And
4 the square bracket there says:

5 "One report on the TRM outcomes
6 stated that the TRM exposed a lack of
7 [foreign interference] awareness
8 among Canadian politicians."

9 And that goes back to I think what Ms.
10 Henderson was speaking about a bit this morning.

11 And if we then go down to paragraph 16:

12 "The witnesses were asked whether
13 this suggested that some of [the] MPs
14 may have been unaware that they were
15 crossing lines, or not entirely
16 certain where those lines might be."

17 Mr. Basler responded that:

18 "...the focus [was not the TRM --] of
19 the TRM was not the MPs. The TRM was
20 directed at the foreign state..."

21 So:

22 "The Service was not looking at MPs
23 as having crossed lines..."

24 And I think, Mr. Basler, if you go down to
25 the end of the paragraph there, you noted that:

26 "In some cases, the relationships may
27 have crossed lines, but by no means
28 would all of it be characterized in

1 especially when our activity is aiming at foreign actors, the
2 intelligence that we received on perhaps some Canadians is
3 not necessarily the most developed or the most complete. And
4 under our Act to examine the threats to Canadian security as
5 it is defined under the Act it is very important to see that
6 the entire Service history, while it was in 1984 that the Act
7 was drafted, and it is very important to examine foreign
8 interference, and the Service was always investigating this.
9 We have testified to this effect, the velocity with which FI
10 is perceived currently and experienced has increased
11 tremendously. We have talked about Russia and China, and the
12 technology that has evolved. What we see now, and what this
13 Commission is currently understanding is the evolution of
14 intelligence. The approaches that we had in the past and how
15 we were collecting intelligence and how our partners were
16 receiving it, and especially we were reading some paragraphs
17 and these documents, well, not only is the Service evolving
18 but also partners are evolving in the way that they
19 understand intelligence and the questions that they ask. So
20 they can clarify certain things. So it is important -- you
21 know, I'm describing an environment that is very nuance, and
22 it's always important to come back to this aspect. When it
23 comes to a sliding scale, information of course evolves over
24 time, sometimes the information is more definitive, and as
25 Mr. Basler said this morning, sometimes we come back and we
26 say, "We have new intelligence or information that suggests
27 that X, Y, or Z could be interpreted differently." That's
28 the importance of the culture of national security and

1 intelligence, to understand the intelligence in its context.
2 It's so nuanced oftentimes. And there you have it, Madam
3 Commissioner.

4 **COMMISSIONER HOGUE:** Now, if I've understood
5 correctly, ---

6 **MR. DAVID VIGNEAULT:** [No interpretation].

7 **COMMISSIONER HOGUE:** --- and let me just try
8 an draw an analogy here. It strikes me as important
9 understanding this, so I just want to be sure with my
10 understanding, and correct me at any point if I'm wrong.

11 **MR. DAVID VIGNEAULT:** [No interpretation].

12 **COMMISSIONER HOGUE:** Let's not talk about the
13 Service; let's talk about a police officer or service that's
14 going to conduct an investigation. And over a certain
15 timeframe, the police will collect information that isn't
16 released because it's part of an investigation, and then
17 reaches its findings. And depending on what those findings
18 are, well, there may be charges laid, and all of that
19 information that is collected will, at some point, become
20 public, become in the public domain.

21 Now, in your case, as you monitor what's
22 occurring, you're called upon to communicate with various
23 partners the information that you have collected over time
24 without necessarily having the whole breadth of information
25 at any given moment, or without having established ties or
26 links between that information because you advise your
27 partners as soon you get your hands on significant,
28 meaningful information, without necessarily reaching any

1 conclusions, coming to any findings, or having a fulsome
2 understanding.

3 Am I -- is my interpretation accurate?

4 **MR. DAVID VIGNEAULT:** Yes, it is accurate,
5 Madam Commissioner. And if I can just take the analogy
6 you've given and take it even further, the information that
7 we get is transferred to our partners who are then able to
8 take action. Now, in the example you gave, when the police
9 have sufficient information and they speak to a Crown
10 Prosecutor to determine whether the information can be used
11 in proceedings -- and let me give our example in democratic
12 institutions. It could have to do with Elections Canada or
13 giving the Commissioner information regarding Elections
14 Canada, giving information to the RCMP or to various
15 political parties. That's important because they might wish
16 to take certain action.

17 Again, we provide them with the best
18 information that we have, and they determine whether they are
19 going to act on that information or whether they need further
20 information before they act. So it's a really good analogy
21 that you just drew.

22 Now, of course, there's the whole dynamics of
23 the communication process. We provide information, our
24 partners come back to us with questions; questions of
25 clarification because before they reach decision X, Y, or Z,
26 they might need a complementary information. This attests to
27 the climate in which we find ourselves in Canada. These are
28 certain considerations that might not have come to the fore

1 several years back, and this speaks to the fact that the
2 threat environment has developed such that we need to protect
3 Canadians properly and therefore partners and actors need to
4 be able to have the best information at their disposal and
5 take information -- action based on that information.

6 As I said previously, sometimes immediate
7 action can't be taken, or provisional action can be taken,
8 but it's only on the basis of further information that
9 further action can be taken.

10 **COMMISSIONER HOGUE:** If I've understood
11 correctly, in some cases you communicate to a partner
12 information that is only piecemeal at that point ---

13 **MR. DAVID VIGNEAULT:** [No interpretation].

14 **COMMISSIONER HOGUE:** because you deem that
15 the partner should be informed, regardless of the fact that
16 there's still work to be done, in terms of either completing
17 the information or ensuring that it's fulsome information.

18 **MR. DAVID VIGNEAULT:** Yes. We do communicate
19 information that is uncorroborated, and Ms. Giles referred to
20 how complicated that might be, and as we discussed in the
21 early work of the Commission.

22 Now, proceeds of intelligence, sometimes we
23 had crude intelligence, we communicate that crude
24 intelligence to our partners; they take it at face value.
25 But often what's most useful is our analysis of the
26 intelligence, and we sometimes have open-source information
27 and intelligence; intelligence we gather from other -- in
28 other manners. And here's our analysis. We're not saying

1 this is the evidence; we're not saying this is our finding or
2 determination, but here is our analysis.

3 It's a different way of framing intelligence
4 and as our partners become literate about the intelligence,
5 the better able they are to ask for clarifications. Because
6 obviously the desired outcome is to be able to take action on
7 that intelligence. Oftentimes our intelligence is highly
8 privileged; it comes from secret sources, so how can the --
9 and it's with a view to ensuring that the government can
10 protect itself, can protect the country to the best possible
11 extent, based on the intelligence available.

12 **COMMISSIONER HOGUE:** I have a final question
13 on that issue, and if you're not able to respond, just let me
14 know.

15 How useful is it to provide one or more
16 partners information that is still, at that stage, only
17 piecemeal? What's the benefit or advantage of communicating
18 piecemeal information or intelligence based on -- given that
19 there's still a lot of missing information and you can't draw
20 any conclusions?

21 **MR. DAVID VIGNEAULT:** Well, Madam
22 Commissioner, let me give you an example. We might become
23 abreast of information such that -- well, one of our sources
24 informs us that a terrorist group wants to use our
25 immigration system to bring individuals into Canada. Now,
26 based on the information at hand, this is a technique that is
27 used in other countries to use their immigration systems to
28 bring those individuals in. And these are the issues at the

1 border. We don't have any more information than that. We
2 can't really contextualize it. But when we transmit the
3 information to the Immigration services, the RCMP, and CSIS,
4 CBSA, they understand the threat environments that they
5 operate in and based on that piecemeal or fragmented
6 information that is decontextualized, perhaps they are able
7 to put their finger on something and say, "Ah, based on these
8 statistics, this is how things normally occur," and they can
9 then communicate with their operators in the field.

10 We can't presume to know everything. We
11 aren't an oracle. But if the information is incredible, we
12 don't share it in the first place, but when we do have
13 credible information, albeit piecemeal, that can enable other
14 stakeholders or partners to do their jobs.

15 However, what is very, very rare is sharing
16 information with senior officials or ministers that is
17 piecemeal. We don't share that kind of piecemeal information
18 with them. But those operational folks, those experts in the
19 field, those experts in the intelligence -- who are
20 counterparts in other departments, sometimes that's the piece
21 of the puzzle that's crucial to them.

22 When we talk about the whole intelligence and
23 security community in Canada, they're the stakeholders I'm
24 referring to. We receive piecemeal information from our
25 partners; our analysts get their hands on that information
26 and they're able to literally piece that information together
27 and find links and have a better understanding of an existing
28 threat.

1 **COMMISSIONER HOGUE:** I understand. Thank you
2 very much.

3 **MS. SHANTONA CHAUDHURY:** So I'll just bring
4 back now to the NSICOP Report specifically.

5 And before we get into the actual operations,
6 Madam Court Operator, can you scroll to -- actually, it's
7 already up on the screen, paragraph 47. So you're here, a
8 panel of CSIS witnesses, testifying about NSICOP's Report
9 because the report largely cites CSIS intelligence for its
10 conclusions. But to be clear, this is -- sorry; it's
11 actually paragraph 47.

12 To be clear, this is not actually CSIS's
13 report. So it's NSICOP's Report and the conclusions in it
14 are NSICOP's conclusions, not the Service's; is that correct?

15 **MR. BO BASLER:** That is correct.

16 **MS. SHANTONA CHAUDHURY:** Okay. And I think
17 that's reflected at the top of paragraph 47 there:

18 "Ms. Lloyd noted that CSIS is not in
19 a position to know how NSICOP came to
20 its conclusions. Mr. Basler added
21 that NSICOP had chosen the wording of
22 the...Report, not CSIS."

23 Another point that may be important to bring
24 out -- can we scroll to paragraph 66 at page 17, please?

25 Mr. Basler, this is another observation that
26 you made. The language in the public version of the NSICOP
27 Report has been through national security confidentiality
28 review. And this is a process that inevitably and inherently

1 removes detail and results in some abstraction and some loss
2 of nuance. Is that fair to say?

3 **MR. BO BASLER:** That is absolutely fair to
4 say. You do lose considerable amount of context and
5 contextual information, specific information, when you move
6 stuff from the classified world into the unclassified. So
7 that is a common phenomenon, yes.

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

9 And if we can just scroll up to paragraph 36
10 and 37, at page 10, please? So this is a little section on
11 the factual review of the NSICOP Report. So we understand
12 that as part of NSICOP's process not only the Service, but
13 all involved departments and agencies do what's called a
14 factual review. Mr. Basler, can you help us understand what
15 that review is and what it is not?

16 **MR. BO BASLER:** Certainly. Whenever a report
17 kind of -- of one of our review bodies on doing a --
18 conducting a review of a matter relating to the Service, they
19 will share an initial draft of the report with us to
20 determine if there are factual errors, not necessarily in
21 their analysis or in their conclusions, that is not something
22 that the Service can weigh in on or would weigh in on. We
23 wouldn't attempt to influence a conclusion or a
24 recommendation of a review body.

25 Instead, what the factual accuracy review
26 process does is allows the opportunity, let's say if there
27 was a paragraph that referenced a series of presentations,
28 because when you -- the process with NSICOP, one of the tools

1 that they used is they sought some presentations by Service
2 personnel. So if there's a paragraph in their report which
3 attributed some information to a presentation delivered by
4 the CSIS Director, when, in fact, we know it was delivered by
5 myself, we will point out the factual error that that
6 information should be attributed to the CSIS Director, not to
7 Mr. Basler, for example. But that is the extent.

8 Sometimes, if there is a gross -- what we
9 think may be something that really stands out as divergent
10 from our understanding. We may note it to them out of a
11 courtesy, but it's not -- they will take that information and
12 use it as they see fit.

13 The factual accuracy process is really just
14 about ensuring that there's consistency in what we said to
15 what they wrote, but not anything touching on recommendations
16 or conclusions or their analysis of our information.

17 **MS. SHANTONA CHAUDHURY:** And would it be fair
18 to say it's a sort of a best efforts undertaking and not a
19 line-by-line review?

20 **MR. BO BASLER:** That is correct, yes.

21 **MS. SHANTONA CHAUDHURY:** Okay. Let's turn
22 now to some of the specific allegations in the report.

23 Can we scroll down to paragraph 39, please?

24 Okay. So this paragraph refers to paragraph
25 55 in the public NSICOP report, which reads:

26 "Some elected officials, however,
27 began wittingly assisting foreign
28 state actors soon after their

1 elections.”

2 And it says:

3 “[Three sentences were deleted to
4 remove injurious or privileged
5 information. The sentences described
6 examples of members of Parliament who
7 worked to influence their colleagues
8 on India’s behalf and proactively
9 provided confidential information to
10 Indian officials.]”

11 So the first three allegations we’re going to
12 talk about are essentially what’s behind those three
13 sentences.

14 Can we scroll -- no, there we go.

15 So can we just scroll down a little bit now
16 to paragraph 42? Okay.

17 So Allegation 1, there’s not much said about
18 the substance of Allegation 1, but it does say, “Commission
19 counsel asked the witness” -- this is at the top of paragraph
20 42, “about the Service’s assessment of the wittingness of the
21 MP involved in Allegation 1.”

22 We can now scroll down to the end of that
23 paragraph.

24 So Ms. Lloyd is emphasizing there that when
25 CSIS collects information on threat actors, it does not
26 necessarily assess individuals engaging with them unless it’s
27 part of a determination of investigative steps, which is what
28 you said earlier today, Ms. Lloyd. So CSIS would not

1 necessarily have made an assessment of the MPs' wittingness.

2 Now, if we scroll down to paragraph 48, we'll
3 see Mr. Basler here, the last line:

4 "Mr. Basler did not have a specific
5 recollection of whether CSIS had used
6 the term 'wittingness' in relation to
7 the MP involved in Allegation 1."

8 So to the best of your knowledge, the Service
9 had not actually made an assessment of that MP's wittingness.
10 Is that correct?

11 **MR. BO BASLER:** Correct.

12 **MS. SHANTONA CHAUDHURY:** Okay. Last thing on
13 that point is just at what's at paragraph 49:

14 "This MP's activities were not
15 included as one of the instances in
16 the CSIS IR."

17 Is that correct?

18 **MR. BO BASLER:** That is correct.

19 **MS. SHANTONA CHAUDHURY:** Okay. If we scroll
20 down now to paragraph 51, please, moving on to the next
21 allegation. So if we just read what's at paragraph 51 here:

22 "The NSICOP Report states that the MP
23 referred to in Allegation 2 is the
24 same MP as in Allegation 1. However,
25 the intelligence reporting cited in
26 the footnote for Allegation 2 is
27 about a different MP. Commission
28 counsel asked the witnesses if they

1 **MS. SHANTONA CHAUDHURY:** Okay. Moving on to
2 Allegation 3, if we can pull up paragraph 58, please.

3 So we're now onto what would be the third of
4 those deleted sentences from paragraph 55 in the public
5 NSICOP report. I'll just read what's at paragraph 58,
6 "Commission counsel" -- so this is an allegation of an
7 elected official:

8 "...wittingly assisting foreign state
9 actors. Commission counsel referred
10 the witnesses to the underlying
11 intelligence reporting related to the
12 allegation at paragraph 55 of the
13 report that an elected official
14 proactively provided confidential
15 information to Indian officials. An
16 intelligence report suggests that the
17 MP allegedly provided confidential
18 information to an Indian official;
19 however, at the time the MP is
20 alleged to have done this, the
21 information had already been made
22 public." (As read)

23 So again, Mr. Basler, I'll just -- I'll ask
24 you to confirm the paraphrase here. What this says that
25 there's a mistake in the intelligence report.

26 **MR. BO BASLER:** Paraphrasing, correct.

27 **MS. SHANTONA CHAUDHURY:** Okay. Because at
28 the time that this information, allegedly confidential, was

1 provided, it had actually been made public. Is that correct?

2 **MR. BO BASLER:** The reference appears that
3 way, correct.

4 **MS. SHANTONA CHAUDHURY:** Okay. Scroll down
5 now if we can to paragraph 60. Just to note that this
6 particular mistake is one that actually found its way into
7 the CSIS Annual Report 2022-2023 as described at paragraphs
8 60 through 62.

9 There's an excerpt in the report at paragraph
10 61 that reflects that information.

11 And then down to paragraph 62, we can see
12 there was some discussion about this in the examination, so
13 the Commission asked the Service to confirm afterwards that
14 the Service did not have -- did or did not have an indication
15 that the confidential information had been shared by the MP.
16 And what we see at the end of paragraph 62 is that the
17 Commission was advised that the Service had no indication
18 that confidential information was shared by the MP. Is that
19 correct?

20 **MR. BO BASLER:** That is correct.

21 **MS. SHANTONA CHAUDHURY:** Okay. And then if
22 we just -- to paragraph 64. Very, very end of paragraph 64,
23 please.

24 The end of it. Sorry. Next page.

25 "Again, further to the undertaking,
26 CSIS had no information the MP
27 provided confidential information to
28 Indian officials. CSIS' information

1 merely implied that some information,
2 not necessarily confidential, would
3 be shared discretely." (As read)

4 Fair?

5 **MR. BO BASLER:** Correct.

6 **MS. SHANTONA CHAUDHURY:** Okay. We'll move on
7 -- and the last thing I'll note on that is what's at
8 paragraph 65, which is this is not an instance that was
9 mentioned in the CSIS Stage 2 IR.

10 **MR. BO BASLER:** It is not.

11 **MS. SHANTONA CHAUDHURY:** Okay. Well, the
12 good news is this is going pretty quickly.

13 Moving now to -- and this time I'll ask you,
14 actually, to take down the witness summary and put up COM363,
15 please.

16 And scroll down to paragraph 56, please, of
17 the NSICOP Report.

18 Okay, perfect. So paragraph 56, I'll just
19 read it:

20 "[This paragraph was deleted to
21 remove injurious or privileged
22 information. The paragraph described
23 a textbook example of foreign
24 interference that saw a foreign state
25 support a witting politician. CSIS
26 provided specific intelligence to the
27 secret-cleared representatives of the
28 party shortly before the election and

1 to the Prime Minister shortly after.
2 The Prime Minister discussed this
3 incident with the Committee and the
4 steps he took in response to
5 intelligence reporting.]”

6 Mr. Basler, what I want to focus here in this
7 paragraph is the line “a textbook example of foreign
8 interference that saw a foreign state support a witting
9 politician.”

10 Ms. Court Operator, if you can now take that
11 document down and put the witness summary back up. Go to the
12 bottom of page 17.

13 Thank you.

14 So here we have the allegation is a textbook
15 example. The Commission examined an allegation at paragraph
16 56 of the report that was described as:

17 “...a textbook example of foreign
18 interference [...] saw foreign states
19 support a witting politician.” (As
20 read)

21 So the witnesses confirmed that the
22 description of the politician as witting was NSICOP’s
23 conclusion, not the Service’s. Is that correct, Mr. Basler?

24 **MR. BO BASLER:** That is correct.

25 **MS. SHANTONA CHAUDHURY:** Okay.

26 “Commission counsel then referred to
27 an intelligence product related to
28 this allegation and we confirmed that

1 this product describes the incident
2 as a textbook example of foreign
3 interference, but doesn't describe
4 the MP as a witting politician." (As
5 read)

6 **MR. BO BASLER:** Correct.

7 **MS. SHANTONA CHAUDHURY:** Okay. And just
8 scroll down to the end of that paragraph, please. so this
9 again goes to the -- this was one of the written questions
10 put to the Service, which states -- and the response that
11 came back was:

12 "The extent to which the MP is aware
13 of the details, or that they
14 constitute foreign interference
15 remains an intelligence gap." (As
16 read)

17 And Mr. Basler, you confirm that's a fair
18 statement?

19 **MR. BO BASLER:** That is a fair statement.

20 **MS. SHANTONA CHAUDHURY:** Okay. Moving down
21 now, and actually, no, back to COM363, please Madam Court
22 Operator? Page 26. Maybe it's not page 26. Scroll up,
23 please. Or no, maybe scroll down a little bit. It might be
24 a text box that I can't see on that page. Sorry, 34. Just
25 kidding. There we go. I'd like the text box, please.
26 Thanks.

27 Okay. So this is the next allegation, which
28 has to do with an MP providing an intelligence officer with

1 information provided in confidence. So what the textbox
2 says:

3 "Member of Parliament wittingly
4 provided information to a foreign
5 state

6 The Committee notes a particularly
7 concerning case of a then-member of
8 Parliament maintaining a relationship
9 with a foreign intelligence officer.
10 According to CSIS, the member of
11 Parliament sought to arrange a
12 meeting in a foreign state with a
13 senior intelligence official and also
14 proactively provided the intelligence
15 officer with information provided in
16 confidence."

