



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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Churchill Society

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The Pillar Society

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Human Rights Violations

Neil Chantler

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Yuen Pau Woo

Sikh Coalition

Balpreet Singh

Prabjot Singh

Bloc Québécois

Mathieu Desquilbet

Iranian Canadian Congress

Dimitri Lascaris

V
Table of Content / Table des matières

	PAGE
MS. CHERIE LYNN HENDERSON, Affirmed/Sous affirmation solennelle	1
MS. MICHELLE TESSIER, Affirmed/Sous affirmation solennelle	2
MR. DAVID VIGNEAULT, Affirmed/Sous affirmation solennelle	2
MS. VANESSA LLOYD, Affirmed/Sous affirmation solennelle	2
DR. NICOLE GILES, Affirmed/Sous affirmation solennelle	3
MR. BO BASNER, Affirmed/Sous affirmation solennelle	3
Examination in-Chief by/Interrogatoire en-chef par Ms. Shantona Chaudhury	3
Examination in-Chief by/Interrogatoire en-chef par Ms. Emily McBain-Ashfield	79
Examination in-Chief by/Interrogatoire en-chef par Ms. Shantona Chaudhury	94
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	138
Cross-Examination by/Contre-interrogatoire par Mr. Sujit Choudhry	159
Cross-Examination by/Contre-interrogatoire par Mr. Thomas Jarmyn	174
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	186
Cross-Examination by/Contre-interrogatoire par Mr. Prabjot Singh	197
Cross-Examination by/Contre-interrogatoire par Mr. Neil Chantler	210
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	221
Cross-Examination by/Contre-interrogatoire par Mr. Barney Brucker	237

VI
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT0000125	Interview Summary: Canadian Security Intelligence Service (Stage 2)	5
WIT0000111	Addendum to Interview Summary: CSIS HQ Interview Summary	5
WIT0000112	Addendum to Interview Summary: CSIS Regions Interview Summary	5
WIT0000121	Addendum to In Camera Examination Summary: Mr. David Vigneault, Ms. Michelle Tessier and Ms. Cherie Henderson	5
WIT0000134	In Camera Examination Summary: Canadian Security Intelligence Service Senior Officials	5
WIT0000135	Supplementary In Camera Examination Summary: Canadian Security Intelligence Service Senior Officials	5
WIT0000136	In Camera Examination Summary re: NSICOP Report: David Vigneault, Michelle Tessier, Cherie Henderson, Vanessa Lloyd, Bo Basler	6
CAN.DOC.000044	Canadian Security Intelligence Service (CSIS) Stage 2 Institutional Report	6
CAN.DOC.000044.001	Appendix B2 to CSIS Stage 2 Institutional Report - 2022 CSIS Public Report	6
CAN.DOC.000044.002	Appendix D to CSIS Stage 2 Institutional Report - Briefings Related to the Threat or Incidence of Foreign Interference in Canadian Democratic Institutions since 2018	6
CAN.DOC.000044.003	Appendix G to CSIS Stage 2 Institutional Report - Overview of Foreign Interference Threat Reduction Measures 2015 – Present	7
CAN.DOC.000044.004	Appendix H to CSIS Stage 2 Institutional Report - Amendments to CSIS Act Disclosure Authorities, Amendments to the CSIS Act, Amendments to the CSIS Act, Warrant Authorities	7
CAN044584_0001	SITE Briefing to P5	9
CAN032961_0001	India - [REDACTED] - CAB 2023-24/51	17

VII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
CAN.SUM.000019	Further Han Dong Intelligence	30
CAN.SUM.000028	CSIS Threat Reduction Measures	37
CAN003712_R01	CSIS Engagement with Elected Officials on Foreign Interference: An Initiative of National Significance - CAB 2021-22/89	40
CAN018796	Defensive briefings to two Members of Parliament regarding PRC foreign interference activity	44
CAN012593_R01	Threat Reduction Measure: PRC [redacted] Members of Parliament	50
CAN028170_0001	Update - Upcoming Threat Reduction Briefings to Parliamentarians	56
CAN023483	Briefing to Member of Parliament	61
CAN047986_0001	Foreign Interference - Briefing to Canadian Parliamentarians	70
CAN047988_0001	FI Briefing to Parliamentarians - Script	71
CAN038232_0001	Canada towards 2028 - IA 2022-23/90	84
COM0000363	NSICOP Special Report on Foreign Interference in Canada's Democratic Processes and Institutions	96
CAN008242	Ministerial Direction on Accountability	138
CAN.SUM.000029	CSIS Warrant Application Process	148
CAN.DOC.000022	Commission request for summary information on briefing to Erin O'Toole	175
EOT0000013	May 30, 2023 - Hansard Extract O'Toole Question of Privilege	179
HRC0000091	Combatting Transnational Repression and Foreign Interference in Canada	187
CAN029962_0001	PRC Transnational Repression: Key Actors and Their Tradecraft - IA 2022-23/27	192

VIII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
CAN023184	2023 Threat Summary Report	201
CAN003249	Canada's Strategy for Countering Hostile Activities by State Actors	205
CAN001080_R01	PRC Foreign Interference in Canada: A Critical National Security Threat - CSIS IA 2021-22/31A	219
CAN033122_0001	Moscow's War in Ukraine: Implications for Russian FI Activities in Canada - IA 2023-24/24	221
RCD0000052	Canadian Vulnerability to Russian Narratives About Ukraine	227

Ottawa, Ontario

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

--- L'audience débute le vendredi le 27 septembre 2024 à 9h33

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

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

The time is 9:33 a.m. Il est 9 h 33.