17 Madam Court Operator, can you take that down
18 now and put the witness summary back up? And go to page 18,
19 paragraph 70.

20 So the first thing that the Commission did
21 here is ask the Service to advise whether the MP had been
22 advised that that information was confidential. So if we
23 read what's at paragraph 70 here:

24 "The Commission explored the
25 allegation at page 26, whereby an MP
26 is alleged to have passed on
27 information that was provided to them
28 in confidence to a foreign

1 intelligence officer." (As read)

2 In the written response, the Service
3 acknowledged that:

4 "It is not known whether the MP had
5 been advised that they were to keep
6 that information in confidence." (As
7 read)

8 Mr. Basler, is that ---

9 **MR. BO BASLER:** That is correct.

10 **MS. SHANTONA CHAUDHURY:** Was that correct?

11 Okay.

12 And if we keep reading what's at paragraph 71
13 -- well, actually, that's just talk. Okay.

14 "Commission counsel referred the
15 witnesses to underlying intelligence,
16 indicating that the information that
17 had been provided was actually
18 unclassified." (As read)

19 Is that correct?

20 **MR. BO BASLER:** Correct.

21 **MS. SHANTONA CHAUDHURY:** Okay. And we'll
22 keep going. There's a discussion after that of even though
23 the information was not classified, per say, and not
24 confidential, per say, it's the Service's position that the
25 MP would have, from the context, perhaps thought that he
26 should be discreet about that information?

27 **MR. BO BASLER:** We would consider the
28 information in that instance to be sensitive, ---

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

2 **MR. BO BASLER:** --- but not classified.

3 **MS. SHANTONA CHAUDHURY:** Not classified and
4 the -- it's unknown whether the MP had ever been advised?

5 **MR. BO BASLER:** That is correct.

6 **MS. SHANTONA CHAUDHURY:** Okay. And if we now
7 scroll down to paragraph 79?

8 "The Service witnesses agreed that in
9 respect of this allegation, NSICOP
10 used stronger language than the
11 Service used." (As read)

12 Is that fair?

13 **MR. BO BASLER:** Yeah, I'd have to ---

14 **MS. SHANTONA CHAUDHURY:** Sorry, scroll up
15 again.

16 **MR. BO BASLER:** I'd have to look at the
17 language again to refresh.

18 **MS. SHANTONA CHAUDHURY:** Sorry, to paragraph
19 74, please.

20 So the NSICOP report, I skipped a step here,
21 actually refers to that information as having been privileged
22 as well. That's not in the public report. It's in the
23 classified report. So it's referred to there.

24 And then we have some discussion about what
25 privileged information is and is not.

26 And all of that ends in the statement that I
27 just read at paragraph 79, that that is stronger language
28 than the Service would have used.

1 **MR. BO BASLER:** Correct.

2 **MS. SHANTONA CHAUDHURY:** Okay. Scroll down -
3 - yeah, so we can see paragraph 81, please.

4 This is the next allegation. Concerns with
5 an MP being compromised by a foreign state. Paragraph 81:

6 "Commission counsel referred the
7 witnesses to an allegation contained
8 in the classified NSICOP report
9 indicating that an MP had been
10 compromised using specific
11 inculpatory language. Commission
12 counsel queried whether NSICOP's
13 characterization was directed at the
14 correct MP and whether the correct
15 country had been identified in the
16 allegation. The Service witnesses
17 responded that the reporting refers
18 to a different country than that
19 which NSICOP had identified." (As
20 read)

21 So Mr. Basler, again paraphrasing, and
22 colloquial language, basically NSICOP had the wrong country
23 here?

24 **MR. BO BASLER:** Correct. The use -- in that
25 specific one, the use of the specific inculpatory language
26 was attributed to a different country.

27 **MS. SHANTONA CHAUDHURY:** Okay. And just
28 looking down at paragraph 82, and you were speaking about,

1 again, this reverse engineering process. and then at
2 paragraph 83, you note that:

3 "NSICOP incorrectly ascribed that
4 inculpatory language as an assessment
5 of the Service, when in fact it was
6 not the Service's assessment, it was
7 language that had been used by a
8 third party in an intelligence
9 report." (As read)

10 **MR. BO BASLER:** Correct. It appeared in a
11 report, but not as an assessment of the Service.

12 **MS. SHANTONA CHAUDHURY:** Okay. Pausing for a
13 moment to go up to paragraph 33, please. There we go.

14 So this is more in the nature of an
15 explanation of a general intelligence concept, but Ms.
16 Henderson, can you explain the difference between a declared
17 intelligence officer and an undeclared intelligence officer?

18 **MS. CHERIE HENDERSON:** Yes, I can. And I'll
19 try and make it clear, but if it gets confusing, please stop
20 me and ask me for clarification.

21 So when a foreign intelligence service sends
22 representatives of their agency to come and work inside the
23 diplomatic premise in another country, they come in and tell
24 the Canadian Government, or the government of the country
25 that's hosting them, that they are an intelligence officer
26 working in an intelligence officer capacity, and that would
27 be a declared intelligence officer.

28 When a foreign intelligence service sends a

1 representative of their agency into work in a diplomatic
2 premise in another country and do not tell the host country
3 that they're actually a representative of the intelligence
4 agency, we would determine that to be an undeclared officer.

5 One clarification, or one thing to make very
6 clear is in a declared intelligence officer, they only
7 declare that to the host government. They do not declare
8 that publicly to the country, the citizens of the country
9 that they are being hosted by.

10 **MS. SHANTONA CHAUDHURY:** Okay. That was
11 clear. So if I can just, again, paraphrase in rather
12 colloquial language, a declared intelligence officer is a
13 legitimate position. An undeclared intelligence officer is a
14 spy? Is that fair?

15 **MS. CHERIE HENDERSON:** Yes.

16 **MS. SHANTONA CHAUDHURY:** Good enough.

17 Let's scroll down now to paragraph 68,
18 please.

19 So here we have an allegation regarding
20 interactions with a foreign intelligence officer.

21 "The Commission explored an
22 allegation in the NSICOP report in
23 which a person was described as an
24 undeclared intelligence officer but
25 was in fact, as confirmed in CSIS
26 intelligence products and its written
27 response to the Commission, a
28 declared intelligence officer." (As

1 read)

2 And then Mr. Basler, I think after this, you
3 indicated that this statement could be somewhat factual, in
4 that the individual was declared to, as Ms. Henderson
5 explained, the Government of Canada, but not necessarily the
6 whole world, with the qualification that some people, and
7 likely the person involved here, were aware of the person's
8 status as a declared intelligence officer. Is that a fair
9 summary?

10 **MR. BO BASLER:** That's a fair summary. I
11 think Ms. Henderson was much more eloquent in the description
12 of the difference. But the summary is correct.

13 **MS. SHANTONA CHAUDHURY:** Than I was? Thanks.

14 (LAUGHTER)

15 **MR. BO BASLER:** Than I was, not than you
16 were.

17 **MS. SHANTONA CHAUDHURY:** Okay. Let's go now
18 to page 20, please, paragraph 84. I think the rest of this
19 will go reasonably quickly.

20 So this is an allegation involving covert
21 support from Pakistan. The allegation being that:

22 "Pakistan worked to support a
23 preferred candidate's election." (As
24 read)

25 And then if we see what Mr. Basler tells us
26 at page -- at paragraph 86, rather:

27 "That information was shared with
28 both Elections Canada and OCCE." (As

1 read)

2 Is that correct?

3 **MR. BO BASLER:** That's correct.

4 **MS. SHANTONA CHAUDHURY:** Okay. Can we take
5 the summary down and have the report put back up again,
6 COM.363, please? Paragraph 68. Great. So this is an
7 allegation about transfer of funds, the paragraph describes:

8 "CSIS information that an Indian
9 proxy claims to have repeatedly
10 transferred funds from India to
11 politicians at all levels of
12 government in return for political
13 favours, including raising issues in
14 Parliament at the proxy's request.
15 CSIS did not share this information
16 with the RCMP or the Commissioner of
17 Canada Elections."

18 Can we take the report down and put the
19 summary back up, please? Scroll down to paragraph 89,
20 please. Okay, actually just a little -- start at 88 please.
21 Okay, just so we see where we are here. Then 89 -- sorry:

22 "Commission counsel referred the
23 witnesses to a sentence, paragraph 68
24 of the NSICOP report, CSIS did not
25 share this information with the RCMP
26 or the Commissioner of Canada
27 Elections." (As read)

28 Mr. Vigneault, I'll just ask you to speak to

1 the next part. What you said was you couldn't recall any
2 specific discussion, but that you noted the intelligence on
3 this was limited and that you were comfortable, or not
4 uncomfortable with the fact that it wasn't shared in the
5 circumstances.

6 **MR. DAVID VIGNEAULT:** That's accurate.

7 **MS. SHANTONA CHAUDHURY:** Okay. And that's
8 again because of the limitations on the intelligence?

9 **MR. DAVID VIGNEAULT:** Limitations on the
10 intelligence given the mandate of these organizations and
11 their ability to use that information with the limited amount
12 of information we had.

13 **MS. SHANTONA CHAUDHURY:** Okay. Now, if we
14 can scroll to paragraph 73, please? Actually, sorry,
15 paragraph 96. And just can we scroll up so we can see the
16 heading, please? Great. Okay:

17 "Allegation concerning Indian
18 interference in the CPC leadership
19 race." (As read)

20 So this discussion goes from paragraph 96 to
21 paragraph 100. Ms. Llyod, I think you're probably best
22 placed to speak to this. I'll just introduce it by saying:

23 "The paragraph which is paragraph 73
24 in the NSICOP report described
25 India's alleged interference in a
26 Conservative Party of Canada
27 leadership race." (As read)

28 So Ms. Lloyd, I'll ask you to tell us what

1 you can about that and Madam Court Operator, I'll ask you to
2 follow along with respect to what's in the summary.

3 **MS. VANESSA LLOYD:** I believe all the
4 information we can share about the incident is provided here.
5 What we're looking at though is part of our efforts to
6 increase resiliency more broadly.

7 So in the democracy it's important that all
8 parties understand the implications of foreign interference.
9 And so what we're looking at is the fact that in a briefing
10 in June, earlier this year, that this information was
11 provided to an official representing the Conservative Party
12 of Canada.

13 **MS. SHANTONA CHAUDHURY:** Okay. And if we can
14 just scroll down a little bit so we can see the rest of this
15 discussion. This was the Chief of Staff who received a top-
16 secret clearance. And then at paragraph 98, it was with
17 regard, as you say, to potential government of India
18 interference and there's further discussion of the issue at
19 DM CIR, and can someone remind us of what DM CIR is?

20 **MS. VANESSA LLOYD:** It's DM Intelligence
21 Response.

22 **MS. SHANTONA CHAUDHURY:** Perfect:

23 "The government believed that this
24 information needed to be provided to
25 the party and so it was." (As read)

26 And as you said, it was provided in order to
27 build resilience. And I believe that is around paragraphs 99
28 and 100. And is that the sum total of what we can say about

1 this allegation at this point?

2 **MS. VANESSA LLOYD:** Yes, it is.

3 **MS. SHANTONA CHAUDHURY:** Okay. Finally, my
4 remaining three and a half minutes, I'll just ask you to
5 first scroll down to paragraph 109, please? Great.

6 So at the end of this examination, counsel
7 for the Attorney General asked what your general impressions
8 were of the NSICOP report. And a few things came out of that
9 discussion, one of which was the contribution that the report
10 made to raising awareness of foreign interference among the
11 Canadian public.

12 And if we see, Ms. Tessier, what you said at
13 paragraph 109, which I'll ask you to build on here:

14 "The nature of these activities and
15 the fact that they're happening in
16 Canada is important to highlight.

17 The nuances raised by the Commission
18 are also important." (As read)

19 And then you speak a little bit about the
20 national security culture in Canada. So can I ask you to put
21 it in your own words, not mine, those ideas?

22 **MS. MICHELLE TESSIER:** You've summarized it
23 very well though, I have to say.

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

25 **MS. MICHELLE TESSIER:** As we previously
26 discussed, and as my colleagues indicated, there were not a
27 lot of discussions previously about national security issues
28 in Canada when I read the report. But it was as a regular

1 Canadian citizen, so at that time I didn't have access to the
2 classified information that I was able to see thereafter, in
3 view of the Commission's hearings. So when I saw the
4 information, I was taken aback about the information that was
5 disclosed. One can't lose sight of the fact that foreign
6 interference represents a significant threat and as I said,
7 and as Ms. Chaudhury said, these are important nuances that
8 need to be borne into account. But we cannot lose sight of
9 the significant nature of this threat.

10 Now, the Committee disclosed a lot of
11 information with a view to informing Canadians that these
12 activities were being carried out. That's important to point
13 out because it feeds into the whole discussion on national
14 security. That element seems to have been missing somewhat.

15 Now, it's important to note that Canada is
16 not alone. This is a threat that democracies worldwide are
17 coming to grips with. Not only when it comes to election
18 times, but also between elections. And when you look at
19 what's going on in the world, the works that our allies are
20 engaging in, this is a "Shared threat"; a threat to our
21 values as democracies worldwide. So the fact that so much
22 information has been disclosed only underscores the scope of
23 this threat.

24 **COMMISSIONER HOGUE:** So are you referring to
25 the origins of the threat and the authors of those threats?

26 **MS. MICHELLE TESSIER:** Yes.

27 **COMMISSIONER HOGUE:** And not necessary --
28 your comments aren't necessarily about those who may or may

1 not have been affected by the threats. I don't want to
2 overreach here but wittingly or unwittingly affected by that
3 threat?

4 **MS. MICHELLE TESSIER:** Yes. As my colleague
5 said earlier, if you look at the geopolitical situation and
6 what states are attempting to do for their own political
7 reasons, there's no sanctuary. And we deal with the threats
8 where we find them. The ultimate goal is to protect
9 Canadians, Canadian interests, and Canada's democratic
10 institutions. And that's part and parcel of our overview of
11 all threats.

12 **MS. SHANTONA CHAUDHURY:** Madam Commissioner,
13 those are my questions.

14 **COMMISSIONER HOGUE:** [No interpretation].
15 We'll take a break. We'll come back at 2:45.

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

17 The sitting of the Commission is now in
18 recess until 2:45 p.m.

19 --- Upon recessing at 2:24 p.m.

20 --- Upon resuming at 2:47 p.m.

21 **THE REGISTRAR:** Order please.

22 This sitting of the Foreign Interference
23 Commission is now back in session.

24 The time is 2:47 p.m.

25 **--- MS. CHERIE LYNN HENDERSON, Resumed:**

26 **--- MS. MICHELLE TESSIER, Resumed:**

27 **--- MR. DAVID VIGNEAULT, Resumed:**

28 **--- MS. VANESSA LLOYD, Resumed:**

1 --- DR. NICOLE GILES, Resumed:

2 --- MR. BO BASLER, Resumed:

3 COMMISSIONER HOGUE: So first is counsel for
4 Michael Chong.

5 --- CROSS-EXAMINATION BY MR. GIB van ERT:

6 MR. GIB van ERT: Thank you, Commissioner.
7 I'll ask the Court Operator to open up, please, document
8 CAN8242.

9 --- EXHIBIT No. CAN008242:

10 Ministerial Direction on
11 Accountability

12 MR. GIB van ERT: Madam Director, I will have
13 some questions for you in a moment. I haven't forgotten that
14 you're in charge of the place now, but the first document
15 that I've called up here is one that I believe dates from
16 Director Vigneault's time, so I'll start with him.

17 Mr. Vigneault, this is, as I understand it, a
18 CSIS document concerning whether CSIS met its duty, as you
19 see in that first paragraph, to advise the Minister, who I
20 take it is the Minister of Public Security, but you'll
21 correct me if I'm wrong, by way of disseminating relevant
22 intelligence reports and assessments concerning a potential
23 threat activity against Mr. Chong and his family. So my
24 first question for you is who was it that was suggesting that
25 the Service had failed to meet its duty?

26 MR. DAVID VIGNEAULT: Madam Commissioner, I'm
27 not sure I would characterize that our reaction to a
28 statement that we -- someone was impugning this on us. I

1 think the comments by the Prime Minister and by the Minister
2 of Public Safety came out after it was revealed publicly that
3 some of this intelligence existed clarified their
4 expectations. So this is very much how we have looked at it,
5 and I think this document speaks to both what we have done in
6 the past, but what we have done, you know, in response to
7 this event.

8 **MR. GIB van ERT:** And, Mr. Vigneault, had --
9 was this -- are these talking points for a meeting, or was
10 this document delivered to someone?

11 **MR. BO BASLER:** Would you -- would it be
12 possible to bring up the -- who submitted this document? I'm
13 -- I have seen the document, but I'm not certain it's
14 actually a CSIS document.

15 **MR. GIB van ERT:** Well, I'm not certain
16 either, and so if we're able to inform ourselves about that,
17 yes, please. I don't know how to do it, but perhaps
18 Commission ---

19 **MR. BO BASLER:** I don't know either.

20 **MR. GIB van ERT:** --- counsel has a sense of
21 it.

22 **COMMISSIONER HOGUE:** Don't look at me.

23 **MS. ERIN DANN:** I will see whether that is --
24 there is a category on the database to indicate where we --
25 where the Commission is aware. If I can just have a brief
26 moment perhaps while you continue, I will ---

27 **MR. GIB van ERT:** Yes.

28 **MS. ERIN DANN:** --- I will investigate.

1 **MR. GIB van ERT:** Thank you very much. I'll
2 show you page 3 because there's something there that may be
3 of assistance. At the bottom of page 3 of this document --
4 oh, no, I've misremembered. I think it must be the bottom of
5 page 2. Yes. Hang on a second. I'm going to have to find
6 my way through here as well. Give me a moment while I look
7 at my own note here. There is -- somewhere in this document,
8 it indicates -- it indicated to me, at least, that it was
9 done in May 2023. Where am I finding that? Oh, yes, at the
10 bottom of page 2, it says,

11 "The July 2021 Intelligence Assessment
12 referenced in this week's Globe and
13 Mail reporting..."

14 So I'm assuming that's the May 2023 leak that
15 concerned Mr. Chong and the alleged targeting of him through
16 the Consul in Toronto. And so I took it from that that this
17 document was something that CSIS had prepared around that
18 time, but you're quite right, Mr. Basler, that I'm not
19 entirely sure.

20 Well, let's go on, and I think Ms. Dann is
21 looking into it for us. Oh, it looks like she's got an
22 answer.

23 **MR. BO BASLER:** Drum roll.

24 **MS. ERIN DANN:** Thank you. What I can advise
25 is that when the document was produced to us by the Attorney
26 General, the metadata associated with that file indicated
27 that the author was CSIS.

28 **MR. BO BASLER:** Okay. Thank you.

1 **MR. GIB van ERT:** All right. Do any of you
2 know anything more about who at CSIS produced this document?

3 **MR. DAVID VIGNEAULT:** I do not. I do not.

4 **MR. BO BASLER:** If it was produced by CSIS,
5 there is a chance it would have been produced by my team,
6 just based on, as you say, the dates or but I don't -- the
7 wording in it does not lead me to believe that it is, in
8 fact, a CSIS document, but I just don't ---

9 **MR. GIB van ERT:** All right. Well, it is
10 quite an important document, so I will ask that you inform
11 the Commission whose document this is, please.

12 **COMMISSIONER HOGUE:** I think the way the
13 question is framed will be probably difficult to answer
14 because if it's not a CSIS document, I ---

15 **MR. GIB van ERT:** Ah, that's a very good
16 point.

17 **COMMISSIONER HOGUE:** --- don't think they
18 will be able to say.

19 **MR. GIB van ERT:** No, the Commissioner's
20 absolutely right. Could you please inform us whether or not
21 this is a CSIS document?

22 **MR. BO BASLER:** If we created the document?
23 We can do that, yes.

24 **MR. GIB van ERT:** Thank you, Commissioner.

25 Well, I'm going to carry on with the document
26 because it's quite a compelling rebuttal of the notion,
27 wherever that notion may have come from, that CSIS had
28 somehow failed in its duty. So if you go to again the top of

1 page 1, please, Court Operator? Thank you. So it says at
2 that first bullet point, "CSIS considers..." This is why we
3 think it's a CSIS document, but we'll see. CSIS considers
4 that it met its duty by way of disseminating the relevant
5 intelligence reports and assessments, and then it mentions
6 the issues management notes and so on.

7 And if we go to page 2 now, please, we'll see
8 what documents in particular CSIS or whoever wrote this is
9 pointing to. And so the third bullet point there says:

10 "In the case of Mr. Chong, CSIS
11 considers that it met its duty..."