COMMISSIONER HOGUE: Alors, bonjour tout le monde. Pour ceux qui n'auraient pas remarqué, c'est vendredi, mais on a une bonne journée devant nous.

So we'll start right away.

Parfait. Maitre Chaudhury?

Me SHANTONA CHAUDHURY: Oui. Une bonne journée et une longue journée peut-être. Mais on va faire de notre mieux.

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/Sous affirmation

1 **solennelle:**

2 **THE REGISTRAR:** Great, thank you.

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

5 **MS. MICHELLE TESSIER:** Yes. Michelle
6 Tessier, T-E-S-S-I-E-R.

7 **--- MS. MICHELLE TESSIER, Affirmed/Sous affirmation**

8 **solennelle:**

9 **THE REGISTRAR:** Perfect.

10 Et maintenant, avec Monsieur Vigneault.
11 Pourriez-vous s'il vous plait indiquer votre nom complet et
12 épeler votre nom de famille pour la transcription
13 sténographique?

14 **M. DAVID VIGNEAULT:** David Vigneault, V-I-G-
15 N-E-A-U-L-T.

16 **--- MR. DAVID VIGNEAULT, Affirmed/Sous affirmation**

17 **solennelle:**

18 **LE GREFFIER:** Merci.

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

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

22 **THE REGISTRAR:** Perfect, thank you.

23 **--- MS. VANESSA LLOYD, Affirmed/Sous affirmation solennelle:**

24 **THE REGISTRAR:** Thank you.

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

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

28 **THE REGISTRAR:** Thank you.

1 --- DR. NICOLE GILES, Affirmed/Sous affirmation solennelle:

2 THE REGISTRAR: Thank you.

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

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

7 THE REGISTRAR: Thank you.

8 --- MR. BO BASLER, Affirmed/Sous affirmation solennelle:

9 THE REGISTRAR: Thank you.

10 Counsel, you may proceed.

11 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR

12 MS. SHANTONA CHAUDHURY:

13 MS. SHANTONA CHAUDHURY: Okay. Commissioner
14 and witnesses, just for your information this examination is
15 going to proceed in three parts. So I'm going to begin with
16 about an hour and a half worth of what I would call normal
17 examination, after which my colleague Ms. McBain-Ashfield is
18 going to examine very briefly on CSIS's public outreach
19 activities, and finally we will deal with the NSICOP motion
20 and the examination specifically on that.

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

23 COMMISSIONER HOGUE: Fine.

24 MS. SHANTONA CHAUDHURY: And also, just to
25 deal with the routine housekeeping, which in this case is not
26 so routine because Commissioner and witnesses, you may
27 remember our witnesses were frequent fliers at the
28 investigation stage. So I believe there are one, two, three,

1 four, five, six, seven different witness summaries to enter.
2 So I've agreed with counsel for the AG and with the witnesses
3 that all we'll do is I will read out the doc IDs and ask the
4 witnesses to confirm each in turn that they have reviewed the
5 summaries, have no changes to make, and adopt them as part of
6 their evidence.

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

10 So the first one is WIT125, that is the
11 interview summary from June 2024. The second one is WIT111,
12 that's the addendum to the CSIS headquarters interview
13 summary from Stage 1. The third is WIT112, which is the
14 addendum to the Stage 1 CSIS regions interview. The fourth
15 one is WIT121, which is the addendum to the Stage 1
16 examination. The fifth one is WIT134, which is the summary
17 of the *in camera* examination from this July and August. Then
18 there is WIT135, which is the supplemental *in camera*
19 examination from July and August. And then there is WIT136,
20 which is the summary of the *in camera* examination from July
21 and August related specifically to the NSICOP motion.

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

25 Ms. Henderson?

26 **MS. CHERIE HENDERSON:** Yes, I adopt the
27 summaries.

28 **MS. SHANTONA CHAUDHURY:** Perfect.