12 And then if you'll scroll down a little bit
13 more to this next bullet point, "Prior to May 2021, CSIS
14 shared intelligence reports" -- and I'll say we now have it
15 disclosed that there were three such reports:

16 "...CSIS shared intelligence reports
17 that discussed PRC foreign
18 interference efforts against Mr.
19 Chong. These reports were shared to
20 named senior officials, including:
21 The Clerk of the Privy Council, the
22 NSIA [who at the time was Mr. Rigby],
23 and others at PCO:

24 The Deputy Minister of Foreign
25 Affairs and others at Global
26 Affairs...;

27 The Deputy Minister of National
28 Defence and others at DND;

1 The Chief of [CSE and others there];
2 The Minister and Deputy Minister of
3 Public Safety..."

4 That was Mr. Blair at the time, of course,
5 the Minister, and Rob Stewart was the Deputy:

6 "...and others at Public Safety..."

7 I'll stop to ask this question.

8 Others at Public Safety, did that include the
9 Chief of Staff at Public Safety, Ms. Zita Astravas?

10 **MR. DAVID VIGNEAULT:** Madam Commissioner,
11 what I can say is that the normal distribution of
12 intelligence reports would include the Minister's office. It
13 will be normal practice that these products are available to
14 them.

15 Specifically to know if this specific report
16 had been disseminated to her as a distribution, I doubt that
17 we would have that in our database, but it will be normal
18 practice that these reports are made available to the
19 Minister's office.

20 **MR. GIB van ERT:** All right. Thank you.

21 Are you able to say -- you'll see the
22 redaction that says prior to May 2021. Are you able to say
23 in what -- I mean, prior to May of 2021, that leaves four
24 months, January to April.

25 Are you able to say in which months -- which
26 month the first of these three products was distributed to
27 these people?

28 **MR. BO BASLER:** I'll note it says prior to

1 May.

2 MR. GIB van ERT: Twenty twenty-one (2021).

3 MR. BO BASLER: Twenty twenty-one (2021).

4 That's all it says. It doesn't say ---

5 MR. GIB van ERT: That's right.

6 MR. BO BASLER: --- between January and May.

7 MR. GIB van ERT: No.

8 MR. BO BASLER: It doesn't say any of that.

9 It says prior to May ---

10 MR. GIB van ERT: That's right.

11 MR. BO BASLER: --- 2021, which is ---

12 MR. GIB van ERT: Yeah.

13 MR. BO BASLER: --- as far as we are able to

14 go.

15 MR. GIB van ERT: Well, let me remind you
16 that the NSIRA Report said several months prior to the IMU,
17 which was the 30th of May. Does that refresh your
18 recollection a bit about when -- I mean, it wasn't -- these
19 weren't delivered, I think -- even what NSIRA says, it wasn't
20 the 27th, 28th and 29th of April.

21 MR. BO BASLER: Correct. It's not a -- it's
22 not a matter of refreshing my memory. It's a matter of not
23 disclosing when intelligence -- particular intelligence
24 reports were created or disseminated on the basis of national
25 security.

26 MR. GIB van ERT: Yes. All right.

27 So if I've understood your answer, what
28 you're saying is you are not able to specify the month in

1 which the first of these three reports was released for
2 national security reasons. Is that what you've told me?

3 **MR. BO BASLER:** That is correct.

4 **MR. GIB van ERT:** Thank you. All right.

5 And you may not be able to answer this
6 either, but I'll ask.

7 Mr. Vigneault, you will remember that -- you
8 will recall that you had a meeting with the Prime Minister, a
9 briefing in 2021. And can you tell us if the first of the
10 three documents was distributed prior to this meeting with
11 the Prime Minister?

12 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
13 the information was not made public, I would not be able to
14 do so.

15 **MR. GIB van ERT:** Thank you.

16 All right. And it goes on, if you'll scroll
17 down, please, a little further -- right. Yes, that's good.

18 The July 2021 intelligence assessment
19 referenced in this week's Globe and Mail reporting summarized
20 the earlier reports. It was shared much more broadly and
21 then, to go over the page.

22 Just scrolling down, please. There we are.

23 It goes on about information sharing.

24 Let me put it this way. I understand this
25 document's been saying these are the reasons why CSIS is of
26 the view that we met our obligations to inform the Minister
27 because we shared the three instruments and the July
28 assessment. It doesn't mention the MIU, but of course, there

1 was that, too.

2 All those things were shared with a long list
3 of people, including the Minister of Public Safety himself,
4 the NISA and so on. These are the reasons why you say we met
5 our obligations. Isn't that right?

6 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
7 are not certain of the origin, but I understand the question
8 and, you know, I would agree with the statement that, you
9 know, from our point of view, from my point of view, having
10 shared this information at large, even though it's -- could
11 be sensitive information, we would feel that, you know, we
12 have informed adequately.

13 **MR. GIB van ERT:** Thank you.

14 This morning, you gave some evidence about a
15 targeting paper. Are you able to say whether the targeting
16 paper is one of the three instruments, one of the three
17 products that were shared prior to May 2021.

18 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
19 unable to [no interpretation].

20 **MR. GIB van ERT:** Thank you.

21 Have you -- actually, I've just been informed
22 -- I was about to ask you a question, but I've just been
23 given the answer by Ms. Dann before we began.

24 I understand that these three products have
25 not been disclosed to the Commission and ---

26 **MS. ERIN DANN:** I'm sorry, Mr. van Ert. Just
27 to confirm, the products have been disclosed to the
28 Commission.

1 **MR. GIB van ERT:** Oh, I see. But they
2 haven't been disclosed to the parties.

3 **MS. ERIN DANN:** We have -- the Commission
4 made a request for public disclosure of these documents and
5 the Attorney General has advised that, on the basis of
6 national security confidentiality, the documents cannot be
7 produced and must be withheld in their entirety. And they
8 have provided reasons to the Commission for that in a
9 classified letter.

10 **MR. GIB van ERT:** All right. So we won't get
11 the documents and we won't get the reasons.

12 All right. Well, let's pass on to something
13 else, then.

14 I'm coming back to you, Madam Director. You
15 and your colleagues gave evidence this morning about a
16 warrant that CSIS sought for Mr. Blair, the Minister of
17 Public Safety at the time.

18 I'll ask the Court Operator to go to
19 CANSUM29.

20 **--- EXHIBIT No. CAN.SUM.000029:**

21 CSIS Warrant Application Process

22 **MR. GIB van ERT:** Yes. Page 2 at the top.

23 And so this is a summary explaining the
24 warrant process, and the second paragraph explains that the
25 authority to seek a warrant is set out in section 21(1) of
26 the *CSIS Act*. And it quotes the Act there:

27 "...if the Director believes on
28 reasonable grounds that a warrant is

1 required to enable the Service to
2 investigate a threat to the security
3 of Canada or to perform its duties
4 under s. 16.”

5 So that is the basis upon which the Service
6 would seek a warrant. Isn't that right, Director?

7 **DR. NICOLE GILES:** That's correct.

8 **MR. GIB van ERT:** Thank you.

9 And if the warrant is granted, then the
10 Service will have the authority to intercept communications
11 in some way. Isn't that right?

12 **MS. VANESSA LLOYD:** So the paragraph that is
13 being described there speaks about how the Director would
14 support and the Minister would support an application. The
15 application is made to the Federal Court ---

16 **MR. GIB van ERT:** Yes.

17 **MS. VANESSA LLOYD:** --- and the Federal Court
18 determines which of a range of methodologies might be
19 authorized under the warrant conditions.

20 **MR. GIB van ERT:** And one of those would be
21 intercepting communications, if that's what the Service is
22 asking for.

23 **MS. VANESSA LLOYD:** There would be a range,
24 madame Commissaire, of ---

25 **COMMISSIONER HOGUE:** Yes. But in the range,
26 does it include interception of communications?

27 **MS. VANESSA LLOYD:** Madam Commissioner, I'm
28 not going to speak to the individual authorizes that the

1 Court may or may not provide to the Service.

2 **MR. GIB van ERT:** On what possible basis
3 would you decline to answer that? It's in the statute.

4 I'm not asking you about a particular
5 warrant. I'm just asking you about what a warrant is for.

6 **MS. VANESSA LLOYD:** A warrant authorizes
7 intrusive measures that would not otherwise be permissible
8 without the authorization of the Federal Court.

9 **MR. GIB van ERT:** Right. Okay. Thank you.
10 If you'll call up, please, Court Operator,
11 WIT0121.

12 This is one of the witness summaries. And if
13 you'll go, please, to paragraph 12.

14 Paragraph 12. There we are. Thank you.

15 That's your evidence, Mrs. Tessier. And you
16 mentioned it this morning. It says that you also briefed the
17 Minister's Chief of Staff prior to the warrants being
18 submitted. Can you tell us how long before the warrant was
19 issued; days? Weeks?

20 **MS. MICHELLE TESSIER:** I don't recall the
21 date exactly, but I think it was a number of weeks, perhaps
22 six weeks, unless I'm mistaken. If my memory serves me
23 correctly, on the basis of the information that had been
24 disclosed. But I don't recall the exact date.

25 **MR. GIB van ERT:** You indicated about six
26 weeks; is that correct?

27 **MS. MICHELLE TESSIER:** Yes.

28 **MR. GIB van ERT:** [No interpretation].

1 **MS. MICHELLE TESSIER:** Six weeks' timeframe
2 between filing a request for a warrant and then the response.

3 **MR. GIB van ERT:** [No interpretation].

4 **COMMISSIONER HOGUE:** Sorry; that wasn't the
5 question.

6 **MS. MICHELLE TESSIER:** Oh. Well, that's why
7 I said at least a six-week period because I don't recall the
8 exact date that I discussed it with the Chief of Staff. I
9 think it was around March, ---

10 **MR. GIB van ERT:** [No interpretation].

11 **MS. MICHELLE TESSIER:** --- but in any event,
12 you can find it in the documents.

13 **MR. GIB van ERT:** When you said that you
14 briefed the Chief of Staff prior to the warrant being
15 submitted. Is it a day before? Is it a couple days before?
16 Do you recall?

17 **MS. MICHELLE TESSIER:** As I said, I don't
18 recall the exact date, but I believe it was March and I
19 believe the warrant was signed in May. I think those ---

20 **MR. GIB van ERT:** Yes.

21 **MS. MICHELLE TESSIER:** --- are the dates that
22 are ---

23 **MR. GIB van ERT:** Yes.

24 **MS. MICHELLE TESSIER:** --- in the document --
25 -

26 **MR. GIB van ERT:** I believe that's ---

27 **MS. MICHELLE TESSIER:** --- if I'm not
28 mistaken.

1 **MR. GIB van ERT:** --- right, but in that
2 case, the evidence that -- Mr. Blair hasn't testified yet,
3 but he's had an interview summary that is -- and we're
4 anticipating that he's going to say that the warrant was in
5 his office for 54 days before he signed it. So, as you say,
6 that would put us into mid-March. My question is, before
7 mid-March, when the warrant application goes to the
8 Minister's office, you had a meeting with Ms. Astravas. How
9 long before was ---

10 **MS. MICHELLE TESSIER:** I ---

11 **MR. GIB van ERT:** --- that meeting; do you
12 know?

13 **MS. MICHELLE TESSIER:** --- I don't recall the
14 exact date. I apologize. I don't recall ---

15 **MR. GIB van ERT:** I don't need the exact
16 date. Are you able to say ---

17 **MR. BARNEY BRUCKER:** No, I don't think that's
18 the evidence.

19 **MR. GIB van ERT:** --- a couple days? Are you
20 able to say a couple days? A week? Do you know?

21 **MS. MICHELLE TESSIER:** I'm sorry, could you
22 repeat your question?

23 **MR. GIB van ERT:** Yes. You've given evidence
24 here that you briefed the Chief of Staff prior to the warrant
25 being submitted. Was it a month ---

26 **MS. MICHELLE TESSIER:** Yes.

27 **MR. GIB van ERT:** --- prior? Was it a week
28 prior? Was it a day prior?

1 **MS. MICHELLE TESSIER:** And that is my
2 response is I do not recall the exact date.

3 **MR. GIB van ERT:** I'm not asking for an exact
4 date, Madam.

5 **MS. MICHELLE TESSIER:** I don't recall if it
6 was days or weeks.

7 **MR. GIB van ERT:** All right. Thank you. All
8 right. In those preliminary discussions, did you tell Ms.
9 Astravas who the target of the warrant was?

10 **MS. MICHELLE TESSIER:** Yes.

11 **MR. GIB van ERT:** All right. And was she,
12 Ms. Astravas -- well, let me ask you, was anyone else in
13 those preliminary discussions? Was Rob Stewart, for
14 instance, there?

15 **MS. MICHELLE TESSIER:** I do not believe he
16 was. There would have been other people. I don't recall
17 exactly who.

18 **MR. GIB van ERT:** Thank you.

19 **MS. MICHELLE TESSIER:** But I do not believe
20 he was, but I will stand to be corrected.

21 **MR. GIB van ERT:** Was Ms. Astravas free to
22 inform PMO who the target of the warrant was?

23 **MS. MICHELLE TESSIER:** That would not be for
24 me to respond to.

25 **MR. GIB van ERT:** All right. Okay. You
26 didn't tell her you can't tell anybody. It was up to her?

27 **MS. MICHELLE TESSIER:** Well, I would not tell
28 her who -- what she should do in terms of her functions as --

1 -

2 MR. GIB van ERT: All right.

3 MS. MICHELLE TESSIER: --- to her staff.

4 That is for her to obviously decide.

5 MR. GIB van ERT: Understood. Understood.

6 You had this preliminary meeting with Ms. Astravas and
7 others. Did you inform -- or did the Service inform the
8 Prime Minister's office of who the target of the warrant was?

9 MS. MICHELLE TESSIER: I do not recall if the
10 Service did at that point.

11 MR. GIB van ERT: Right. Thank you.

12 MS. MICHELLE TESSIER: It's possible. I just
13 do not recall. I don't want to say we ---

14 MR. GIB van ERT: It's possible the Service -
15 --

16 MS. MICHELLE TESSIER: --- absolutely did
17 not. It's possible. I just don't recall if we actually did.

18 MR. GIB van ERT: All right. All right. The
19 reason why I'm asking these questions, perhaps it's obvious,
20 is that Mr. Blair says very clearly in his evidence that he
21 signed the warrant the day it was put before him. He says
22 three hours after it was put before him. It has since come
23 out that it was in his office for 54 days. And so the
24 question is, well, how can that be? How could it have been
25 in his office all that time, with his Chief of Staff knowing
26 about it for 54 days and more, and not sharing that with him?
27 Do you know -- do you have any explanation, has Ms. Astravas
28 told you, do you have any sense of why Ms. Astravas would

1 have kept that information from the Minister?

2 **MS. MICHELLE TESSIER:** I can't explain that.

3 **MR. GIB van ERT:** Can any of you? Do you
4 have any understanding of why Ms. Astravas wouldn't have
5 shared that with her Minister?

6 **MR. BO BASLER:** No.

7 **MR. GIB van ERT:** No. Thank you. When the
8 Minister came before us on the 10th of April, Mr. De Luca,
9 counsel for the Conservative Party, took him to a Globe and
10 Mail leaked report that alleged that the Minister had sat on
11 the warrant, let's say delayed in signing the warrant for a
12 long time, and that the warrant's subject was Michael Chan.
13 And the Minister denied that statement. And Mr. De Luca
14 asked, "What's wrong? What do you deny?" I can show you the
15 transcript if it would help you.

16 **MR. BARNEY BRUCKER:** We object to -- I know
17 that there is a reference in the transcript, but we've had
18 discussions and correspondence with the Commission about
19 this, and the Service cannot confirm or deny identity of
20 anybody on a warrant where this question is going.

21 **MR. GIB van ERT:** Well, I haven't asked the
22 Service to confirm or deny anything yet. I wonder if I might
23 ask the Court Operator to put up the transcript, so that you
24 can consider this objection. And the transcript is to be
25 found at TRN14, please.

26 **MR. BARNEY BRUCKER:** Commissioner, there's a
27 concern about this form of proceeding with respect to
28 national security. I know we've had some exchange of

1 correspondence. There is a transcript, but there are issues
2 around national security, and I submit that it's not
3 appropriate at this time to pursue this line of questioning
4 with the exhibit up on the screen.

5 **MR. GIB van ERT:** Commissioner, this
6 transcript has been on ---

7 **COMMISSIONER HOGUE:** Yes.

8 **MR. GIB van ERT:** --- your website since the
9 middle of April. It's there right now. It is public
10 information. It is evidence that a Minister of the Crown
11 gave under sworn testimony. Not just any Minister of the
12 Crown, a former police officer who's given testimony in sworn
13 proceedings probably hundreds of times. He was specifically
14 asked what was untrue about that report. And he answered
15 that I delayed it. He didn't say that it wasn't about
16 Michael Chan. And so we have this public statement by a
17 Minister of the Crown. If my learned friend for the Attorney
18 General wants to put that to Mr. Blair and cross-examine him
19 on whether or not he was right that the warrant he signed was
20 a warrant directed at Michael Chan, he's entitled to do that.

21 **MR. BARNEY BRUCKER:** Well, the ---

22 **MR. GIB van ERT:** But at the moment -- let me
23 just finish -- at the moment, that is evidence that Minister
24 Blair gave you in this proceeding. And so I am struggling to
25 understand what possible objection my learned friend can make
26 to a transcript that is on your website as we speak.

27 **MR. BARNEY BRUCKER:** Well, I'll make it
28 anyway. The question of whether or not the disclosure is

1 inadvertent or whether it's a waiver is something that should
2 be referred to another forum, if necessary. We have made our
3 position clear to the Commission, and I think that that has
4 been evident.

5 **COMMISSIONER HOGUE:** And here is what we will
6 do. We'll do the same thing than what we did in phase one.
7 So the question will be written down, and you'll move to the
8 next question, but we'll look into the matter afterward, and
9 we'll see what will be the next ---

10 **MR. GIB van ERT:** I'm not sure ---

11 **COMMISSIONER HOGUE:** --- course of action.

12 **MR. GIB van ERT:** --- that I know which
13 question's being written down just yet, so perhaps -- because
14 I don't know that I got around to formulating a question
15 before the objection was ---

16 **COMMISSIONER HOGUE:** Formulate your question
17 without -- formulate your question and we'll write down the
18 question, but the witness won't answer.

19 **MR. GIB van ERT:** Yes. All right. Well, do
20 you know what? Why don't I do it this way instead because
21 we're a bit stuck here. Here's the question I'd like to put
22 to the witnesses, and I don't think this question will elicit
23 an objection, but my learned friend will tell me if it does.

24 **COMMISSIONER HOGUE:** Okay. So ---

25 **MR. GIB van ERT:** But we'll move on ---

26 **COMMISSIONER HOGUE:** --- just formulate your
27 question.

28 **MR. GIB van ERT:** Yes.

1 **COMMISSIONER HOGUE:** And we'll see.

2 **MR. GIB van ERT:** Witnesses, my concern is
3 this, Ms. Astravas, and possibly also Mr. Stewart, but I
4 don't know -- to be clear, I want to set up for the record
5 where I'm at here. I am quite uninformed about this. There
6 is an interview summary of Ms. Astravas, but it hasn't yet
7 been produced to the parties, so I haven't seen it. There
8 is, to my knowledge, no interview summary about any of this
9 of Mr. Stewart, so I don't know what his evidence is. Ms.
10 Astravas hasn't even been listed as a witness, so I don't
11 know where that is going. But knowing what I know right now,
12 it appears that at the same time that Minister Blair is not
13 informed of the warrant, he is also not informed of these
14 three intelligence products concerning Michael Chong. The
15 evidence in his summary, which he hasn't yet adopted, but we
16 anticipate his evidence will be that he wasn't told about
17 those three products, and he wasn't told about the warrant
18 either. That all lands, it seems to me, on the desks of Ms.
19 Astravas and/or Mr. Stewart, and it's all happening at the
20 same time. And so I am trying to understand how it is that
21 Ms. Astravas, or why it is that Ms. Astravas is keeping
22 information from the Minister? Do you have any reason to
23 believe that Ms. Astravas was keeping information from the
24 Minister?

25 **COMMISSIONER HOGUE:** Is there an objection to
26 this question, or no?

27 **MR. BARNEY BRUCKER:** No objection.

28 **COMMISSIONER HOGUE:** No objection. So you

1 can answer.

2 **MR. DAVID VIGNEAULT:** I do not -- I am aware
3 of the timelines between the moment the warrant application
4 was submitted and at the time the Minister signed. I'm aware
5 of the -- of course, of what Ms. Tessier testified to, and
6 I'm also aware that when we engaged the Minister directly, he
7 signed a warrant.

8 So I can only speak to what I know, which is
9 those facts, and I could not speculate any other way.

10 **MR. GIB van ERT:** One final question. Do we
11 know whether -- do any of you know whether Ms. Astravas
12 brought the identity of the subject of the warrant to the
13 Prime Minister's office.

14 **MR. DAVID VIGNEAULT:** I am not aware if that
15 was done. That was not shared with me, if that was done or
16 not. And along the same line of questioning, Madam
17 Commissioner, if I may, Mr. van Ert asked a question earlier,
18 "Did anyone inform the Prime Minister," Mrs. Tessier
19 responded to the question about the warrant. But what I can
20 tell you is had that information been shared with the PMO, as
21 a Director I would have been made aware. And I can tell you
22 that didn't occur.

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

24 **MR. DAVID VIGNEAULT:** If it was shared by
25 CSIS with the PMO's office, but to my knowledge that did not
26 occur.

27 **MS. MICHELLE TESSIER:** And I'd just like to
28 clarify my response; I don't recall but I'm not going so far

1 as to say that it didn't occur, i.e., when it comes to the
2 warrant. I don't want to mislead the Commission.

3 **MR. GIB van ERT:** I think that we should ask
4 this question of Ms. Astravas.

5 Thank you. Thank you, you've been very
6 helpful.

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

8 So next one is Mr. Choudhry for Jenny Kwan.

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

10 **MR. SUJIT CHOUDHRY:** Good afternoon. Welcome
11 back. My name is Sujit Choudhry. For the record, I'm
12 counsel to Jenny Kwan.

13 So my first question, or theme that I'd like
14 to pursue is a bit different, it's a bit higher level, it's
15 about the idea of being an intelligence professional. And
16 what prompts the question is former Director Vigneault's
17 testimony here on April 12th. And at the conclusion of his
18 evidence he described the work and praised the work of
19 professional, trained intelligence analysts. And he also
20 referred to intelligence professionals, and it was a term he
21 used repeatedly.

22 And so what I'd like to come to grips with,
23 if I could, with Director Vigneault, but also other members
24 of the panel, is what that term means. What does it mean to
25 be an intelligence professional? And so I thought it'd be
26 helpful to analogize, imperfectly to another profession.
27 Unfortunately, there's a lot of lawyers here, including
28 myself; we're not quite in the same position as you but we're

1 professionals.

2 And so I want to put a series of
3 propositions, perhaps to the two Directors to begin with, and
4 then we will take it from there to see if others want to
5 weigh in, okay? So would you agree that an intelligence
6 professional has specialized expertise?

7 **MR. DAVID VIGNEAULT:** [No interpretation], I
8 understand. I think where -- the line of questioning but, I
9 also fail to see the -- how this is leading up, so you can
10 understand my -- a bit my reluctance to go down the path of
11 answering a number of very specific questions.

12 **MR. SUJIT CHOUDHRY:** Sure.

13 **MR. DAVID VIGNEAULT:** So that -- with that
14 caveat said, I will say that absolutely, someone -- when I
15 described intelligence professionals by what I had in mind is
16 the people at CSIS, but also in the larger intelligence
17 community, who might be trained intelligence officers or
18 intelligence analysts, but also people working in our policy
19 areas, people working in our compliance areas, people who
20 need to understand, you know, the nature of intelligence, the
21 nature of our work in order to be to apply the expertise to
22 contribute to the mandate of the CSIS. So that's what I
23 meant by intelligence professionals.

24 **MR. SUJIT CHOUDHRY:** So they have a certain
25 type of expertise. Engaging in intelligence analysis
26 requires expertise; it's not for those who are untrained
27 and/or lack experience.

28 **MR. DAVID VIGNEAULT:** Again, Madam

1 Commissioner, we went from intelligence professionals, now in
2 the question about intelligence analyst. Intelligence
3 analyst is a very specific profession within the intelligence
4 community. We have trained people who do intelligence
5 analysis. And so our intelligence analysts, as well as our
6 intelligence officers, form the *cadre* of what we describe as
7 our intelligence professionals within CSIS and the larger
8 community.

9 **MR. SUJIT CHOUDHRY:** Okay. So they take that
10 expertise, and you've also referred to the idea of training,
11 and then they apply it to whatever question is put to them,
12 to a specific problem.

13 **MR. DAVID VIGNEAULT:** Again, we're talking --
14 I think we're mixing a few things. Intelligence analysis is
15 exactly that. So I'll speak to intelligence analysts. So
16 these are people who are trained in analysis, who have
17 expertise. Most of them have a deep expertise in specific
18 fields of activities, and these are the people who will be
19 able to interpret, analyze, question the direct collection
20 activity to make sure we are answering the right questions in
21 order to bring about a picture, the best possible analysis
22 available at that point.

23 **MR. SUJIT CHOUDHRY:** And then when they
24 provide kind of an analysis in that way -- and that's very
25 helpful -- that reflects their considered judgment as to what
26 is correct or accurate; correct?

27 **MR. DAVID VIGNEAULT:** Yes, but I will as my
28 colleague, Cheri Henderson, who is the Director General of

1 Intelligence Analysis, to speak to this as well, please.

2 **MS. CHERIE HENDERSON:** It's a very
3 interesting question that you're posing, and I'll say this
4 because we have been, within the entire intelligence
5 community, working on defining what we mean by an
6 intelligence professional. So you're asking very, in a
7 sense, timely questions.

8 An intelligence analysis will definitely --
9 as you said, they're trained, they get very familiar with
10 their subject matter; they are subject matter experts, but
11 they are constantly learning and developing. There is never
12 one point in time where they stop developing or stop
13 learning. It's a constant ongoing, evergreen situation. And
14 it's the same thing when they're applying their knowledge and
15 their expertise to an intelligence question, they're
16 constantly building, looking for corroboration, looking for
17 new information, challenging any assumptions, challenging the
18 information, so they can get to a better appreciation of
19 answering the question.

20 **MR. SUJIT CHOUDHRY:** That's helpful, and I
21 can assure you legal professionals are the same way. And
22 so ---

23 **COMMISSIONER HOGUE:** We hope so.

24 **MR. SUJIT CHOUDHRY:** We hope so, that's
25 right. And the day we're not, I think it's time to hang up
26 our robes, Madam Commissioner.

27 And so taking that point, and so look, as a
28 lawyer when I'm posed a question and I'm asked to apply my

1 skill by a client, ultimately I give an answer, it might be
2 not what they want to hear. And then the client decides what
3 to make of it; yes, agree or disagree with the analysis;
4 agree or disagree with the recommendation, if I was asked to
5 give a recommendation; sometimes I'm not. And so I have to
6 think that when CSIS is tasked with producing an analysis,
7 whoever that is, an analyst or an intelligence officer -- and
8 forgive me for not having all the distinctions sorted, that
9 wasn't my intention. But when CSIS is asked, it gives its
10 best answer. And then it presents that answer to decision-
11 makers who then decide what to do with it, whether to accept
12 it, reject it, nuance it, ask for more analysis. Is that
13 fair?

14 **MR. DAVID VIGNEAULT:** I think it's fair in
15 concept, but I would say that the distinction I would make is
16 that we're not giving, necessarily, answers; we're giving the
17 best analysis possible. And so the analogy with, you know,
18 you being asked as a lawyer a question and you give an
19 answer; we provide the best-possible analysis available to
20 us. So that's the distinction I would make.

21 **MR. SUJIT CHOUDHRY:** And lawyers do as well,
22 believe it or not. Even though we might come across much
23 more confident in proceedings like this.

24 So now let me take that point and I now want
25 to go to Witness Statement 136, if we could, and it's
26 paragraphs 7 and 8, and so this was very interesting. So
27 these were paragraphs about the purpose of intelligence
28 reports. And so I won't summarize all of it, but I want to

1 take you to something in the middle of paragraph 7. And I
2 think, Mr. Vigneault, I think this is you. It says:

3 "He noted that not every CSIS
4 intelligence report will generate
5 discussion at senior levels.
6 However, he added that CSIS seeks to
7 broaden the understanding of senior
8 decision makers and advance common
9 work on issues that may not be fully
10 understood within government." (As
11 read)

12 And so you stand by that statement; correct?

13 **MR. DAVID VIGNEAULT:** I do.

14 **MR. SUJIT CHOUDHRY:** And then if you go to
15 paragraph 8, which is on the next page, I believe, this
16 describes an exchange between you and Commissioner Hogue. It
17 says:

18 "In response to a question for the
19 Commissioner, Mr. Vigneault added
20 CSIS can flag reports that ought to
21 be brought to the attention of senior
22 officials." (As read)

23 And that's true; isn't it?

24 **MR. DAVID VIGNEAULT:** Yes.

25 **MR. SUJIT CHOUDHRY:** And that could include
26 the Prime Minister, for example?

27 **MR. DAVID VIGNEAULT:** That would include the
28 Privy Council Office, and it's the Privy Council Office who

1 will then determine if it goes to the Prime Minister.

2 **MR. SUJIT CHOUDHRY:** Well let's talk about
3 the targeting paper, because I know that this has come up and
4 I'd like to go back to that. And so I believe you said this
5 morning, Mr. Vigneault, and I'm sorry, I don't have the
6 transcript in front of me, but you said it's a very important
7 piece of analysis; correct?

8 **MR. DAVID VIGNEAULT:** Yes.

9 **MR. SUJIT CHOUDHRY:** Regarding the PRC's
10 activities or foreign interference activities directed at
11 elected officials. And I believe you said, and forgive me if
12 I'm misdescribing your evidence, that it should have been
13 read by the Prime Minister?

14 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
15 not sure that's my evidence. I think, you know, when this
16 was discussed with the Privy Council Office, when it was
17 brought up, I said I thought that, you know, the Prime
18 Minister, you know, this should be read by the Prime
19 Minister. So this is, I think, what I described this
20 morning, to be clear.

21 **MR. SUJIT CHOUDHRY:** So do you happen to
22 know, and if you don't, just say so, and perhaps then I'd ask
23 Director Lloyd, do you know if the Prime Minister has
24 actually read the targeting paper?

25 **MS. VANESSA LLOYD:** To my -- I don't have
26 that piece of information.

27 **MR. SUJIT CHOUDHRY:** Mr. Vigneault, I take
28 you don't have that information either?

1 **MR. DAVID VIGNEAULT:** I do not have that
2 information.

3 **MR. SUJIT CHOUDHRY:** Okay. Thanks. For the
4 record, neither knows. Okay.

5 So I'd like to take you to WIT134, paragraph
6 55. And Ms. Chaudhry took you there as well. I'm going to
7 take you there too.

8 Thank you, Madam Registrar. Sorry I didn't
9 give you the page number.

10 And so it says:

11 "Several months later, Mr. Vigneault
12 was surprised to learn during the
13 NSIRA review that the less sensitive
14 version of the targeting paper was
15 never distributed to the Prime
16 Minister..." (As read)

17 And so forth.

18 And so I don't want to -- you're familiar
19 with this paragraph. I want to kind of ask you this
20 question. is it fair to say here that the NSIA disagreed
21 with the analysis in the targeting paper?

22 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
23 do not have that evidence. I am -- I think what is said
24 there is what I know, which, you know, I was surprised to
25 learn through the NSIRA questions to me that the paper had
26 not been distributed. So I think, you know, the question
27 should be asked of the NSIA. I have not had very specific
28 discussions about the conclusions of the NSIA or other people

1 about the targeting ---

2 **MR. SUJIT CHOUDHRY:** Sure.

3 **MR. DAVID VIGNEAULT:** --- paper.

4 **MR. SUJIT CHOUDHRY:** Sure. And we will. But
5 I do want to focus in on one sentence here. It says in the
6 middle:

7 "It was determined that the conduct
8 described therein was more diplomatic
9 than it was FI." (As read)

10 Who made that determination, Mr. Vigneault?

11 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
12 trying to recall whether the information that I had was from
13 NSIRA, who informed me that this was the reaction of the [no
14 interpretation]. So I'm just not sure if I learned this
15 through NSIRA, but it was not through direct discussion with
16 the NSIA.

17 **MR. SUJIT CHOUDHRY:** So you don't know if it
18 was her objection or not? I think it was Ms. Thomas at this
19 point.

20 **MR. DAVID VIGNEAULT:** Yes, that's accurate.

21 I do not know if it was ---

22 **MR. SUJIT CHOUDHRY:** Okay.

23 **MR. DAVID VIGNEAULT:** I'm aware of what NSIRA
24 said. And just to be very, very transparent, through the
25 preparation of this work, I have seen some information, some
26 transcripts, and I believe -- I have seen information now
27 that from transcripts -- or not transcript, but summary of
28 other people who have testified, that it was indeed her

1 position, but I've learned about it a few days ago while I
2 was preparing for this.

3 **MR. SUJIT CHOUDHRY:** So I want to pose a
4 machinery of government kind of question. And I know that
5 your processes have evolved. And so I -- and we have that
6 information. But I just want to talk about this incident, if
7 we could. And maybe with the benefit of hindsight, in light
8 of how things apparently now work.

9 And so I suppose -- I want to suggest to this
10 you. If the NSIA had concerns about the analysis, and it
11 seems to be a substantive concern, this was not FI, this was
12 diplomatic activity, wouldn't the appropriate thing to have
13 done been to come back to you and discuss the point and asked
14 you to perhaps explain the basis for the conclusion, or
15 perhaps to bring your colleague, the analyst who I understand
16 prepared this report, to have a meeting with the NSIA and
17 other colleagues in her division at the time to discuss that
18 issue?

19 **MR. DAVID VIGNEAULT:** It is the reaction that
20 I had, and I believe that the development of governments that
21 we have mentioned often, the DM Committee of Intelligence
22 Response is now the venue where I am confident, based on what
23 I knew before I left that this would have been the right
24 place to discuss that and this would take place now.

25 **MR. SUJIT CHOUDHRY:** Good. Okay. Good.
26 Well then I want to take you to paragraph 31 in this witness
27 summary as well.

28 Thank you, Madam Registrar. We're almost

1 there. And so if you could scroll down? It's the fourth
2 line down on this page.

3 It says Mr. Vigneault, third line:

4 "...believes that in a democracy, it is
5 healthy that the intelligence service
6 not have the last word on everything.
7 Still, it is necessary for the
8 Service to be at the table to ensure
9 its perspective is well represented."

10 (As read)

11 You remember saying that; don't you, Mr.
12 Vigneault?

13 **MR. DAVID VIGNEAULT:** Yes.

14 **MR. SUJIT CHOUDHRY:** And so I want to suggest
15 to you that if that discussion, which would happen today, had
16 happened, and had there been an impasse, then perhaps what
17 should have happened is that CSIS should have been at the
18 table presenting its analysis, if the NSIA disagreed, she
19 should have been at the table presenting her perspective, but
20 what the NSIA should not have been is a chokepoint, or a
21 gatekeeper, or an editor of professional intelligence
22 produced by CSIS? Is that fair?

23 **MR. DAVID VIGNEAULT:** I think, Madam
24 Commission, as I said earlier, I think it's fair to say that
25 with the evolution of how the governance around national
26 security and intelligence discussion has taken place, this
27 would be the case now. And all of us, including CSIS, have
28 learned, because of these proceedings, because of the current

1 debate, you know, that exists in Canada, because of the
2 challenges of dissemination of intelligence, we all have
3 learned and together and individually as organizations, and
4 would have -- probably do things differently today.

5 **MR. SUJIT CHOUDHRY:** Okay. So ---

6 **MR. DAVID VIGNEAULT:** I think it's a fair
7 statement on my part.

8 **MR. SUJIT CHOUDHRY:** Fair. Thank you, Mr.
9 Vigneault. So just one last point here before I move on.

10 So I know that during your tenure as CSIS
11 Director -- and forgive me, when did you begin again?

12 **MR. DAVID VIGNEAULT:** June 2017.

13 **MR. SUJIT CHOUDHRY:** Okay. So I think Daniel
14 Jean was the NSIA at the time.

15 **MR. DAVID VIGNEAULT:** Yes.

16 **MR. SUJIT CHOUDHRY:** And then you had Madam
17 Bossenmaier, Mr. Morrison, Mr. Rigby, Ms. Thomas, and now Me
18 Drouin currently hold -- have held that role; correct?

19 **MR. DAVID VIGNEAULT:** Yes.

20 **MR. SUJIT CHOUDHRY:** Now, to the best of your
21 knowledge, is any of them an intelligence professional?
22 Where have they -- what has been their professional
23 formation? Did they come up through the Service or another
24 one of the institutions in the intelligence community?

25 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
26 don't think it would be fair to speak about these
27 individuals, their background. I think they all have
28 different experiences, different backgrounds. I am not

1 comfortable to give a very general answer because everybody
2 has a different background and some have produced
3 intelligence and others have worked on international
4 governance. I don't believe that it would be my duty to
5 start to analyze [no interpretation].

6 **MR. SUJIT CHOUDHRY:** Fair enough. And so, I
7 have one last question then, and it's on a different theme
8 entirely. And it's in WIT136, this is the interview summary
9 regarding the NSICOP report, and Madam Registrar, if you
10 could please take me to paragraph 26? Good.

11 And so, Mr. Vigneault, this is about
12 briefings, and it's in a section about briefing political
13 party leaders and the Prime Minister. And it's a tricky
14 problem, let's all understand that. We understand how
15 delicate this is.

16 What I wanted to get you to elaborate on, or
17 perhaps if not you then perhaps Director Lloyd, is the point
18 here that you made, which is that you testified that:

19 "Over the past few years he has
20 raised that the government needs to
21 find a way to figure this out." (As
22 read)

23 Right, it's complicated but it needs to be
24 sorted out. And then I was quite struck by the statement you
25 make in the next sentence. You say:

26 "He has asked certain Five Eyes
27 counterparts who work with national
28 security about how they manage these

1 tensions, that is between the fact
2 that the Prime Minister is the head
3 of a party and also the head of the
4 executive, and how do you avoid
5 partisanship entering into these
6 discussions, which we have to keep
7 out." (As read)

8 And you then said:

9 "And he said they have done so
10 successfully for several years." (As
11 read)

12 So I'm wondering if you can -- in the time
13 remaining to you, and Director Lloyd could answer, how do
14 some of our Five Eyes allies deal with this dilemma?

15 **MR. DAVID VIGNEAULT:** Madam Commissioner,
16 just to be clear, what this paragraph says on Prime
17 Ministers, and a question that I asked my [no interpretation]
18 -- the way that the question or the assertion was made is not
19 totally accurate. I did not ask because of the Prime
20 Minister.

21 The question I asked my colleagues, others
22 who work in Westminster system, like in the UK, in Australia,
23 New Zealand, is how do you take information that the
24 executive. So the executive is, you know, the party that is
25 the governing party that has the majority in the House of
26 Commons and the confidence of the house to be able to govern,
27 and how do you then take information you know, and deal with
28 something that is very sensitive to a Minister, to a group of

1 individuals who are also elected officials, who are also
2 members of Parliament?

3 How do you navigate this issue where you
4 would, for example, take information that might be
5 problematic, vis a vie, a member of the opposition regarding
6 foreign interference and how do you then manage this
7 information and protect people's reputation, make sure that
8 there is no interference in your work. And so, this was the
9 tenure of my discussions with my colleagues. It was very
10 useful information, and this is why I said in my testimony
11 that is summarized in this document, that our job was to find
12 a way. Let's figure out a way to do that. And I think Mr.
13 Basler this morning testified that you know, such a way has
14 been found and the briefing has taken place now.

15 **MR. SUJIT CHOUDHRY:** Okay. Well, we're out
16 of time. I'd love to ask more, but I think I should pass it
17 on. Thank you, Madam Commissioner.

18 **COMMISSIONER HOGUE:** Thank you.

19 **MR. SUJIT CHOUDHRY:** Thank you very much.

20 **COMMISSIONER HOGUE:** So the next one is
21 counsel for Erin O'Toole.

22 **MR. THOMAS JARMYN:** Good afternoon,
23 Commissioner. Tom Jarmyn for Erin O'Toole. Commissioner,
24 before I commence my questioning, I did not put CAN.23483 on
25 the list of documents that I would be examining on. It was
26 uploaded Wednesday night, and I would ask your leave to refer
27 to that during the course of my cross-examination.

28 **COMMISSIONER HOGUE:** It's okay.