1 Ms. Tessier?

2 MS. MICHELLE TESSIER: Yes, I do as well.

3 MS. SHANTONA CHAUDHURY: Me Vigneault?

4 M. DAVID VIGNEAULT: Oui. Merci.

5 MS. SHANTONA CHAUDHURY: Ms. Lloyd?

6 MS. VANESSA LLOYD: Yes, as well. Thank you.

7 DR. NICOLE GILES: Moi aussi.

8 MS. SHANTONA CHAUDHURY: Mr. Basler?

9 MR. BO BASLER: Yes, I do.

10 --- EXHIBIT No./PIÈCE No. WIT0000125:

11 Interview Summary: Canadian Security
12 Intelligence Service (Stage 2)

13 --- EXHIBIT No./PIÈCE No. WIT0000111:

14 Addendum to Interview Summary: CSIS
15 HQ Interview Summary

16 --- EXHIBIT No./PIÈCE No. WIT0000112:

17 Addendum to Interview Summary: CSIS
18 Regions Interview Summary

19 --- EXHIBIT No./PIÈCE No. WIT0000121:

20 Addendum to In Camera Examination
21 Summary: Mr. David Vigneault, Ms.
22 Michelle Tessier and Ms. Cherie
23 Henderson

24 --- EXHIBIT No./PIÈCE No. WIT0000134:

25 In Camera Examination Summary:
26 Canadian Security Intelligence
27 Service Senior Officials

28 --- EXHIBIT No./PIÈCE No. WIT0000135:

1 Supplementary In Camera Examination
2 Summary: Canadian Security
3 Intelligence Service Senior Officials

4 **--- EXHIBIT No./PIÈCE No. WIT0000136:**

5 In Camera Examination Summary re:
6 NSICOP Report: David Vigneault,
7 Michelle Tessier, Cherie Henderson,
8 Vanessa Lloyd, Bo Basler

9 **MS. SHANTONA CHAUDHURY:** Okay. I'll just
10 note there are no French versions available yet, but they
11 will be coming.

12 Finally, there is the CSIS Institutional
13 Report and its annexes. That is CAN.DOC44, CAN.DOC44.001,
14 CAN.DOC44.002, CAN.DOC44.003, and CAN.DOC44.004. Ms. Lloyd,
15 may I ask on behalf of CSIS that you confirm that you are
16 content to have the CSIS IR from part of your evidence before
17 the Commission?

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

19 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000044:**

20 Canadian Security Intelligence
21 Service (CSIS) Stage 2 Institutional
22 Report

23 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000044.001:**

24 Appendix B2 to CSIS Stage 2
25 Institutional Report - 2022 CSIS
26 Public Report

27 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000044.002:**

28 Appendix D to CSIS Stage 2

1 Institutional Report - Briefings
2 Related to the Threat or Incidence of
3 Foreign Interference in Canadian
4 Democratic Institutions since 2018

5 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000044.003:**

6 Appendix G to CSIS Stage 2
7 Institutional Report - Overview of
8 Foreign Interference Threat Reduction
9 Measures 2015 - Present

10 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000044.004:**

11 Appendix H to CSIS Stage 2
12 Institutional Report - Amendments to
13 CSIS Act Disclosure Authorities,
14 Amendments to the CSIS Act,
15 Amendments to the CSIS Act, Warrant
16 Authorities

17 **MS. SHANTONA CHAUDHURY:** Perfect.

18 Now witnesses, I'll actually just begin by
19 assign you each to introduce yourselves and to explain your
20 current positions and any relevant positions you have held
21 with the service since 2018. Starting at my right, Ms.
22 Henderson?

23 **MS. CHERIE HENDERSON:** Cherie Henderson. I
24 have been a longstanding member of the service who recently
25 retired in February of 2024. Prior to that I was the
26 Director General of our Intelligence Assessment Branch, which
27 is responsible for dissemination of intelligence. And then I
28 was also the Assistant Director of Requirements just prior to

1 retiring.

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

3 **Mme MICHELLE TESSIER:** Oui, bonjour. Donc,
4 j'étais la sous-directrice des opérations de 2018 au mois de...
5 jusqu'au mois de mars 2023. Après une carrière de 35 ans en
6 service, j'ai pris ma retraite au mois de mars 2023.

7 **Me SHANTONA CHAUDHURY:** Parfait. Monsieur
8 Vigneault?

9 **M. DAVID VIGNEAULT:** Oui, bonjour. J'ai été
10 directeur du Service canadien du renseignement de sécurité de
11 2017 jusqu'en juillet cet été, lorsque j'ai démissionné de la
12 position. Et je travaille maintenant dans le secteur privé.

13 **MS. SHANTONA CHAUDHURY:** Parfait. Ms. Lloyd?

14 **MS. VANESSA LLOYD:** Thank you. In 2018, I
15 was our Director General of Human Resources and Operational
16 Security. Subsequent to that, I became our Chief
17 Transformation Officer, the first in the Service's history,
18 and then had the privilege of being appointed as our Deputy
19 Director of Operations upon Ms. Tessier's retirement in May
20 of 2023. And I am currently serving as the organization's
21 interim director since my colleague's retirement.