1 --- CROSS-EXAMINATION BY MR. THOMAS JARMYN:

2 MR. THOMAS JARMYN: Thank you.

3 So most of my questions are going to be
4 focused on the briefing that Mr. O'Toole received, his
5 remarks in the house, and the subsequent evaluation of those.
6 And am I correct in understanding, Dr. Giles, that you were
7 one of the people in attendance when Mr. O'Toole was briefed?

8 DR. NICOLE GILES: Correct.

9 MR. THOMAS JARMYN: And Mr. Basler, from the
10 fact that you were answering questions about this, am I
11 correct in inferring that you were the other briefer?

12 MR. BO BASLER: I was not, no.

13 MR. THOMAS JARMYN: Okay.

14 MR. BO BASLER: Our Assistant Director of
15 Collection was the other briefer.

16 MR. THOMAS JARMYN: All right. Thanks.
17 Well, since you were answering questions this morning, and
18 since Dr. Giles, you were in attendance, my questions will be
19 mostly directed at you, but if any other panelists feel the
20 need to jump in, don't hesitate.

21 So first of all, what I'd like to do is to
22 bring up CAN.DOC.22.

23 --- EXHIBIT No. CAN.DOC.000022:

24 Commission request for summary
25 information on briefing to Erin
26 O'Toole

27 MR. THOMAS JARMYN: And this document was
28 produced by CSIS and it is the summary of information that

1 was provided to Mr. O'Toole in the course of this briefing.
2 Mr. Basler and Dr. Giles, you've both had an opportunity to
3 review this?

4 **DR. NICOLE GILES:** Correct.

5 **MR. BO BASLER:** Yes.

6 **MR. THOMAS JARMYN:** And it fully and
7 accurately reflects the contents of the briefing that were
8 delivered to Mr. O'Toole?

9 **DR. NICOLE GILES:** It's a summary, correct.

10 **MR. THOMAS JARMYN:** Yes.

11 **MR. BO BASLER:** Correct, it's a summary that
12 can be publicly released.

13 **MR. THOMAS JARMYN:** Okay. Thank you.

14 So in the course of one of the CAN23483,
15 which we don't need to bring up, there's a comment that the
16 information that Mr. O'Toole subsequently spoke about in the
17 House of Commons was unverified. And Mr. Basler, I believe
18 you used the words unconfirmed in your evidence this morning.
19 Is that caveat or qualification included in any way in the
20 summary of information that was provided?

21 **MR. BO BASLER:** In this summary, the publicly
22 available summary you mean?

23 **MR. THOMAS JARMYN:** Yes.

24 **MR. BO BASLER:** I'd have to do a word search
25 to find it to be able to confirm. But I will take your -- if
26 it's -- I assume you have read through it and if ---

27 **MR. THOMAS JARMYN:** I have done the word
28 search.

1 **MR. BO BASLER:** --- you can confirm.

2 **MR. THOMAS JARMYN:** Yes.

3 **MR. BO BASLER:** I would need to do a word
4 search to know if it was in there or not.

5 **MR. THOMAS JARMYN:** Yeah. I have done the
6 word search and neither one of those terms is present. But
7 regardless of whether or not the information may be
8 unconfirmed or unverified, am I to conclude from Mr.
9 Vigneault's comments this morning, that the information
10 wouldn't have been shared unless it was credible?

11 **DR. NICOLE GILES:** I think just to clarify
12 that at the time of the briefing to Mr. O'Toole, we were
13 implementing the Ministerial Directive as it was written and
14 as we understood it at the time. And that was to share all
15 information with the members of Parliament and
16 parliamentarians.

17 And so, what that meant is that when we
18 briefed Mr. O'Toole, we did share information that was not
19 necessarily corroborated, or verified, or confirmed. We
20 shared the full range of information that we had at the time.
21 And if memory serves, when we briefed Mr. O'Toole, we did
22 indicate which information was not yet corroborated or
23 verified, but that was in a very long briefing over a very
24 long period of time, and so it might not have always been
25 clear which particular sections were verified or corroborated
26 and which weren't when one might cast their memory back on
27 the briefing.

28 **MR. THOMAS JARMYN:** Okay. And Mr. O'Toole

1 has testified that he doesn't remember those type of
2 qualifications. But regardless of whether or not it was
3 unverified or unconfirmed, the information included is till
4 credible?

5 **MR. BO BASLER:** I think we're confusing, or
6 we're trying to mix terms here, which I don't think is
7 necessarily appropriate. No, it is certainly if we had a
8 piece of unbelievable information that we knew not to be
9 credible, then it would not have been part of the briefing.
10 But I think it's -- we should not be confusing that, or
11 mixing that with something like a piece of unverified
12 information or uncorroborated information. They are two
13 completely separate elements, and I don't think we should be
14 mixing the two together.

15 **MR. THOMAS JARMYN:** Okay. Thank you very
16 much. What I'd like to do is have a look at CAN.23482. And
17 when we get there, if the reporter could go to page 9?

18 **COURT OPERATOR:** Can you please repeat the
19 number?

20 **MR. THOMAS JARMYN:** CAN.234483, sorry.

21 **COURT OPERATOR:** What page would you like me
22 to go to?

23 **MR. THOMAS JARMYN:** Page 9, please.

24 So this is a tab within the broader memo, and
25 I'm assuming it's prepared -- this analysis was prepared by
26 CSIS?

27 **MR. BO BASLER:** This is a document that was
28 prepared by the Privy Council Office, but I believe it was

1 prepared based on and consistent with our information, yes.

2 **MR. THOMAS JARMYN:** Okay. So did you review
3 this document prior to it being put into the memo?

4 **DR. NICOLE GILES:** No. The governance is
5 that advice to the Prime Minister goes from PCO directly.

6 **MR. THOMAS JARMYN:** Okay. But they didn't
7 seek your input with respect to analysis included within it?

8 **MR. BO BASLER:** I believe it was based on the
9 information and the work that we had undertaken.

10 **MR. THOMAS JARMYN:** Okay.

11 **MR. BO BASLER:** So no, we didn't review -- or
12 we wouldn't review the final product. But I believe this is
13 based on Service's ---

14 **MR. THOMAS JARMYN:** Right.

15 **MR. BO BASLER:** --- assessment of the
16 situation, yes.

17 **MR. THOMAS JARMYN:** Okay. And Mr. Basler,
18 this morning you testified that in essence, this document
19 was, in this case, PCO's reverse engineering of Mr. O'Toole's
20 speech?

21 **MR. BO BASLER:** The work to reverse engineer
22 Mr. O'Toole's speech and to pair it with the intelligence
23 that was provided to Mr. O'Toole was undertaken by the
24 Service.

25 **MR. THOMAS JARMYN:** Oh, it was? Okay.

26 **MR. BO BASLER:** Yes.

27 **MR. THOMAS JARMYN:** So -- all right. So
28 let's go to EOT13, which is Mr. O'Toole's remarks.

1 --- EXHIBIT No. EOT0000013:

2 May 30, 2023 - Hansard Extract

3 O'Toole Question of Privilege

4 **MR. THOMAS JARMYN:** And I just want to direct
5 you to the first -- I guess the first full paragraph, which
6 starts:

7 "I am rising on a question of
8 privilege."

9 Do you have an understanding of what a
10 question of privilege is?

11 **MR. BO BASLER:** Generally speaking, yes, I
12 do.

13 **MR. THOMAS JARMYN:** Okay. And essentially, I
14 put it to you that a question of privilege for a
15 parliamentarian is the assertion that some action has
16 occurred which has infringed upon, limited, or otherwise
17 encumbered either his past performance of his duties as a
18 parliamentarian or his future performance of his duties. Is
19 that what you understand the point to be?

20 **MR. BO BASLER:** I do.

21 **MR. THOMAS JARMYN:** Okay. And in Mr.
22 O'Toole's case, he already announced his resignation from the
23 House, and in fact would depart -- resign a few weeks later.
24 So his claim was based upon the -- that his rights previous
25 to these remarks had been incurred -- infringed upon by
26 certain actions. Is that correct?

27 **MR. BO BASLER:** Yes.

28 **DR. NICOLE GILES:** Our understanding.

1 **MR. BO BASLER:** I wouldn't know. Yeah. I
2 wouldn't know. That's it. That's a question for Mr. O'Toole
3 to assert.

4 **MR. THOMAS JARMYN:** Well in fact, that is one
5 of the problems we have, is that unfortunately because of the
6 late production of the document, we can't put these
7 particular questions to Mr. O'Toole.

8 But so when the point of privilege is raised,
9 the obligation is on the member to establish a *prima facie*
10 violation. In other words, that all the facts in his
11 statement, if accepted to be true, have infringed upon his
12 rights to a parliamentarian. Do you understand that to be
13 true?

14 **MR. BO BASLER:** I'm not an expert in
15 parliamentary procedure. Generally speaking, I understand
16 that to be the case, yes.

17 **MR. THOMAS JARMYN:** Okay. And in fact, this
18 is the member's one opportunity to make this case when he or
19 she rises on that point of privilege? They don't get another
20 do-over?

21 **MR. BO BASLER:** Is that a statement?

22 **MR. THOMAS JARMYN:** Is that ---

23 **MR. BO BASLER:** Or is that ---

24 **MR. THOMAS JARMYN:** No, is that your
25 understanding or is that to your knowledge?

26 **MR. BO BASLER:** I am unaware of the exact
27 details ---

28 **MR. THOMAS JARMYN:** Okay.

1 **MR. BO BASLER:** --- of how many opportunities
2 they get or don't get.

3 **MR. THOMAS JARMYN:** All right. I put it to
4 you that in fact Mr. O'Toole's question of privilege is
5 informed by many, not just CSIS' briefing, although I'll
6 agree that it's probably the capstone. But so it's on the
7 record that Mr. O'Toole has had discussions to respect to
8 with Mr. Chiu about breaches of privilege that occurred or
9 certain actions that occurred in 2021 involving foreign
10 interference and you're aware of those. Is that correct?

11 **MR. BO BASLER:** That the two had
12 conversations?

13 **MR. THOMAS JARMYN:** That he has testified
14 about that.

15 **MR. BO BASLER:** I have not read or I don't
16 recall reading that specific piece of testimony, ---

17 **MR. THOMAS JARMYN:** Okay.

18 **MR. BO BASLER:** --- but I am happy to take
19 your word that they have had had those conversations and he
20 has testified to it, yes.

21 **MR. THOMAS JARMYN:** And in the course of his
22 submission in the House of Commons, and in fact, I think
23 according to your analysis, Mr. O'Toole has spoken on a
24 number of occasions with respect to matters involving the
25 PRC, Huawei, Hong Kong, the Uyghur genocide, and there have
26 been adverse reactions from the PRC as a result of that. Is
27 that consistent with your knowledge?

28 **MR. BO BASLER:** Not all of that, but yes.

1 Some of that, yes.

2 **MR. THOMAS JARMYN:** Okay. And are you aware
3 of the reporting that Mr. O'Toole and his campaign staff
4 engaged in with respect to the 2021 Election to the SITE Task
5 Force, and in fact their analysis that the -- various seats
6 had been affected?

7 **MR. BO BASLER:** I am aware of that. The
8 Conservative Party had submitted some information to the SITE
9 Task Force. Yes.

10 **MR. THOMAS JARMYN:** Okay. And I assume
11 you're also aware of the extensive reporting from October
12 forward to March 15th, 2023 when the Independent Special
13 Rapporteur had been appointed with respect to acts of foreign
14 interference involving the Conservative Party and Mr.
15 O'Toole. Is that correct?

16 **MR. BO BASLER:** Sorry, can you repeat the
17 question?

18 **MR. THOMAS JARMYN:** There were extensive
19 media reports from ---

20 **MR. BO BASLER:** Media reports?

21 **MR. THOMAS JARMYN:** Yes.

22 **MR. BO BASLER:** Okay.

23 **MR. THOMAS JARMYN:** From October of '23 until
24 the Independent Special Rapporteur was appointed on March
25 15th, some involving CSIS documents of interference targeted
26 at Mr. O'Toole. Are you aware of those reports?

27 **MR. BO BASLER:** I am aware of considerable
28 media reports. Yes. Where there were reports specifically

1 relating to Mr. O'Toole, I am unaware of those dates to be
2 able to put them in the exact date range that you have
3 mentioned. I wouldn't be able to do that at this time
4 without reviewing them.

5 **MR. THOMAS JARMYN:** Okay. Thank you. I put
6 it to you that attempting to reverse engineer this speech
7 just to the CSIS report -- or the CSIS briefing, rather,
8 doesn't reflect the reality of what was going on, in that
9 there are many other inputs with respect to what goes into
10 this motion of privilege, and that the better approach, the
11 only person who really could reverse engineer this would be
12 Mr. O'Toole or counsel who is discovering it, to find out
13 what went into his mind when he made this motion. Is that
14 correct?

15 **MR. BO BASLER:** I think we are -- again, I
16 think we have to disentangle a couple of very important
17 notions here. The first being when someone starts by saying,
18 "I received a briefing from the Canadian Security
19 Intelligence Service that confirms several matters," which is
20 just following a classified briefing we had given, it is
21 absolutely incumbent on the Service to attempt to reverse
22 engineer that to determine if there is any national security
23 injury that has occurred from that.

24 So no matter what, that is a process that we
25 absolutely would have to undertake to determine if there was
26 injury or not.

27 **DR. NICOLE GILES:** And that's -- just to
28 clarify, that's part of the damage assessment that we're

1 required to do whenever classified information is
2 inadvertently made public and released.

3 **MR. THOMAS JARMYN:** I agree absolutely with
4 respect to that, for Service's purposes, but for the purposes
5 of concluding that Mr. O'Toole made his motion on the basis
6 of the CSIS speech, reverse engineering to just that speech
7 is -- does not take into account all of the many other
8 inputs?

9 **DR. NICOLE GILES:** I think, just to clarify,
10 the work that we had done was not an attempt to reverse
11 engineer the entirety of Mr. O'Toole's speech in the House.
12 The reverse engineering that we did was to try to ascertain
13 what classified information was released in the course of
14 that speech so that we could undertake the necessary
15 assessment of damage and national security injury.

16 **MR. THOMAS JARMYN:** Okay. Thank you. I
17 think I'd like to go -- just finish off with one last
18 question, Commissioner.

19 In Tab B, there's a discussion that -- about
20 Mr. O'Toole's comment that he would be an ongoing target of
21 foreign interference. And the analysis at the bottom -- if
22 you could go to the bottom of page 10? Oh, sorry, of
23 CAN23483. Excuse me.

24 If you could go to CAN23483. Thank you.
25 Page 10.

26 And right down at the bottom on the bottom
27 right-hand column.

28 So CSIS confirmed that as an MP or former MP,

1 Mr. O'Toole could be targeted in the future.

2 I put it to you that, in fact, the CSIS
3 summary says something much more categoric than that. It
4 says that as long as Mr. O'Toole's an elected official and
5 publicly advocates for issues that are viewed by a foreign
6 state as counter to their natural interest, he would remain
7 on their radar for potential influence or interference
8 operations.

9 Is that an accurate statement?

10 **MR. BO BASLER:** As it appears in the summary?

11 **MR. THOMAS JARMYN:** Yes.

12 **MR. BO BASLER:** Yes.

13 It is -- it is consistent with our
14 understanding that as long as a -- like an elected official
15 or a prominent individual who had previously spoken out
16 against issues that if they remain prominent and remain
17 vocal, that they likely would remain on the radar. So that's
18 -- I absolutely agree with that, yes.

19 **MR. THOMAS JARMYN:** Okay. Thank you for your
20 time today. Thank you for your questions.

21 Commissioner ---

22 **COMMISSIONER HOGUE:** Thank you.

23 **MR. THOMAS JARMYN:** --- I have no more.

24 Thank you.

25 **COMMISSIONER HOGUE:** Ms. Teich for the Human
26 Rights Coalition.

27 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

28 **MS. SARAH TEICH:** Good afternoon. I think

1 just for simplicity, I'll direct my questions to Mr.
2 Vigneault and Director Lloyd, but if anyone else has answers,
3 of course, feel free to jump in.

4 Can we please pull up HRC91?

5 Thank you.

6 **--- EXHIBIT No. HRC0000091:**

7 Combatting Transnational Repression
8 and Foreign Interference in Canada

9 **MS. SARAH TEICH:** This is a report from last
10 year prepared by myself, David Matas and Hannah Taylor. And
11 if we can just go to page 53.

12 And I'd like to just draw your attention to
13 the last paragraph on the left column starting from the word
14 "Strikingly". It actually goes into the right column, and
15 I'll just read it out loud for the record:

16 "Strikingly, Safeguard Defenders
17 identified cases where democratic
18 countries, including Canada, secretly
19 cooperated with Chinese law
20 enforcement to track down and deport
21 alleged fugitives. Regarding Canada,
22 Safeguard Defenders found that
23 documentation from the CBSA drawn up
24 whilst Canada was in negotiations
25 with China about a possible
26 readmission agreement showed that
27 Canada was assisting Chinese
28 officials and police and entering the

1 country to carry out negotiations
2 with Chinese nationals there with the
3 expressed intent of persuading them
4 to return to China. Assistance was
5 offered for both Chinese Embassy
6 staff as well as visiting Chinese
7 police, and includes help in securing
8 the visiting police officers' visas.
9 CBSA..."

10 **MS. ERIN DANN:** I'm sorry to interrupt. Just
11 to -- because we're reading, we have a tendency to go
12 quicker. If you'd just ---

13 **MS. SARAH TEICH:** Oh, sorry.

14 **MS. ERIN DANN:** --- slow down for the
15 interpreters.

16 **MS. SARAH TEICH:** I'll slow down.

17 "CBSA clarified that it does not
18 participate in the negotiations
19 between the Chinese National and the
20 official Chinese side, which
21 indicates that such meetings carried
22 out inside Canada are unsupervised.
23 The documentation continues to state
24 that in the event negotiations are
25 successful, CBSA can assist with
26 logistics at the airport to help with
27 the smooth departure of the
28 individual. The documentation

1 acknowledges that those sought are
2 alleged criminals in China and not
3 convicted of crimes in Canada."

4 And this is then cited to a Safeguard
5 Defenders January 2022 report titled "Involuntary Returns".

6 And I realize that you are not CBSA, but
7 because we're not expected to hear from CBSA, I'm going to
8 direct my questions about this passage to this panel and
9 please just answer as best as you can.

10 Are you aware of this reporting by Safeguard
11 Defenders?

12 **MR. DAVID VIGNEAULT:** I am not aware.

13 **MS. SARAH TEICH:** As far as you know, did
14 assistance by CBSA to Chinese officials happen in this
15 manner?

16 **MR. DAVID VIGNEAULT:** I do not have any
17 specific knowledge of this. I also do not have any knowledge
18 -- this paragraph does not specify the timelines that -- you
19 know, when those activities are -- supposedly have taken
20 place, so I have nothing specific to offer on this issue. I
21 don't know if we're talking about two years ago, about five
22 years ago, about 15 years ago. Sorry.

23 **MS. SARAH TEICH:** Okay. Would you agree that
24 it would have been unconscionable if it had happened for
25 Canadian authorities to assist Chinese officials in this
26 manner?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
28 think it's important here that -- that's why my reference to

1 the timelines. We spoke about the evolution of the threat.
2 I have spoken in this -- in front of this Commission about
3 the evolution of the PRC's tactics, mostly after the arrival
4 in power of Xi Jinping in 2012. So we have seen a shift in
5 the approach of the PRC, and culminating with an all party --
6 all Communist Party, all state approach to aggressive
7 posture, including foreign interference in Canada, but that
8 has been an evolution.

9 So I cannot make any -- without the context,
10 I cannot speak to, you know, would it have been appropriate
11 or not with the knowledge of the activities that was taking
12 place at that point of time.

13 **MS. SARAH TEICH:** Okay. Fair enough. Thank
14 you.

15 And the very next paragraph, actually, on the
16 same page -- if you could just scroll down a little bit.

17 This cites a piece by Sam Cooper which
18 indicates that:

19 "In their 2022 briefs, CSIS stated
20 that in 2020, a Chinese police agent
21 worked with a Canadian police officer
22 to repatriate an economic fugitive."

23 Are you aware of this reporting by Sam
24 Cooper?

25 **MR. DAVID VIGNEAULT:** That one specifically,
26 Madam Commissioner, I am not.

27 **MS. SARAH TEICH:** Are you aware if a Chinese
28 police agent worked with a Canadian police officer to

1 repatriate an economic fugitive in 2020?

2 **MR. DAVID VIGNEAULT:** I am not aware
3 specifically in 2020. Without having more context, I would
4 not be able to help you here. Sorry.