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

23 **DR. NICOLE GILES:** I had the privilege of
24 joining CSIS in October 2022 as the Senior Assistant Deputy
25 Minister and Deputy Director responsible for policy and for
26 strategic partnerships.

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

28 **MR. BO BASLER:** Career Service employee, and

1 since 2018 I've been Regional Deputy Director General of
2 Operations, a Regional Director General, and I'm currently
3 serving as the Service's Counter-Foreign Interference
4 Coordinator and Director General of the Counter-Foreign
5 Interference Tiger Team.

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

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

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

14 To do that, I'm going to refer you to a
15 document, CAN44584.

16 **--- EXHIBIT No./PIÈCE No. CAN044584 0001:**

17 SITE Briefing to P5

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

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

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

28 **MS. VANESSA LLOYD:** Certainly. Madam

1 Commissioner, perhaps I'll just note that this is a follow-on
2 briefing to prior briefings given to the Panel of Five, and
3 it would be important to emphasize that those briefings
4 provided the context that as foreign influenced activities
5 are defined in the *CSIS Act*, the subset of that being foreign
6 interference in particular in this context that we're
7 discussing as related to democratic processes, that those
8 briefings were anchored in what is now 40 years of
9 investigating that particular threat.

10 The other context for this document is that
11 we had previously shared with the panel that as the intensity
12 of that threat activity changed and as our methodologies
13 evolved, for example, as some of the things I'm sure that
14 we'll discuss today around the experience in the U.S. after
15 2016, that we applied different tools leading us to our
16 assessments across that time in terms of that threat
17 landscape at that time and where we are today.

18 And so what we've shared with the Commission
19 and what we shared with the panel is that we're looking at
20 the intensity of a threat actor's activity both in a point in
21 time and in context.

22 And that is important as we get to our
23 assessment of the current threat environment today that Ms.
24 Chaudhury has asked for, because it points to both our
25 awareness over time of the threats of each of the threat
26 actors that I'll walk through for Madam Chaudhury's -- in
27 response to Madam Chaudhury's question, but also the context
28 that we find ourselves now in and looking into the future.

1 And by that, I mean that the threat actor themselves will
2 undertake threat activity as it relates to Canada based on a
3 number of things: what's happening globally in the world;
4 their own domestic politics; and how relations are with
5 Canada at any particular point in time.

6 So in terms of the threat actors that are
7 covered in this summary, Madam Chaudhury, we had made the
8 point that the People's Republic of China is the most active
9 threat actor in conducting foreign interference activities
10 and the context that we explained that this is in both in the
11 context of broader FIs. We are equally concerned about the
12 harm that can come to social cohesion and to diaspora
13 communities in Canada as we are to that subset of PRC
14 activities that affect our democratic processes.

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

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

20 **MS. VANESSA LLOYD:** Thank you. That's most
21 helpful. So in the context of that specific attention of the
22 PRC toward democratic processes, what we provided in this
23 particular briefing was the context that the People's
24 Republic of China is primarily aiming its activities in order
25 to bolster the security and safety of the Chinese state and
26 the Chinese Communist Party in particular and directs its
27 foreign interference activities with regards to, in a very
28 party agnostic way to individuals that it views as most

1 friendliest or as willing to represent and advance the
2 interests of China in our electoral processes, both at the
3 provincial and federal level. And we talked a little about
4 how that's done, specifically through the use of networks
5 that are leveraged to be able to communicate that pro-China
6 narrative and amplify Chinese positions and policy as it
7 relates to engagement in our democratic processes.

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

11 So I believe that the fourth paragraph down
12 there, it notes that the PRC interferes at all levels of
13 government. So it's not just the federal government, but all
14 levels. And I think that's probably a good summary for the
15 PRC.

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

18 So Ms. Lloyd, I'll ask you again to sort of
19 describe the threat here posed by India. First, I believe
20 this document states that India continues to be the second
21 most active state actor engaging in foreign interference in
22 Canada. Is that accurate?

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

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

25 **MS. VANESSA LLOYD:** And in terms of India,
26 I'll go back to where I started. So the important assessment
27 as it relates to India at this present time is in that
28 context. So for example, in the domestic context for India,

1 it itself underwent an election this year and so the level of
2 foreign interference and how India is posturing on the global
3 stage was relevant at that particular moment in time, and how
4 it might interact with Canada is also affected by bilateral
5 relations with Canada that have seen a variety of challenges
6 over the last year.

7 In particular, in the case of India, India
8 focuses on the Indo-Canadian diaspora, and the Government of
9 Canada institutions that it's aiming to influence relate to
10 how India is trying to promote the pro-Indian agenda, pro-
11 Hindu, and pro-nationalist agenda of the current government.
12 And in balance with that, it also has interest in influencing
13 and interfering with regards to voices that either amplify
14 positions of the Sikh diaspora for example, and particularly
15 around the issues of engagements with Pakistan, and as well
16 as with regards to Khalistani extremism threats that emanate
17 and are present in Canada.

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

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

21 Now we'll get to Russia. Just to summarize a
22 little bit, we've heard that Russia may not have or we may
23 not have seen large-scale interference in Canada's electoral
24 processes, but what we have here is an example of Russia
25 having interfered in I think it's a Slovak election here.
26 Would it be fair to say that that's a demonstration of
27 Russia's capabilities? What it could do, potentially, if it
28 wanted to?

1 **MS. VANESSA LLOYD:** I think that would be
2 fair to say. And if we take the focus and what has happened
3 over the course of the last year, this example being one,
4 another would be what is readily available in open media with
5 regards to activities that Russia may have taken with regards
6 to the French elections, for example, and the Commissioner
7 might be aware of a recent indictment in the United States
8 with regards to Russian attempts at mis- and disinformation
9 influence in the media sphere in the run-up to the U.S.
10 example -- U.S. elections as an example.

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

15 So you see that the document also talks about
16 the objectives of Russia in terms of countering the
17 narrative, for example, with regards to the Ukraine war, and
18 that is relevant to Canada in terms of our government's
19 position on that issue, and as well as being the fact that we
20 are partner with others in NATO. And so what we would want
21 to do is to remain vigilant that the context of going into
22 General Election 45 might be quite different with regards to
23 this and other threat actors because of the interests of that
24 particular country at this time.

25 **MS. SHANTONA CHAUDHURY:** Perfect.

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

28 We'll get to Pakistan. And essentially what

1 it says here is that Pakistan conducts a range of foreign
2 interference activities in Canada which have included both
3 attempts to interfere in elections and transnational
4 repressions.

5 Ms. Lloyd, do you have any context to add to
6 that?

7 **MS. VANESSA LLOYD:** I think, Commissioner,
8 what I would add there is the context that engagement of
9 Pakistan is consistently in balance with trying to reduce the
10 influence of India. And so some of the elements that I
11 mentioned previously about the dynamics between suppressing
12 voices can also have the opposite effect in terms of
13 amplifying other voices, and in this particular case,
14 influence of Pakistan is directly related to support of
15 Khalistani extremism. So there's a different type of voice
16 there. And yet it is also a more limited actor on the
17 broader screens.

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

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

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

28 And if you'll scroll down, Court Reporter, to

1 page 20? Not page 20, I'm sorry. Paragraph 20.

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

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

6 Madam Commissioner, this is a country that is
7 in, what we would say, a separate group of threat actors,
8 where the primary consideration and concern for our
9 organization is looking at threats that have the potential to
10 cause harm in terms of transnational repression.

11 I would though add that in the case of Iran,
12 this is another threat actor that we would want to remain
13 vigilant in terms of their foreign interference activities
14 going into the next election cycle, and that's because of the
15 conflict in the Middle East. So conflicts that happen abroad
16 do have an impact here in Canada.

17 And also, in terms of the bilateral
18 relationships or factors that are affecting that, our
19 government has taken strong steps with regards to some of
20 these activities, including designation and listing of
21 various parts of the Government of Iran.

22 So as we go into the next election, again, we
23 would want to be mindful of the instances of foreign
24 influence and foreign interference that we've seen
25 historically and the potential for this to be a threat actor
26 in the democratic process.

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

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

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

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

10 **--- EXHIBIT No./PIÈCE No. CAN032961 0001:**

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

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

15 So this is a CSIS analytical brief from
16 September 2023 and it talks about India and it talks about
17 cyber capabilities.

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

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

26 So we have, just pausing there, sort of a
27 business model where the NSO Group charges a fee for the use
28 of its spyware.

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

3 **M. DAVID VIGNEAULT:** Yes. Madame la
4 Commissaire, l'utilisation d'outils comme Pegasus par les
5 états est une façon de faire de l'espionnage pour... à les
6 fins... aux fins étatiques.

7 Dans le cas de Pegasus, ce qui est une
8 particularité, c'est que c'est dans... ce qu'on appelle dans le
9 jargon un « zero-click spyware ». Donc, la personne a pas
10 besoin de faire absolument rien lorsqu'elle reçoit un message
11 pour mettre en œuvre le spyware.

12 **COMMISSAIRE HOGUE:** Vous voulez dire... juste,
13 je veux être sûre de comprendre. Contrairement à lorsqu'on
14 reçoit, par exemple, un courriel où on nous demande d'aller
15 cliquer sur un lien?

16 **M. DAVID VIGNEAULT:** Absolument. Oui.

17 **COMMISSAIRE HOGUE:** Dans ce cas-ci, ce serait
18 sans l'intervention...

19 **M. DAVID VIGNEAULT:** Sans l'intervention.

20 **COMMISSAIRE HOGUE:** ... du destinataire?

21 **M. DAVID VIGNEAULT:** Exactement. Donc, c'est
22 très pernicieux. Ça fait en sorte que les gens n'ont souvent
23 aucune compréhension du fait que leur téléphone est devenu un
24 outil d'espionnage.