5 **MS. SARAH TEICH:** Okay. Given that year
6 being relatively recent, would you agree that if it had
7 happened, this would have been unconscionable?

8 **MR. DAVID VIGNEAULT:** [No interpretation] be
9 responding to a hypothetical question. We're always very
10 mindful of not -- to not impugn anybody's reputation. We
11 weigh our words carefully on both sides, so I think it is --
12 I understand where the counsel is coming from.

13 I understand the overall concerns that are
14 expressed here, but it is not fair, I think, you know, for us
15 to try to muse about, you know, what it would have been
16 adequate or not.

17 I will say, however, my experience -- I don't
18 know, counsel, maybe that's useful or not. My experience is
19 that has been an evolution inside the intelligence service,
20 inside, you know, all of the Canadian government institutions
21 about the nature of the activities of the PRC, about the
22 intent, about the consequences, and I can speak to having
23 seen a very substantive evolution over the years. And when I
24 say "years", I'm talking about 10, 12, 15 years of how
25 Canadian institutions have reacted in their interactions and
26 the precautions they have taken to not have undue harm to
27 anybody in their interactions with the PRC.

28 **MR. SARAH TEICH:** Okay. Thank you.

1 Part of me wants to ask about 10 million
2 follow-up questions to that, but I'm going to move on just in
3 the interests of time.

4 If we can please pull up CAN29962_0001.

5 **--- EXHIBIT No. CAN029962 0001:**

6 PRC Transnational Repression: Key
7 Actors and Their Tradecraft - IA
8 2022-23/27

9 **MR. SARAH TEICH:** This is a CSIS Intelligence
10 Assessment. And if we can scroll to page 4, please.

11 So here, the assessment discusses the
12 incident wherein PRC based hackers targeted activists,
13 journalists and dissidents, predominantly Uyghurs, based
14 outside of the PRC, including in Canada. It says:

15 "According to Facebook, this group
16 used various cyber espionage tactics
17 to identify targets and infect their
18 devices with malware to enable
19 surveillance."

20 It goes on to say that:

21 "Although the operations were not specifically attributed to
22 the MSS or MPS, their..."

23 **MR. DAVID VIGNEAULT:** I'm sorry. We can't
24 see that.

25 OK. Merci.

26 **MS. SARAH TEICH:** It's a little bit small,
27 but it's all on the screen.

28 **MR. DAVID VIGNEAULT:** Okay, sorry. Go ahead.

1 **MS. SARAH TEICH:** Where was I? Although it
2 was not specifically attributed:

3 "...their sophistication,
4 pervasiveness and persistence highly
5 suggests the implication of PRC state
6 actors."

7 Do you agree with that assessment?

8 **MR. DAVID VIGNEAULT:** I do not have the
9 specific details of this Facebook reporting, but this would
10 be consistent with what I understand the tradecraft of the
11 PRC, yes.

12 **MS. SARAH TEICH:** Okay. What steps, if any,
13 did CSIS take to respond to this particular incident and to
14 protect Uyghurs in Canada who are impacted?

15 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
16 I do not have tip of my hand the specific reaction to this.
17 What I can tell you is that we have engaged with a number of
18 communities, as Ms. Giles has described this morning, with
19 communities at large, but also with specific individuals when
20 we have information that they are being targeted. I have
21 spoken this morning about the fact that if we have any
22 information that speaks to someone who might be under threat,
23 that we would be -- we have protocols to act very quickly.
24 And so this -- the last point I would make on this is that
25 there is a -- our engagement is both when we have specific
26 information of an activity against an individual, but also,
27 more largely, a type of activities directed at a community,
28 and in this case, we have engaged with those communities and

1 this is the process that Ms. Giles explained this morning.
2 Since 2019, we have redirected significant of our attention
3 to be able to do that because transnational repression is
4 real, and the people who are affected are often left with
5 very little to protect themselves. And if we do have
6 information or a way to be supportive, this is what we're
7 trying to do.

8 So let me -- anything ---

9 **MS. VANESSA LLOYD:** That was a great
10 description.

11 **MS. SARAH TEICH:** Okay. Can we please now
12 pull up CANDOC44? This is the CSIS IR. And if we can go to
13 page 16, please. And I'll just read this part aloud again.

14 "CSIS has published unclassified
15 reports, including, for example,
16 foreign interference in eight
17 languages, including the languages of
18 several diaspora communities directly
19 targeted by foreign interference..."

20 And then it lists a number of languages in
21 brackets,

22 "...Arabic, Farsi, Russian,
23 simplified Chinese, traditional
24 Chinese, Punjabi, English and
25 French."

26 Is this list of languages exhaustive?

27 **DR. NICOLE GILES:** What I'd say is that we're
28 continually looking to put these and other publications in

1 more languages, and so we are in the process of trying to
2 translate these documents into additional languages of
3 communities that we know to be targeted and at risk. At the
4 time of writing, that was exhaustive.

5 **MR. DAVID VIGNEAULT:** Oh, sorry, if I can
6 just add, Ms. Giles also under her leadership we have engaged
7 with other communities and some of our documentation we have
8 co-edited reports in Inuktitut to be -- make sure that we're
9 able to reach, you know, communities in the north that would
10 not normally have access to our information.

11 **MS. SARAH TEICH:** Okay. Thank you. And
12 you've mentioned as of the time of writing, as of now, today,
13 is this list still exhaustive?

14 **DR. NICOLE GILES:** My -- I was trying to
15 search for the answer to that question as you were asking
16 yours. I know we do have a couple in translation right now.
17 I don't believe they've yet been released on the website, but
18 they're under active preparation.

19 **MS. SARAH TEICH:** Okay. Are one of the two
20 or more in translation the Uyghur language? Is that in
21 progress?

22 **DR. NICOLE GILES:** I honestly can't recall at
23 this point.

24 **MS. SARAH TEICH:** Do you think it would be
25 valuable to translate this report into the Uyghur language?

26 **DR. NICOLE GILES:** I think it would be and I
27 think it would be valuable to translate this report into as
28 many languages as we have communities in Canada.

1 **MS. SARAH TEICH:** Okay. Thank you. If we
2 can go back, please, to HRC91, this is the last time I'm
3 going to flip you around different documents. And jump to
4 page 164, please. Bullet 33 recommends that,

5 "...the Treaty Between Canada and the
6 People's Republic of China on Mutual
7 Legal Assistance in Criminal Matters
8 [be terminated]."

9 Are you familiar with this Treaty?

10 **MR. DAVID VIGNEAULT:** I'm familiar with the
11 MLAT process, not specifically this one. I have not --
12 that's not been an area that I've been engaged.

13 **MS. SARAH TEICH:** Do you think that Canada
14 should be engaging in mutual legal assistance on criminal
15 matters with the Chinese government?

16 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
17 believe that we had colleagues from the Department of Justice
18 who appeared yesterday. I don't know if that question was
19 asked of them. So I don't -- I do not want to -- I do not
20 have a specific answer other than to say that what I can tell
21 you from experience, it matters regarding criminal
22 proceedings, extradition and information sharing about many
23 different subjects. The -- I've seen in a very, very
24 substantive evolution in the last number of years where
25 commensurate with our understanding of how the PRC was using
26 disinformation and was using these open transparent processes
27 to potentially use them for purposes that was not transparent
28 at the beginning for Canada. And, therefore, I have seen --

1 again, I cannot speak to this specific MLAT, but I have seen
2 a number of these procedures to be suspended, if not
3 completely stopped, because of the way the understanding that
4 is now available that was not necessarily available at the
5 initial stage.

6 **MS. SARAH TEICH:** The report notes here that
7 the Treaty has a termination provision on six month's notice.
8 Would you agree that this Treaty should be terminating using
9 the six month's notice provision?

10 **MR. DAVID VIGNEAULT:** Madam Commissioner, [no
11 interpretation].

12 I can just add maybe something to what -- the
13 line of questioning you asked my colleagues, I think what has
14 been very clearly illustrated this morning with -- Dr. Giles
15 pointed out the stakeholder engagement and the approach and
16 the intent. In linking this to your specific question,
17 Counsel, about, you know, was it translated in other
18 languages, that is exactly the kind of engagement and
19 feedback we're looking for. And if there are a gap because,
20 you know, we may not be, you know -- we'd like to think we
21 know a lot, or my colleagues, we're still -- they know a lot,
22 but this is exactly the kind of information that, you know,
23 we're trying to achieve, which is, you know, if there are
24 people who need our support and we have something to offer,
25 we absolutely want to be there. So I'm sure my colleagues
26 have taken very good note of the questions you've raised ---

27 **MS. SARAH TEICH:** Thank you. All right.
28 Thanks, that's all.

1 **COMMISSIONER HOGUE:** Thank you.

2 Mr. Singh for the Sikh Coalition.

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

4 **MR. PRABJOT SINGH:** And thank you to our
5 panelists as well. My name is Prabjot Singh for the Sikh
6 Coalition. I'm going to try to move as efficiently as
7 possible, bringing up a number of documents to your
8 attention. That'll obviously prompt some follow-up
9 questions.

10 Just in the interest of time, Mr. Vigneault,
11 I'm going to direct my questions to yourself, particularly,
12 because you were the director in most of the times in
13 question. And before I start, I do just want to flag, I
14 understand that we're trying to walk a very fine line here,
15 engaging in a public process to ensure transparency, while
16 protecting certain issues and information that's sensitive to
17 national security. So I imagine that there's going to be
18 some questions that you're not able to answer in a public
19 setting. If you can indicate that, for the record, so
20 Commission counsel can note down the question, and if any
21 follow up is required in-camera or otherwise, that can be
22 done by Commission counsel and Madam Commissioner.

23 So, Mr. Vigneault, this week, the Commission
24 heard from experts who really talked about the challenges and
25 difficulty of attributing disinformation to specific states,
26 especially when it's based on open-source reporting and data.
27 Can you confirm that it's your understanding that on several
28 occasions Indian government actors and intelligence -- and/or

1 intelligence agencies have actually participated in
2 disinformation in some form against the Government of Canada
3 and diaspora communities?

4 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
5 have working with the Commission produced unclassified
6 documents that's describing the activities of India. This
7 was, you know -- so as -- we stretch everything we could to
8 make as much information public as possible. So if it's not
9 listed in those documents, I will not be able to elaborate
10 further on that.

11 **MR. PRABJOT SINGH:** So I think you're
12 referring to CAN.SUM.30, which is the summary that you're
13 talking about for this stage. So you would rest your answer
14 based off of that in terms of disinformation, whatever's in
15 that document?

16 **MR. DAVID VIGNEAULT:** I'm making it based on
17 that specific documents, but also, more generally speaking,
18 the information that has been disclosed that comes from
19 classified information in our holdings, that forms a basis of
20 our understanding. If that has not yet been disclosed, I
21 cannot go to more details of what is would be our specific
22 understanding of the intelligence.

23 **MR. PRABJOT SINGH:** Sure, understood. Ms.
24 Court Operator, if we can bring up CAN32961? So this is an
25 analytical brief that was referred to by Commission counsel
26 as well. If you scroll down, please? Yeah, that's good.
27 Right there. So this document describes India's desire to
28 acquire cyber capabilities from countries like Israel to

1 engage in cognitive warfare. And I'm paraphrasing, but what
2 I believe you defined this term as is an aggressive tactic
3 that penetrates people's homes and brains in order to change
4 how people are thinking and potentially shape a collective
5 population's outlook.

6 Is that roughly accurate to how you would
7 define that term?

8 **MR. DAVID VIGNEAULT:** I think, Madam
9 Commissioner, it's fair to say that I spoke this morning
10 about the efforts by India to acquire Pegasus. I also spoke
11 separately about cognitive warfare, but I have not linked --
12 made the linkage that counsel is making. I don't know if
13 it's in this document subsequently, but this is -- this
14 morning, this is not how I phrased it.

15 So I'm just -- just because I have not had a
16 chance to re-read all of the documents, counsel.

17 **MR. PRABJOT SINGH:** No -- I was simply just
18 trying to land on a definition of cognitive warfare, but I do
19 believe it is later on this document.

20 What I want to draw your attention to is that
21 line after that redacted block at the top ---

22 **MR. DAVID VIGNEAULT:** Okay.

23 **MR. PRABJOT SINGH:** --- that says that:

24 "The Government of India will likely
25 seek to promote a pro-India and anti-
26 Khalistani narrative in Canada using
27 cognitive warfare techniques." (As
28 read)

1 So this would undeniably pose a significant
2 national security threat to Canada; correct?

3 **MR. DAVID VIGNEAULT:** That's accurate.

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

5 And can we bring up CAN23184 and go to page
6 5?

7 **--- EXHIBIT No. CAN023184:**

8 2023 Threat Summary Report

9 **MR. PRABJOT SINGH:** So this is a 2023 threat
10 summary report from CSIS.

11 And if you scroll down. That's good right
12 there.

13 In that bottom right corner, the document
14 refers to an Indian travel advisory in 2022 specifically,
15 noting that this was a clear example of disinformation meant
16 to damage Canada's reputation.

17 I want to hone in on the allegations in the
18 substance of the advisory, that hate crime, sectarian
19 violence, and anti-India activity is increasing in Canada,
20 according to the advisory.

21 I'm going to suggest to you that one of
22 India's disinformation tactics is to manufacture a narrative
23 of sectarian conflict with the objective of polarizing
24 communities in Canada and to deflect a criticism of the
25 Government of India as sectarian. And this is a strategy
26 that's been seen in Five Eyes partner countries like
27 Australia as well. Are you able to confirm that on the
28 record today?

1 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
2 think like so many of these things, we have to be very
3 careful about the nuances here. I think that I am -- I think
4 the statement that is on this document, I concur with that.
5 we also have to -- our -- the -- what we know -- what we can
6 assess of the rationale for why the Government of India
7 published that I think is laid out there. But it's -- we
8 have to be careful not to then, you know, draw that -- those
9 analytical conclusions, you know, to a degree where we would
10 not have the information.

11 So for example, when you describe that, you
12 know, that some facts that will be
13 misinformation/disinformation, and I will speak more
14 generally here, not specifically. Often it has an impact
15 because, you know, there's some element of truth. So people
16 can relate to some of these elements because they've seen it
17 in the media or they have experienced some of these issues.
18 And so part of the misinformation and disinformation comes --
19 their efficacy comes from the fact that, you know, you're
20 using some of the -- some elements that might be actually
21 factually correct.

22 So that's why I -- you made an assertion, you
23 know, counsel, that I am just not necessarily comfortable to
24 follow you through the extent, but what I said is that I'm
25 comfortable with this document, you know, the way it
26 described the specific intent of this advisory, and it is
27 something that, you know, is of concern.

28 **MR. PRABJOT SINGH:** So I'm going to move on

1 to political interference by India.

2 You can take that document now.

3 When we look at India's foreign interference
4 as a whole, India is not simply trying to interfere in
5 elections. They're actually engaged in a much deeper more
6 calculated purpose, which is to interfere and manipulate
7 Canada's democratic processes to influence and control policy
8 from media manipulation to influencing the makeup of
9 Parliament and the issues raised in Parliament. Is that fair
10 to say?

11 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
12 have published our summaries of -- I don't know if counsel
13 can bring me to specific points of our summary where we have
14 described the activities of India?

15 That might be helpful because there is a very
16 long list of elements that you have included in your
17 statement, counsel, and I just want to do justice to the
18 Commission by not necessarily giving, you know, a yay or nay
19 answer like this.

20 **MR. PRABJOT SINGH:** No, and I understand
21 that. And I'm content to kind of rest on that summary. I'm
22 trying to see if there's any other information that you may
23 have, and if you're not able to share it, you can indicate
24 that in this forum.

25 Is it fair to say that Indian officials
26 combine diplomatic influence efforts alongside clandestine
27 foreign interference to undermine what they see as anti-India
28 positions in Canada?

1 **MR. DAVID VIGNEAULT:** Do you have the
2 specifics of what's in the summary?

3 **MR. BO BASLER:** Yeah, I don't -- in the
4 summary we produced for the Commission with respect to
5 activities undertaken by the Government of India, I do not
6 believe that is language that appears in the summary. So I -
7 - we went to considerable length to try and move into the
8 public realm what can be moved into the public realm from the
9 classified material. So I don't -- just not having the
10 summary in front of me, but I don't believe that specific
11 language that you used is reflective in the summary that ---

12 **COMMISSIONER HOGUE:** I think it will be
13 useful to have the summary on the screen ---

14 **DR. NICOLE GILES:** I believe it's ---

15 **COMMISSIONER HOGUE:** --- instead of
16 speculating as to what is said or not said in the summary.
17 So can you ---

18 **MR. PRABJOT SINGH:** Yeah, I appreciate that,
19 Madam Commissioner. Like I said, I'm content to rest on the
20 summary. That information is on the record before yourself
21 as evidence, so I don't want to just reiterate that
22 information. I'm trying to elicit what additional
23 information or context we might get, ---

24 **COMMISSIONER HOGUE:** But he only ---

25 **MR. PRABJOT SINGH:** --- or at the very least,
26 flag instances where the witnesses might have additional
27 information that can be shared in a private setting.

28 **COMMISSIONER HOGUE:** But clearly their

1 position is they won't share any additional information.

2 **MR. PRABJOT SINGH:** Sure.

3 **COMMISSIONER HOGUE:** So instead of ---

4 **MR. PRABJOT SINGH:** I'll move on. If we can
5 bring up CAN3249 and go to page 6, please? And if we scroll
6 down? Yeah, right there. That's fine.

7 **--- EXHIBIT No. CAN003249:**

8 Canada's Strategy for Countering
9 Hostile Activities by State Actors

10 **MR. PRABJOT SINGH:** So the document states
11 that:

12 "Indian officials have developed a
13 network of contacts who engage in a
14 variety of activities, including the
15 collection of Canadian political
16 information, dissident monitoring in
17 Canada, interference with Canadian
18 interests, and a number of other
19 activities." (As read)

20 In terms of monitoring dissidents, India does
21 more than just monitor dissidents. Is it your understanding
22 that Indian actors also engage in coercive activities as
23 well?

24 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
25 think we're at the same kind of line of questioning. We have
26 tried to be very transparent with the information that can be
27 released. I think counsel is addressing a number of the
28 specific techniques and approaches that, you know, a country

1 may use. I think we've talked about the fact there were
2 elements of covertness of Indian activities. We've spoken to
3 that.

4 It's just that when you bring it in very
5 specific context that, you know, we're not at the position to
6 speak to those issues, counsel.

7 **DR. NICOLE GILES:** I think it might be
8 helpful just to clarify that the process we went through in
9 developing the summaries was exhaustive and it's also, by
10 leaps and bounds, the most information we've ever put in the
11 public. And so that's why we're indicating that we're up
12 against the line on what's been provided, is that it goes far
13 beyond what we've released before. And the reason the
14 specific language in the summaries matters is that it has
15 been carefully chosen to ensure that that language cannot be
16 used by adversaries to identify our sources, methods,
17 operations, and intelligence gaps.

18 So just hopefully provides a little bit of
19 context on why we're not able to say more at this point.

20 **MR. PRABJOT SINGH:** Yeah, and I understand
21 and appreciate that. And like I've said a couple of times,
22 that summary is very helpful. The purpose of the cross-
23 examination here is to try to elicit additional information
24 to try to delve into a little bit more detail, otherwise it
25 would be a completely redundant exercise.

26 So like I said, again, if there's information
27 that can't be shared, that you can't state verbally, if you
28 can flag that, and the Commission can follow up on that.

1 So I just want to go to the fact that last
2 September most Canadians publicly learned, and this is
3 unclassified public information, that India is willing to go
4 to the extent of murdering Sikh activists in Canada. Is that
5 something that you can say, Mr. Vigneault?

6 **MR. DAVID VIGNEAULT:** Yes. You refer to the
7 Prime Minister's statements in the House of Commons about the
8 assassination of Mr. Nijjar.

9 **MR. PRABJOT SINGH:** Thank you. And I'm going
10 to suggest to you that CSIS knew about an active threat to
11 the lives of at least five Sikh community leaders, including
12 Bhai Hardeep Singh, as early as July 2022, when members of an
13 integrated national security enforcement team visited their
14 homes to deliver a warning. Is that something that you're
15 able to confirm in public or is that something that is not
16 able to be shared in public?

17 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
18 not sure about the source of that information. I am aware
19 and we have said that -- it has been said publicly that it
20 has been said publicly there has been a number of exercises
21 by the police on duty to warn about you know, a potential
22 threat to individuals. That information may have been, you
23 know, been available to police through their own means or
24 through CSIS. But the specifics of these five individuals, I
25 do not have any specific information to share.