25 Dans le cas précis de l'Inde, ce qui est
26 reporté de source ouverte, c'est bien détaillé, c'est comme
27 pour faire référence à ce que madame Lloyd disait, c'est
28 l'utilisation contre des dissidents, contre des journalistes.

1 Il y a des allégations également que le... l'outil Pegasus
2 était utilisé contre le système judiciaire indien. Mais on
3 sait également que c'est utilisé à des fins d'espionnage
4 pour... contre des cibles à l'étranger.

5 Donc, c'est un outil extrêmement efficace
6 pour être capable de localiser les gens, avoir leur mot de
7 passe, intercepter leurs communications, et donc permettent
8 de faire un ciblage très précis. Pegasus est un des outils
9 qui a été... qui est bien connu dans le monde pour son
10 efficacité en termes d'outils d'espionnage.

11 **Me SHANTONA CHAUDHURY:** Parfait. Merci.

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

16 "International government demand for
17 sophisticated cyber tools remain[ing]
18 strong despite legal action against
19 individual companies who [...] provided
20 [those] tools [...]."

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

25 **M. DAVID VIGNEAULT:** Absolument. On assiste,
26 avec l'éclosion de la technologie au cours des dernières
27 années, à la... ce que j'appellerais la démocratisation des
28 outils d'espionnage. Donc, des compagnies privées qui sont

1 capables de développer des outils et les mettre à la
2 disposition de partenaires commerciaux et parfois de
3 partenaires étatiques.

4 Donc, ce qui était dans le passé l'usage
5 exclusif des états puissants qui avaient des systèmes de
6 renseignement, entre autres, *signals intelligence*,
7 maintenant, ces outils-là sont développés par des compagnies
8 privées. Ils sont utilisés et vendus à des états et à des
9 individus. Il y a pas de régulation internationale.

10 Il y a très peu de régulation nationale. Les
11 pays qui les produisent parfois vont mettre en place
12 certaines règles. Ces règles-là ont été démontrées qu'elles
13 ont été violées à plusieurs reprises. Il y a un certain
14 effort au niveau international au sein des Nations unies de
15 développer une approche plus normative, en termes de
16 régulation de ces outils-là. Mais c'est pas encore le cas.

17 Peut-être pour vous, Madame la Commissaire,
18 un des cas les plus patent de l'utilisation de Pegasus et
19 d'autres outils comme ça est l'utilisation par le régime de
20 l'Arabie Saoudite qui avait permis d'utiliser Pegasus pour
21 identifier et pouvoir amener monsieur Khashoggi dans leur
22 consulat en Turquie et qui a mené à son assassinat.

23 Donc, ce sont des outils qui sont très, très,
24 très performants. Peuvent être très utiles quand c'est
25 utilisé à bonnes fins. Encore une fois, la question de
26 n'importe quelle technologie, c'est quelles sont les
27 intentions des gens qui l'utilisent.

28 **COMMISSAIRE HOGUE:** Et est-ce que je dois

1 comprendre que ces outils-là peuvent être utilisés ou
2 installés, je sais pas quelle expression utiliser, à
3 distance? C'est-à-dire qu'ils ont pas à avoir accès
4 physiquement au...

5 **M. DAVID VIGNEAULT:** Au téléphone.

6 **COMMISSAIRE HOGUE:** ... au téléphone, ou...

7 **M. DAVID VIGNEAULT:** C'est absolument le cas.

8 **COMMISSAIRE HOGUE:** Alors, ça peut se faire
9 d'un pays étranger?

10 **M. DAVID VIGNEAULT:** Ça peut se faire depuis
11 l'autre bout du monde. Encore une fois, sans avoir... sans que
12 la personne qui reçoit cette... le *malware*, en mauvais
13 français, sur son téléphone n'en ait connaissance ou n'ait à
14 faire absolument aucune action. Donc, c'est pour ça que
15 c'est si performant, si utile comme outil d'espionnage.

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

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

23 **MR. DAVID VIGNEAULT:** Oui. Je vais le faire
24 en anglais cette fois-ci.

25 Essentially, as the document says, cognitive
26 warfare is an unconventional warfare application. So in the
27 past we would talk about psychological warfare. It has been
28 used historically by military to try to influence other

1 militaries' perception, morale, and so on.

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

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

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

27 Another example of this that we see currently
28 is, of course, what Russian is going with Ukraine. It's

1 doing it both inside Ukraine to try to shape people's
2 thinking inside Ukraine, but also around the world. And it's
3 tailored to the specific areas, and one of the key messages
4 is to essentially -- that the Kremlin is trying to push, is
5 to tell people that Russian's goals are legitimate. They
6 have to protect themselves and therefore their invasion of
7 Ukraine is again, legitimate.

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

14 **MS. SHANTONA CHAUDHURY:** Thank you. That's
15 helpful. Terrifying, but helpful.