26 **MR. PRABJOT SINGH:** A number of Sikh
27 activists in Canada continue to face threats emanating from
28 India to this day. Is that correct?

1 **MR. DAVID VIGNEAULT:** The activities that
2 we've described in our -- the documents that have been made
3 public speak to a focus of the Government of India and some
4 of their proxies against dissidents in Canada, yes.

5 **MR. PRABJOT SINGH:** So I'm going to suggest
6 that despite numerous warnings prior to June 2023 about the
7 threat to lives, the lives of several activists, CSIS did not
8 engage in threat reduction measures, specifically countering
9 India's operational capacity in this regard, or otherwise
10 ensure the physical safety and security of those targeted
11 individuals. Those individuals who received duties to warn
12 are essentially at their own devices to protect themselves or
13 avoid harm. Is that correct?

14 **MR. DAVID VIGNEAULT:** I would not accept the
15 premise of that question, no.

16 **MR. PRABJOT SINGH:** So looking forward, given
17 the failure of Canada's security and intelligence community
18 to detect and deter this shocking act of foreign interference
19 and transnational repression, which resulted in the murder of
20 a citizen despite prior knowledge, are you able to share any
21 insight where Canada may have failed in this case? Was it a
22 lack of skills and competency? Was it a lack of resources?
23 A gap in legislation? Or a lack of political will in this
24 case?

25 We're looking for some insight and perhaps
26 where this is general terms forward looking, about what went
27 wrong in this case that allowed a foreign state to murder a
28 Canadian citizen?

1 **MR. BARNEY BRUCKER:** Commissioner. Counsel
2 has made very loaded statements in this, his last question,
3 the last round. I think there has been -- there is an
4 ongoing criminal proceedings in the matter. The Prime
5 Minister spoke about the intelligence he has received from
6 CSIS about this, and some of the actions that have taken
7 place. And I will say that, you know, this is the process
8 that will take place, and we'll look forward to the results
9 of the criminal proceedings.

10 **MR. PRABJOT SINGH:** So Madam Commissioner, my
11 final question, and I'll try to elevate it into more general
12 terms, in a case where a foreign state is able to murder a
13 Canadian citizen, I'm wondering what insight or lessons that
14 yourself or any other witnesses on the panel might be able to
15 glean from that -- this kind of experience, and provide some
16 kind of advice or recommendations about how something like
17 this can be avoided in the future.

18 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
19 have -- there is bodies to glean a great understanding of
20 certain incidents, includes lessons learned exercises.
21 There's a lot of work being done in that regard, not just by
22 the Canadian government and national security agencies, but
23 also our international counterparts. The threat continues to
24 evolve and develop. We're learning more and more about
25 techniques that are being used and certain limitations in
26 terms of the technologies, and the lengths that certain
27 countries will go to to advance their interest.

28 But what I can share with the Commission is

1 this: Yes, a lot of efforts have been made, and continue to
2 be made, to better inform Canadians going forward.

3 **COMMISSIONER HOGUE:** Thank you.

4 **MR. PRABJOT SINGH:** Thank you, Commissioner,
5 those are my questions.

6 **COMMISSIONER HOGUE:** Counsel for the Concern
7 Group?

8 **--- CROSS-EXAMINATION BY/ MR. NEIL CHANTLER:**

9 **MR. NEIL CHANTLER:** Good afternoon, panel.
10 Neil Chantler, counsel for the Chinese Canadian Concern
11 Group.

12 I'm going to focus on some issues that are of
13 particular concern to my client group, and perhaps other
14 members of the Chinese diaspora in Canada. And I'm going to
15 start with the NSICOP report, if Madam Court Reporter can
16 please pull up COM.363. I recognize this report has taken a
17 bit of a beating today, and I'm hoping to resuscitate it in a
18 small way in respect of issues that pertain to my clients.

19 I'll start by putting some findings of this
20 report to you, in regards to the PRC's tactics to exploit
21 members of our Chinese diaspora in Canada, in an effort to
22 determine whether the service agrees with these findings or
23 wishes to disagree or provide some nuance or corrections to
24 the findings in this report. And I'm also aiming simply to
25 highlight some of the tactics of the PRC and its foreign
26 interference in this country.

27 Could we please turn to page 28, that's PDF
28 page 28, paragraph 38. So this paragraph describes the work

1 of the United Front Work Department in Canada. And I'll just
2 read a portion of it:

3 "The U[nited] F[ront] W[ork]
4 D[epartment] operates through a large
5 network that includes front
6 organizations which do not declare
7 their affiliation to the Chinese
8 Communist Party...and have an
9 additional overt and legal function.
10 These front organizations tasked
11 state-owned enterprises, Chinese-
12 registered private companies, Chinese
13 student organizations, foreign
14 cultural organizations, foreign
15 media, members of Chinese
16 ethnocultural communities, and
17 prominent businesspersons and
18 political figures to engage in
19 democratic institutions and processes
20 in a way that supports the goals of
21 the CCP."

22 Now the premise to my question is, of course,
23 that this committee's report is based on intelligence that's
24 been provided by CSIS. And I simply ask, does the panel
25 agree with these findings of the committee's report, or does
26 it wish to provide any nuance or corrections to that
27 paragraph?

28 **MR. DAVID VIGNEAULT:** I'll say a few

1 comments. I'm sure colleagues will have views.

2 I do support this statement. We have
3 testified in front of this committee to the fact that UFWD
4 under Xi Jinping has taken a much, much larger role. The
5 UFWD is not a state entity, it is a Communist Party entity
6 and reports directly to the Politburo. And we have seen its
7 budget grow to the point that it is now larger than, you
8 know, the foreign ministry of the PRC. And so, these
9 activities described there, I fully support the -- what is
10 written there and concur with the concerns that we have with
11 these activities.

12 **MR. NEIL CHANTLER:** Thank you, Director.
13 Could we please turn to PDF page 28, paragraph 39, the next
14 paragraph. This paragraph describes the PRC's use of
15 community associations:

16 "According to CSIS, the PRC views
17 community associations in particular
18 as an important means through which
19 PRC-linked officials can approach the
20 Canadian government and elected
21 officials. CSIS assesses that the
22 UFWD has established community
23 organizations to facilitate influence
24 operations against specific members
25 of Parliament and infiltrated
26 existing community associations to
27 reorient them towards supporting CCP
28 policies and narratives."

1 Does the panel agree with these finding of
2 the committee's report or wish to provide any nuance or
3 corrections?

4 **MS. CHERIE HENDERSON:** Yes, I can speak to
5 this one. The panel, myself, I do agree with this finding.
6 We have been investigating this particular threat actor
7 within Canada for decades now. We have watched them evolve,
8 and improve, and engage deeper into our diaspora communities.
9 And we -- and that is one of the reasons why this is such an
10 important inquiry, so that we do not lose the forest for the
11 trees. That we appreciate the foreign interference threat
12 that our country is facing from China and from other
13 countries, and continue to have that greater conversation,
14 transparency, build resilience within our country.

15 **MR. NEIL CHANTLER:** Thank you.

16 Paragraph 40, this paragraph describes the
17 involvement of Chinese diplomatic staff in influencing
18 community organizations. Into the paragraph it starts with:

19 "These organizations often have close
20 relationships with the PRC Embassy
21 and consulates and may rely on
22 financial support for their
23 activities, may benefit from
24 reciprocal favours, including
25 financial and economic incentives or
26 other honours and awards to cooperate
27 with PRC authorities, or may simply
28 support the PRC because of a sense of

1 national pride."

2 Again, to the panel, you generally agree with
3 these findings?

4 **MS. CHERIE HENDERSON:** Yes.

5 **MR. NEIL CHANTLER:** Thank you.

6 PDF page 35, paragraph 63. This paragraph
7 describes the use of proxies. It says:

8 "As noted in Chapter 1, foreign
9 states use Canadians as proxies who
10 act at their behest, creating a
11 separation between the threat
12 activity and the foreign actor."

13 And it goes on.

14 Over the page, there's a case study, and it
15 describes a proxy's activities posing a threat to national
16 security.

17 Again, are these findings of the Committee
18 consistent with the panel's understanding of the intelligence
19 that formed the premise for these findings?

20 **MR. BO BASLER:** Yes, this is consistent with
21 our understanding and consistent with information we have
22 published.

23 **MR. NEIL CHANTLER:** Thank you, Mr. Basler.

24 PDF page 21, this talks about -- this is in
25 the category of transnational repression, and it talks about
26 overseas police stations. At the bottom of the page, it
27 reads:

28 "As of March 2023, there were at

1 least seven stations in Canada:
2 three in Toronto, two in Vancouver
3 and two in Montreal. The stations
4 were housed in various locations,
5 including a residence and a
6 convenience store, and reportedly
7 provided PRC-related administrative
8 services, such as renewing PRC
9 driver's licences. ...
10 The PRC established these stations
11 without Canada's permission and in
12 contravention of *the Foreign Missions*
13 *and International Organizations Act.*"

14 Does the panel agree with those findings or
15 wish to provide any corrections or additional information?

16 **MR. DAVID VIGNEAULT:** This is based on
17 information that is coming from other organizations, but this
18 is -- I can speak to the fact that I concur with those
19 statements.

20 **MR. NEIL CHANTLER:** Thank you.

21 Now, I'm going to move to a more general
22 question. And given the findings of the Committee, which you
23 seem to agree with, may I ask, have there been any
24 consequences to this type of activity that you can speak to
25 in this format?

26 And if not, why not?

27 Canadians are understandably concerned about
28 this type of activity. My clients are certainly very

1 concerned about this kind of activity occurring on Canadian
2 soil. And how can you assure us that there have been
3 consequences to this kind of activity in Canada or perhaps
4 with amendments to the *CSIS Act* and other amendments under
5 Bill C-70, there will, in the future, be consequences to this
6 kind of activity?

7 **MR. DAVID VIGNEAULT:** So maybe, Madam
8 Commissioner, I can say that there have been some
9 consequences. I think it has been reported publicly the work
10 that our RCMP colleagues have done vis a vis the police --
11 so-called police stations.

12 There has also been a decision by the
13 Minister of Foreign Affairs to declare persona non grata a
14 Chinese diplomat was engaged to be engaged in these types of
15 activities. There's been a number of public policy
16 pronouncements by the government about avenues that they
17 would not engage with the Chinese government because of these
18 types of concerns, and there's also been a number of other
19 activities taking place that we cannot disclose in this
20 setting.

21 Maybe my colleagues want to add.

22 **DR. NICOLE GILES:** I think I would also add
23 that very significant consequences, even the process that's
24 happening right now in terms of the light that has been shed
25 on the activities of PRC that potentially otherwise would not
26 have been made as aware.

27 So one of the big consequences is that
28 because that awareness has been raised, we're better able to

1 inform Chinese Canadians who are feeling threatened, who
2 don't feel safe in their communities of how to identify that
3 foreign interference, especially the activities through
4 proxies, and to be able to better inform them on how they can
5 protect themselves in the communities. And we hope to be
6 able to do even more of that with the new *CSIS Act*
7 amendments.

8 **MR. NEIL CHANTLER:** Thank you, Dr. Giles.

9 And so you spoke to this a bit earlier about
10 how CSIS was doing its best to engage with the communities
11 affected.

12 Would you agree that, historically, you've
13 been very limited in the amount of information that you could
14 share with members of the diaspora?

15 **DR. NICOLE GILES:** I would agree with that.
16 I think we've been enthusiastic with what we are able to
17 share, but certainly the aperture has opened up with the
18 passage of the *CSIS Act* amendments as part of C-70.

19 **MR. NEIL CHANTLER:** And do those amendments
20 go far enough, in your view, to permit you to share enough
21 information with people, allow them -- that will allow them
22 to protect themselves from this kind of foreign interference?

23 **DR. NICOLE GILES:** I think the new disclosure
24 authorities that we've received for the purposes of building
25 resilience are exactly what we need in order to execute this
26 part of our mandate. I think, though, it is responsible to
27 mention, however, that there will always be some limitations
28 in terms of the information that we can provide. Even

1 classified information, we'll continue to need to protect our
2 sources, our operations, our methodologies.

3 **MR. NEIL CHANTLER:** Except ---

4 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
5 I ---

6 **MR. NEIL CHANTLER:** Go ahead.

7 **MR. DAVID VIGNEAULT:** Just very briefly add
8 to this, I, of course, concur with what my colleague has said
9 about CSIS actions, but we spoke about the fact that there is
10 a need for more than just CSIS to engage in these activities
11 and there are, indeed, a number of other actors who are
12 engaging in helping communities combat foreign interference.

13 Department of Public Safety has a core
14 interference coordinator. The Minister of Public Safety has
15 been engaged also to democratic process.

16 So I just want to leave the Commission with
17 the notion that, you know, it is -- CSIS is a very prominent
18 actor here, but it is also part of a community and that also
19 need to engage here. It's not just an intelligence question.

20 **MR. NEIL CHANTLER:** Dr. Giles, in a follow-up
21 to some of -- something you just said, and briefly, as I'm
22 running out of time, but while the rules may be changing and
23 you may have more freedom to share information with the
24 public, are you worried at all that there's still going to be
25 a culture of secrecy around this kind of information? Is --
26 are the agents on the ground -- is the Service going to
27 change its culture around classified information?

28 **DR. NICOLE GILES:** Cultural change always

1 takes time, and certainly Ms. Lloyd, as our former Chief
2 Transformation Officer, would be able to speak to that.

3 I think that what we are seeing has been a
4 very significant shift in the last couple of years on this.
5 I'm very confident that we'll continue to see that shift, as
6 there's a very broad and profound understanding in our
7 organization that we need to be able to share information in
8 order to better protect Canadians, and also that the trust
9 that results from that is really critical for how they
10 undertake their daily business.

11 **MR. NEIL CHANTLER:** Thank you.

12 Specifically in relation to the Chinese
13 police stations, is the panel able to assure the public that
14 the overseas Chinese police stations are no longer operating
15 in this country, or is that still something that is publicly
16 known to exist?

17 Perhaps you can't comment, but.

18 **MS. VANESSA LLOYD:** I think what we could say
19 is that our colleagues at the RCMP has made public statements
20 with regards to their investigations and which stations have
21 been closed over the course of those activities to respond.

22 **MR. NEIL CHANTLER:** Thank you.

23 Could the operator please pull up

24 CAN1080_R01?

25 Page 7, paragraph 14.

26 **--- EXHIBIT No. CAN001080 R01:**

27 PRC Foreign Interference in Canada: A

28 Critical National Security Threat -

1 CSIS IA 2021-22/31A

2 **MR. NEIL CHANTLER:** Before we scroll down,
3 does the panel recognize this document? This was very
4 recently released. It's an intelligence assessment, "PRC
5 Foreign Interference in Canada: Critical National Security
6 Threat".

7 It's a very detailed document outlining
8 various aspects of PRC interference in this country.

9 And one particular feature caught my eye, and
10 I thought I would ask you about it. It's on page 7,
11 paragraph 14. This is the Chinese Fox Hunt and Sky Net
12 campaigns.

13 They're publicly known. They have -- there's
14 much information publicly available about these campaigns
15 generally, but I found it rather alarming to learn that these
16 campaigns are ongoing in Canada. And this is essentially a
17 global operation launched by China to repatriate Chinese
18 individuals accused by China of corruption or crimes, often
19 using coercive tactics like intimidation and pressure on
20 their family members.

21 Can anybody on the panel speak to that
22 campaign, an awareness of it generally?

23 **MS. CHERIE HENDERSON:** Yes, the Service is
24 very aware of the Fox Hunt/Sky Net campaign. It's very aware
25 publicly. It's a very aggressive effort by the PRC, as you
26 noted yourself, to go and find individuals that have been,
27 they determined, engaged in corruption activities within
28 China.

1 It was part of the Chinese Communist Party's
2 effort to bring anti-corruption into their government and to
3 pursue those around the world.

4 So they have been engaged in going into
5 various countries, not only Canada, but several countries
6 around the world.

7 **MR. NEIL CHANTLER:** Thank you.

8 And so my final question is, are you aware of
9 any Canadians succumbing to this program and being coerced or
10 forced to return to China?

11 **MS. CHERIE HENDERSON:** I am aware of one case
12 or two, but I honestly would have to go back to the Service
13 and determine what we can talk about on those cases. There's
14 been a lot of engagement across our own government on that,
15 and a lot of discussions with our police partners on how to
16 manage these particular situations.

17 **MR. NEIL CHANTLER:** Thank you very much.
18 Those are my questions.

19 **COMMISSIONER HOGUE:** Thank you.

20 Me Sirois for the RCDA?

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

22 **MR. GUILLAUME SIROIS:** Guillaume Sirois for
23 the RCDA. Can I ask the Court Operator to pull up
24 CAN033122_1, please?

25 **--- EXHIBIT No. CAN033122 0001:**

26 Moscow's War in Ukraine: Implications
27 for Russian FI Activities in Canada -
28 IA 2023-24/24

1 **MR. GUILLAUME SIROIS:** While it's being
2 brought up, this is an intelligence assessment for 2023, 2024
3 from the Service titled, Must Cause War in Ukraine,
4 Implications for Russian Foreign Interference Activities in
5 Canada.

6 [No interpretation].

7 **MR. DAVID VIGNEAULT:** Yes, I recognize that
8 this is a document ---

9 **MR. GUILLAUME SIROIS:** [No interpretation].

10 **MR. DAVID VIGNEAULT:** --- published by the
11 Service, yes.

12 **MR. GUILLAUME SIROIS:** Super. On page 2,
13 "Key Assessments"; there are five. If we look at the third:

14 "Disinformation and FI foreign
15 interference activities in Canada
16 will continue in an effort to
17 discredit the Government of Canada's
18 policy on Ukraine, smear Ukrainian
19 diaspora and their organizations in
20 Canada, and spread Russian
21 disinformation regarding the conflict
22 in Ukraine."

23 [No interpretation], now point 4, the last
24 sentence:

25 "As a result, the Russian Government
26 will continue its attempts to
27 influence and control the Russian
28 diaspora in Canada."

1 [No interpretation] so this continues today.
2 These are key assessments that are still valid today?

3 **MS. VANESSA LLOYD:** Yes.

4 **MR. GUILLAUME SIROIS:** I would like to see
5 the document that I just listed on screen.

6 Do you have anything that you'd like to add
7 about these assessments while we're waiting for the Court
8 Operator to produce the document?

9 **MS. VANESSA LLOYD:** I would say I think it's
10 consistent with my comments, this morning's testimony about
11 the nature of the threats of foreign interference from
12 Russia. We talked this morning about how one of the
13 objectives of the Russian Government in this space is to be
14 able to influence the policy and positions as it relates to
15 conflicts, for example, like Ukraine.

16 **MR. GUILLAUME SIROIS:** Okay. That's good.
17 Can we please pull up WIT134, please? I understand it
18 challenging to add comments to such assessments that -- and I
19 would like to see paragraph 16, please. This is your in-
20 camera examination summary at paragraph 16. We see
21 Ms. Tessier described Russia's covert operations in their
22 information space as a psychological war. I'm wondering if
23 the covert operations described in the CSIS assessments which
24 is discussed is included in this psychological war that's
25 described here.

26 **MS. MICHELLE TESSIER:** I think that when
27 we're looking at information, particularly disinformation,
28 not information, we know that it's important for Russia to

1 try to undermine the credibility of a Western government. I
2 think this is what I was referring to. So this is an attempt
3 to create divisions, uncertainty among populations toward the
4 authorities, toward their government style.

5 **MR. GUILLAUME SIROIS:** Okay. So it's not
6 necessarily connected to the war in Ukraine; it's more about
7 divisions?

8 **MS. MICHELLE TESSIER:** In this case, I don't
9 think that I was specifically referring to Ukraine but I
10 think that the purpose of the Russian government is to create
11 this lack of confidence toward Western governments about
12 Ukraine or anybody else. It is their way of trying to act;
13 their *modus operandi*, they're trying to create this lack of
14 confidence.

15 **MR. GUILLAUME SIROIS:** And we're talking,
16 also, about Canada?

17 **MS. MICHELLE TESSIER:** Yes, it might happen
18 in Canada too.

19 **MR. GUILLAUME SIROIS:** Did it happen in
20 Canada? Does Russia try to undermine Western governments in
21 Canada too?

22 **MS. MICHELLE TESSIER:** Yes, it may happen in
23 Canada too.

24 **MR. GUILLAUME SIROIS:** My question is not
25 whether it may happen; whether it did happen?

26 **MS. MICHELLE TESSIER:** I don't know whether
27 there are more recent examples.

28 **MR. GUILLAUME SIROIS:** If you don't have any

1 examples in mind ---

2 **MR. DAVID VIGNEAULT:** Mr. Sirois, I would
3 agree that, yes, Russian activities took place in Canada, are
4 still taking place in Canada. I think what is important is
5 that it's not just specifically targeting Canada. If it has
6 an impact in Canada, one of the objectives of Vladimir
7 Putin's regime is to change the international order.

8 So the international order after the Second
9 World War was that there were institutions which created
10 NATO, which created the international financial system. We
11 see that one of the specific objectives of Putin is to
12 undermine such institutions. That's why they created the
13 BRICS with other countries to try to find other ways of
14 governing so that the United States specifically, don't have
15 as much importance as well as other Western governments. So
16 sometimes it can be directly targeted against Canada but,
17 generally speaking, it's generally targeting the established
18 order, and it has an impact in Canada.

19

20 **MS. MICHELLE TESSIER:** [No interpretation].

21 **MR. GUILLAUME SIROIS:** [No interpretation].

22 **MS. MICHELLE TESSIER:** Other intervention, I
23 would like to confirm at least one example -- I won't go into
24 details -- targeting one representative of the government.

25 **MR. GUILLAUME SIROIS:** But of course you
26 can't go into details.

27 **MS. MICHELLE TESSIER:** Well, I don't know y a

28 **MR. GUILLAUME SIROIS:** I would like to come

1 back to the war in Russia and the disinformation and
2 influence strategies of Russia regarding Ukraine.

3 I would like to see RCD52, please.

4 **--- EXHIBIT No. RCD0000052:**

5 Canadian Vulnerability to Russian
6 Narratives About Ukraine

7 **MR. GUILLAUME SIROIS:** And while the document
8 is coming, it's an analysis of Marcus Kolga and Christopher
9 Ross, members of *Disinfo Watch*, [no interpretation].

10 Let's scroll down to see the title, please.
11 Two of three, page 2 of 3. So it's from July 8th, 2024.

12 "Canadian Vulnerability to Russian Narratives
13 about Ukraine," July 8, 2024. Let's scroll down, please.

14 I will show you the main findings of this
15 analysis. So you see the first series of bullet points,
16 please.

17 "Most Canadians have been exposed to
18 Russian foreign interference and
19 manipulation narratives with 71 per
20 cent of Canadian having heard at
21 least one of the narratives with an
22 average exposure of 2.1 narratives."

23 [No interpretation]:

24 "A substantial portion of Canadians
25 exposed to narratives believe them to
26 be true or unsure of their
27 falsehood."

28 Point 3:

1 "We found a marked difference in
2 susceptibility to Russian
3 disinformation along political lines.
4 So Conservative supporters who report
5 the highest exposure levels to
6 criminal narratives are also more
7 likely to believe in them compared to
8 their Liberal and NDP counterparts."

9 I am wondering if you have reasons to doubt
10 the findings of the report. Is it something that has been
11 measured by CSIS or do you have any comments about these
12 three findings?

13 **MS. VANESSA LLOYD:** Madam Commissioner, I
14 think it would be difficult to speculate, not understanding
15 the nature of the data that was collected in this particular
16 case, to be able to assert whether our intelligence would
17 entirely line up with what is here.

18 I think that the important piece that we
19 would take away here is that this is certainly a tool, as we
20 spoke about this morning, that Russia has used, in particular
21 as it relates to foreign interference in electoral processes.
22 And as I mentioned in my testimony this morning that there
23 has been analysis done on this with regards to a number of
24 electoral processes around the world so far this year.

25 **MR. GUILLAUME SIROIS:** Okay. We can pull the
26 document down. Thank you for the clarifications. We've seen
27 that the amount of Canadians that say that Canada is
28 supporting Ukraine too much has increased significantly since

1 the start of the war. Considering the exposure of Canadians
2 to Russian narratives and Russia's intent to undermine
3 support for the Ukraine war, would you say that Russia's
4 strategies to influence Canadians are having some effect that
5 Russia maybe intended?

6 **MR. DAVID VIGNEAULT:** [No interpretation]. I
7 think that what we see here, without conducting such an in-
8 depth analysis as *Disinfo Watch*, I think it is credible to
9 believe that there is an impact of such strategies from
10 Russia. This morning I spoke about psychological warfare; my
11 colleague also mentioned it. The Russian establishment is
12 very strong in such approaches, and such techniques were used
13 in the past and they are still being used, and they were
14 developed by the intelligence and security services of
15 Russia. So I think that, yes, we can say that. We can say
16 that there is an impact in Canada.

17 **MR. GUILLAUME SIROIS:** Thank you. I
18 appreciate your clarification.

19 I would like to discuss another subject. You
20 probably heard about the events of Tenet Media. Can you
21 comment more to know when you became aware of that, how you
22 became aware, any comment that has any relation to the
23 allegations about Tenet Media.

24 **MS. VANESSA LLOYD:** Madam Commissioner, what
25 counsel is referring to is something that I mentioned this
26 morning, a recent indictment that was released in the United
27 States. So what I can say in response to the counsel's point
28 is that we are aware of the indictment and the ongoing

1 investigations in this regard and I'll stop there.

2 **COMMISSIONER HOGUE:** That's about it.

3 **DR. NICOLE GILES:** I think it's also the
4 opportunity to place that within the broader landscape of
5 Russia's global mis- and disinformation efforts, and what
6 we're seeing is the borderless nature of how those efforts
7 are undertaken, is that when we see those efforts undertaken
8 in other NATO countries, we see that naturally amplified in
9 Canada as well. So that's something that we're also aware
10 of, is that we're not alone in experiencing this threat that
11 we're expecting within that broader threat landscape.

12 **MR. GUILLAUME SIROIS:** Interesting. Thank
13 you. So I don't -- I won't get into the details of it, but
14 to bring it back to the effects of these campaigns, you might
15 be aware that multiple videos that were published -- or
16 produced by Tenet Media concerned Canadian political issues,
17 and most -- a lot of them, at least, attacked directly the
18 Prime Minister, Justin Trudeau.

19 I'm wondering if this -- in your assessment,
20 if this plays into Russia's attempt to undermine the support
21 in Ukraine, as we all know the Prime Minister has been a
22 staunch supporter of the Ukrainian war effort?

23 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
24 I can, I would say that it's very hard to distinguish,
25 because this accusation has been made, and assuming that, you
26 know, some of the activities that, you know, have been
27 alleged, you know, have taken place, part of the problem then
28 becomes to distinguish what has been maybe part of the

1 network's, you know, own editorial approach versus vis a vie
2 what has been influenced directly or indirectly by Russia.
3 And so that essentially taints everything else.

4 So I think it would be very hard to
5 distinguish between, you know, is something, you know,
6 against a politician at the behest directly or indirectly by
7 Russia or just, you know, an editorial position that, you
8 know, that organization has taken?

9 So I think it's -- it will be very, very
10 difficult to determine that.

11 You can see, however, there is a thread line
12 that, you know, someone can see in terms of a narrative that
13 exists and a narrative that has been pushed covertly by
14 Russia.

15 **MR. GUILLAUME SIROIS:** So you can say that
16 it's difficult to confirm that this was done by Russia
17 indirectly, but discrediting Mr. Trudeau directly, that can
18 promote Russian interests.

19 **MR. DAVID VIGNEAULT:** Madam Commissioner, to
20 come back to the point we made earlier, it's a good day for
21 the Kremlin when democratic countries quarrel with each
22 other, so yes, there is an effect, totally.

23 **MR. GUILLAUME SIROIS:** Maybe I have two small
24 last questions.

25 **COMMISSIONER HOGUE:** Short ones.

26 **MR. GUILLAUME SIROIS:** Yes, short.

27 We saw disinformation campaigns that were
28 relatively small, either they were not detected or they were

1 detected but they were classified as having little
2 significance. But this is happening over several years in
3 other countries in the world, particularly in the U.S., our
4 neighbour. So what can CSIS do to better address the
5 cumulative effect of these disinformation campaigns when it
6 comes to public confidence towards institutions or toward the
7 war in Ukraine?

8 **MR. BO BASLER:** I'll just jump in on that.
9 It's -- when we're talking about mis- and disinformation, in
10 particular in these cases disinformation campaigns, that are
11 happening around the world perpetrated by foreign state
12 actors who have the intent of disrupting our democratic
13 systems and processes here or in allied countries, it is very
14 much a responsibility of a whole of government and a whole of
15 society approach to combat that.

16 There's been, you know, a lot of noting about
17 the effect of disinformation and how it can tear at the
18 society of -- the fabric of a society, how it can erode trust
19 in institutions or in governments, but the solutions require
20 a whole of society approach to be able to counter that
21 through better education, through more information being put
22 out, and the Service, for its part in this, tries to put the
23 information out into the public domain, work with partners'
24 support. You know, the report you mentioned earlier was by a
25 civil society organization. They do incredible work around
26 the world. Civil society organizations are a key part of
27 countering mis- and disinformation as it spreads around the
28 world.

1 I think as a government, there's been a
2 number of initiatives that have supported that. We heard
3 witness testimony, two days I believe, in this vein.

4 But it's -- you know, from the Service's
5 perspective, we certainly have a role in understanding a
6 threat and investigating the threat and the threat actors,
7 advising government, and then allowing and helping
8 facilitating that whole of government and then whole of
9 society approach to countering it.

10 **DR. NICOLE GILES:** Just briefly, to amplify
11 that, that's also part of the reason why we've been using our
12 own social media tools to also inform Canadians. And we've
13 had a number of very successful campaigns about exactly this.
14 Raising awareness on how to identify mis- and disinformation
15 so that Canadians can better understand what it is that
16 they're consuming when they do look at social media.

17 **MS. MICHELLE TESSIER:** If I can -- sorry, we
18 do this a lot. If I can add to my colleagues' comments, I
19 think -- and not that I want to speak for the Service today,
20 because I'm the Service in the past, but the whole of society
21 efforts -- [no interpretation].

22 **MR. GUILLAUME SIROIS:** [No interpretation]
23 end on that, I wish I had more time.

24 **COMMISSIONER HOGUE:** It's not you, it's the
25 witnesses.

26 **(LAUGHTER)**

27 **MR. GUILLAUME SIROIS:** Yes.

28 **COMMISSIONER HOGUE:** We won't blame them,

1 though.

2 **MR. GUILLAUME SIROIS:** Of course not.

3 So Russian interference, but from other
4 countries as well, but Russian interference since 2016 --
5 well, this has been an issue for a long time. We're talking
6 about the 2016 U.S. presidential election campaign, but why
7 is this still happening in 2024 with incidents such as Tenet
8 Media? Does it work?

9 **MR. DAVID VIGNEAULT:** [No interpretation].

10 **(LAUGHTER)**

11 **MR. DAVID VIGNEAULT:** Well, yes, of course it
12 works. The techniques are more sophisticated. As I was
13 mentioning this morning, understanding as to neuroscience and
14 cognitive and psychological warfare, this has an impact on
15 populations. Technology -- my colleague was talking about
16 AI. Some cases have been mentioned publicly. In Slovakia
17 recently there was foreign interference. They were using
18 very advanced means, and this was coming from Russia. And it
19 works, and it's very difficult to detect; it's difficult to
20 fight against. Oftentimes it's very inexpensive compared to
21 when we look at the impact that it can have.

22 **COMMISSIONER HOGUE:** Thank you.

23 **MR. GUILLAUME SIROIS:** That's all. Thank
24 you.

25 **COMMISSIONER HOGUE:** So next one ---

26 **MS. ERIN DANN:** I'm very sorry, Commissioner,
27 to interrupt, I'm just asking on behalf of the -- our court
28 staff, whether we could have a very short health break.

1 **COMMISSIONER HOGUE:** Yes, sure.

2 **MS. ERIN DANN:** I know we're anxious to
3 finish today, but I just think even a five-minute break would
4 be appreciated.

5 **COMMISSIONER HOGUE:** Five minutes is enough,
6 or do we need 10 minutes? We'll take 10 minutes.

7 **MS. ERIN DANN:** I think probably 10. Thank
8 you.

9 **COMMISSIONER HOGUE:** So we'll come back at
10 5:15.

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

12 The sitting of the Commission is now in
13 recess until 5:15 p.m.

14 --- Upon recessing at 5:05 p.m.

15 --- Upon resuming at 5:18 p.m.

16 **THE REGISTRAR:** Order please.

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

19 The time is 5:18 p.m.

20 --- MS. CHERIE LYNN HENDERSON, Resumed:

21 -- MS. MICHELLE TESSIER, Resumed:

22 --- MR. DAVID VIGNEAULT, Resumed:

23 --- MS. VANESSA LLOYD, Resumed:

24 --- DR. NICOLE GILES, Resumed:

25 --- MR. BO BASLER, Resumed:

26 **COMMISSIONER HOGUE:** So next one is Counsel
27 for Han Dong. Mr. Wang? On Team I think, Team or Zoom, I'm
28 not sure.

1 **MR. JEFFERY WANG:** Yes, we're on Zoom.

2 **COMMISSIONER HOGUE:** On Zoom.

3 **MR. JEFFERY WANG:** No questions from us.

4 **COMMISSIONER HOGUE:** No questions.

5 AG?

6 **--- CROSS-EXAMINATION BY MR. BARNEY BRUCKER:**

7 **MR. BARNEY BRUCKER:** I wonder -- let me ask
8 the current leadership, Ms. Lloyd and Ms. Giles, direct this
9 to you. We've heard much about foreign interference and
10 while this inquiry has been called with respect to federal
11 electoral processes and democratic institutions, some of the
12 evidence we've heard, or a lot of the evidence we've heard
13 suggests it's a much broader issue than that.

14 So I'm asking you what perspective do we need
15 to bring to bear to combat and deal with this issue of
16 foreign interference. How would you -- ho do you see that
17 unfolding?

18 **MS. VANESSA LLOYD:** Perhaps I can start.
19 Madam Commissioner, I think what we've talked about over the
20 course of the day is the importance of leveraging a long
21 history in the service of investigating threats from foreign
22 interference, body of intelligence that we glean from
23 information sharing with our partners, and that includes
24 learning from their experiences about the intent and tactics
25 of threat actors. We have also talked about the range of
26 tools that have been utilized over time, and that have
27 evolved over time.

28 And in some of the recent discussions we've

1 had this afternoon we've also talked about the importance of
2 bringing a whole of society approach to countering the
3 threat, and that is in my mind on two fronts. One in terms
4 of involving civil society, from the points that I'm sure Dr.
5 Giles will speak to in terms of the transparency, and
6 dialogue, and disclosure of information about the threats to
7 a wider range of stakeholders, partners, and civil society.
8 And also, at the level of a community approach within the
9 Government of Canada.

10 And so, when we are talking about how we
11 respond to those threats, the importance of that being an
12 effort to bring to bear all of the tools within the national
13 security community and beyond, in order to be able to advance
14 our common goal of making sure that Canada is safe and secure
15 from a range of threats. And that the people of Canada feel
16 confident that those agencies that are contributing to their
17 safety are doing so in a coordinated manner, and an informed
18 and purposeful manner.

19 **DR. NICOLE GILES:** I think I'd just briefly
20 add two thoughts.

21 So first of all, I think it is important to
22 sometimes step back a little bit and think about how the
23 foreign interference threat is situated within the broader
24 threat landscape that we're operating in right now. There is
25 a very high NGO, political and strategic context that we're
26 operating in. We're not only seeing an increase in the
27 complexity and intensity of the foreign interference threat,
28 but also violent extremism and the range of that, whether

1 it's religiously motivated, ideologically motivated. We've
2 named several and been part with RCMP partners of some very
3 important arrests in that space in the last year in
4 particular. And of course espionage continues, and just to
5 recognize that the foreign interference threat in Canada is
6 not in isolation to the broader geopolitical context that
7 we're operating in, and within those priorities as well in
8 terms of the incredible work that our employees do with
9 colleagues across government to keep Canadians safe every
10 day.

11 And within that, as well, is that it's not
12 just Canada experiencing the foreign interference and other
13 threats, it's our partners. And that's part of the
14 adversary's goal is to go after democracies. But the good
15 news is that that's also part of our superpower, is those
16 long-term meaningful partnerships that are not just
17 transactional. And so just stepping back and reflecting on
18 what those partnerships give us, in terms of our defence
19 mechanisms, and that we're not alone in countering these.

20 **MR. BARNEY BRUCKER:** You spoke, Ms. Giles
21 about -- to some degree about Bill C-70 and the additional
22 tools that that gave you, insofar as amendments to the *CSIS*
23 *Act*, and is that in keeping with the broader information-
24 sharing, broader -- bringing a message to the public that's
25 going to reach more people than before?

26 **DR. NICOLE GILES:** Certainly our intention is
27 to use those authorities to leverage and to lean in even
28 further, in terms of the amount of information that we're

1 able to share. We previously were in a bit of a grey zone,
2 and at times a little uncomfortable in terms of the
3 parameters that we were pushing. Now we can go into that
4 information-sharing with a lot more confidence, in terms of
5 our ability to ensure that Canadians are getting the
6 information they need to build their resilience.

7 **MR. BARNEY BRUCKER:** Now, you can only do
8 what your legislation authorizes you to do or within the
9 scope of that legislation. And one thing you didn't speak
10 about was a five-year review of the *CSIS Act*. How is that
11 going to help, or is it going to?

12 **DR. NICOLE GILES:** Well, one of the things
13 that we heard very clearly during the consultations that we
14 did during the *CSIS Act* changes; there were over 360 online
15 submissions provided over 55 roundtables, in addition to
16 numerous informal interactions, and one of the things that
17 clearly came out was that the sense that we needed to make
18 sure that it wasn't another 40 years before we re-examined
19 *CSIS's* legislation, given how rapidly the threat context is
20 evolving, and also the technology.

21 So we were not able to completely futureproof
22 the *CSIS Act* with the changes that went through in June, so
23 the five-year review will enable us to have that sober
24 reflection on whether we continue to have the tools and the
25 authorities. And by having it be a statutory review, one of
26 the things we did learn from our, in particular, UK and
27 Australian colleagues, is that that also allowed for that
28 examination to be somewhat depoliticized, if it was

1 statutorily required. So we're really looking forward to, in
2 four and a half years, seeing what the review will lead us
3 to.

4 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
5 I can add very briefly?

6 I think there is -- we testified to this
7 today and before, we did not -- we do not have a very strong
8 culture of national security in Canada. And my colleague,
9 madame Tessier, spoke to that at some length. And -- but the
10 threat the Canadians are facing is increasing, in terms of
11 complexity and intensity. The world that has made Canada
12 safe, prosperous, is changing around us, not just because of
13 hostile actors, but also because of climate issues and so on.
14 And that requires a much more mature discussion amongst all
15 of us Canadians. And in the past it was too much,
16 unfortunately, what we would say a zero-sum equation; it's
17 either if you're for more powers for the intelligence
18 service, you know, you're for Big Brother, of you're for
19 civil liberties. And I think it's not fair for Canadians to
20 reduce the debate to these two opposite sides. I think
21 Canadians are very mature, and I think through the work of
22 your Commission, Madam Commissioner, they understand better
23 with the environment they're in today and tomorrow.

24 And so I hope that there will be the debate
25 that will allow for an ability to modernize, when it's
26 required, tools for CSIS or for others, or to adapt, you
27 know, our approaches on a more ongoing basis and not wait for
28 five years, necessarily, or for something dramatic to happen.

1 I have faith in Canadians that, you know, we have the
2 maturity to have the ability to do this work.

3 **MR. BARNEY BRUCKER:** All right.

4 I don't have any more questions. Thank you.

5 **COMMISSIONER HOGUE:** Thankyou.

6 Any re-examination?

7 **MS. SHANTONA CHAUDHURY:** None.

8 **COMMISSIONER HOGUE:** So I think it's over for
9 you. I don't know if I should say I'm pleased to tell you
10 that it was probably your last appearance, but it was
11 probably your last appearance because I recognize some faces,
12 I must say.

13 So thank you for your time, it has been very
14 useful, and I wish you a good weekend.

15 Have a good weekend. [No interpretation].
16 Don't forget Monday is a holiday. So we'll be back, same
17 place at 9:30. Thank you.

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

19 This sitting of the Foreign Interference
20 Commission is adjourned until Tuesday the 1st of October at
21 9:30 a.m.

22 -- Upon adjourning at 5:28 p.m.

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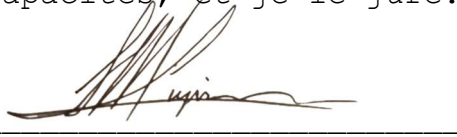
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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter,
hereby certify the foregoing pages to be an accurate
transcription of my notes/records to the best of my skill and
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