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

22 Mr. Basler, these questions will largely be
23 directed to you. But just to set the context there a little
24 bit, so part of its investigation as you know, the Commission
25 asked the government to provide a list and description of all
26 major instances of suspected foreign interference targeting
27 Canada's democratic processes in the Commission's review
28 period. So Ms. Court Reporter, if you can just scroll down a

1 little bit here we can see that. And yeah, you can stop
2 there, and I'll just ask Ms. Basler to explain the process.

3 So how was the eventual list that we'll see
4 in a minute of six instances, how were those instances
5 arrived at?

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

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

23 And we looked at the entirety of our
24 disseminated products to try and triage that down to a
25 manageable list of incidences or events. Which again, is not
26 typically how we categorize or look at the situation. But we
27 looked at everything we sent out over the period of the
28 Commission's mandate, and then looked for events and moments

1 in time, points in time.

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

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

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

26 **MR. BO BASLER:** There is -- correct. There
27 was a consensus agreement with each one of those that, yes,
28 from the perspective of each department it met both the

1 definitions. So it had to have that clandestine, deceptive,
2 or threatening behaviour, but also it couldn't be categorized
3 as diplomatic behaviour only, for example. So each one of
4 those instances met the threshold from the perspective of
5 each of the government departments at the table.

6 **COMMISSIONER HOGUE:** I see.

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

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

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

25 So Mr. Vigneault, can you -- with that
26 introduction, sort of take us through your thoughts on that?

27 **M. DAVID VIGNEAULT:** Absolument. Madame la
28 Commissaire, comme c'est mentionné sur le document, je crois

1 que c'est important, dans une démocratie, qu'un service de
2 renseignement ne soit pas la seule voix ou la voix qui va
3 déterminer... va être déterminante sur tous les enjeux.

4 Dans le cas de l'interférence étrangère, la
5 Commission a entendu de notre part et de la part de d'autres
6 témoins le fait qu'il y a beaucoup de nuance. Le fait qu'on
7 a parlé du renseignement, la nature du renseignement, il y a
8 des nuances. Il y a des fois où le renseignement est très
9 précis, on va avoir un très haut niveau de confiance dans ce
10 renseignement. D'autres fois, le renseignement doit être
11 corroboré ou on va chercher à avoir plus d'information.

12 Donc, c'est cette... ce... le document et la
13 discussion ici, la question de madame Chaudhury, tente
14 d'éclairer cet aspect-là, le fait que c'est normal que les
15 gens aient une perspective différente.

16 La *Loi*, le mandat du Service, qui fait en
17 sorte que chacune des personnes qui travaillent au Service
18 canadien du renseignement de sécurité travaille jour après
19 jour, c'est d'arriver pis de faire en sorte de mettre en
20 œuvre la *Loi*, qui est de détecter les menaces, aller chercher
21 de l'information et produire du renseignement. Donc, c'est
22 l'angle... la lorgnette par laquelle on va regarder ces enjeux-
23 là. C'est normal que quelqu'un qui a une autre perspective
24 qui va avoir peut-être une perspective différente.

25 Ce que je crois qui est intéressant, c'est
26 que depuis quelques années et depuis le début des travaux de
27 la Commission, depuis les débats publics sur l'interférence
28 étrangère, on peut voir qu'il y a une évolution importante.

1 Les nuances sont mieux comprises par tout le monde et on est...
2 on va plus rapidement, je vous dirais, au vif du sujet.
3 Donc, c'est... dans le contexte de la liste qui est établie,
4 cette tension créative-là, je trouve qu'elle était utile. Et
5 le produit final est un produit qui est utile pour la
6 Commission, comme monsieur Basler l'a décrit.

7 **Me SHANTONA CHAUDHURY:** Parfait. Merci. Et
8 avec cette introduction-là, on peut passer aux instances eux-
9 mêmes.

10 Ms. Court Reporter, can you pull up the IR,
11 please, again? That's CAN.DOC44. Start at the top of page
12 2.

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

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

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

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

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

27 **MR. BO BASLER:** So the paragraph indicates a
28 foreign government, particular foreign government undertook

1 several actions, including interference, to reduce the
2 likelihood of a specific candidate, in this instance a
3 Liberal candidate, from being elected federally. It was
4 suspected that the foreign government sought to thwart the
5 candidate's bid due to their -- how the foreign government
6 perceived the candidate's stance on issues related to that
7 foreign country.

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

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

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

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

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

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

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

2 **MS. SHANTONA CHAUDHURY:** Okay. The fourth
3 one:

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

8 This is definitely one we've heard about
9 already.

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

12 **--- EXHIBIT No./PIÈCE No. CAN.SUM.000019:**

13 Further Han Dong Intelligence

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

18 So the first bullet there reads:

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

1 The second bullet there reads:

2 "As with all investigations, should
3 additional intelligence or analysis
4 exist on this matter,...(CSIS) as per
5 established protocols, would
6 disseminate it to the Government of
7 Canada clients and respond to
8 requests for additional information
9 or analysis."

10 And keep scrolling down. I'm not going to
11 read every bullet. I'll get some highlights. There at
12 paragraph 5:

13 "Following the 2019 election,
14 the...(PMO) requested briefing about
15 the reported irregularities....[PM]
16 and PMO have received additional
17 briefings...."

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

21 **MR. BO BASLER:** I can confirm that's all --
22 that's everything that can be said, yes.

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

24 Then if take that down and go back to the IR.
25 Okay, we'll scroll down to the fifth bullet on that list.
26 There we go.

27 "The Government of India is suspected
28 of leveraging proxy agents to

1 clandestinely provide financial
2 support to specific candidates from
3 three political parties in a federal
4 election. The receipt of the funds
5 cannot be confirmed, nor can the
6 candidate's potential awareness of
7 the origins."

8 So Mr. Baseler, again I'll ask you to confirm
9 that this is an instance that was discussed at Stage 1?

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

11 **MS. SHANTONA CHAUDHURY:** Okay. Finally, the
12 6th bullet:

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

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

18 **MR. BO BASLER:** Correct.

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

23 **MR. BO BASLER:** Correct.

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

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

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

3 **MR. BO BASLER:** Correct.

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

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

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

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

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

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

26 **MS. SHANTONA CHAUDHURY:** Anything else to
27 add?

28 **MR. BO BASLER:** I think to the earlier point

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

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

27 **MS. SHANTONA CHAUDHURY:** And I think you
28 highlighted there, Mr. Basler, the salient point, which is

1 the activity did not have the outcome intended by the foreign
2 government, and that's what the Service learned upon
3 reviewing public information?

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

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

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

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

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

27 So this is common in intelligence
28 investigations and it's a continual reassessment of our

1 conclusions as we learn new pieces of information over time.

2 **COMMISSIONER HOGUE:** Okay. So I imagine it
3 may take time before being really in a position to make firm
4 conclusions on something because you're gathering information
5 throughout. Could be even throughout many years?

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

8 **M. DAVID VIGNEAULT:** Madame la Commissaire,
9 si je peux juste renchérir un peu. L'exemple contraire de ça
10 serait que, parfois, l'information, le renseignement qu'on a
11 est tellement précis, le très haut niveau de confiance dans
12 la source que on peut avoir une détermination, une évaluation
13 très précise très rapidement. Ce n'est pas toujours le cas.
14 En fait, c'est rarement le cas, mais des fois c'est... ça peut...
15 c'est tellement précis qu'on est capable de faire cette
16 détermination-là.

17 **COMMISSAIRE HOGUE:** Ça dépend de la nature et
18 du renseignement que vous obtenez?

19 **M. DAVID VIGNEAULT:** Exactement. Merci.

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

25 **MR. BO BASLER:** Absolutely.

26 **MS. SHANTONA CHAUDHURY:** Okay. Moving now
27 from the IR to some tools and responses to foreign
28 interference. So how does the Service go about mitigating

1 this threat in various ways? We'll start with a concept of
2 threat reduction measures.

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

5 Ms. Court Reporter, if you can pull up
6 CAN.SUM28?

7 **--- EXHIBIT No./PIÈCE No. CAN.SUM000028:**

8 CSIS Threat Reduction Measures

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

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

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

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

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

22 **MS. CHERIE HENDERSON:** --- to answer this
23 question.

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

28 So the three broad categories that you're

1 describing there, which I don't know if you want me to read
2 them, but I'll cite them, messaging, leveraging,
3 interference, or how the service has decided to categorize
4 its activities in relation to threat reduction.

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

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

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

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

28 Leveraging is using a third party to try to

1 reduce that threat. So as an example, we may go to an online
2 platform and say this site is disinformation or you may wish
3 to take down this site, something to that effect. Using a
4 third party within their own capabilities can reduce a
5 threat.

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

12 Évidemment, nous avons d'autres outils. Je
13 peux pas nécessairement rentrer dans tous les outils du
14 Service, mais c'est pour vous donner un exemple quand même
15 assez générique, surtout quand on regarde l'ingérence
16 étrangère, par exemple. Ces exemples-là peuvent s'appliquer
17 à l'ingérence étrangère.

18 **Me SHANTONA CHAUDHURY:** Parfait. Merci.

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

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

26 For everyone's benefit, no need to turn it
27 up, but the CSIS IR, one of it's appendixes, the number is 20
28 since 2015, and it also provides the information that CSIS

1 has not conducted any warranted TRMs relating to foreign
2 interference since 2015.

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

4 So, Ms. Court Reporter, can you pull up
5 CAN3712_R01?

6 **--- EXHIBIT No./PIÈCE No. CAN003712 R01:**

7 CSIS Engagement with Elected
8 Officials on Foreign Interference: An
9 Initiative of National Significance -
10 CAB 2021-22/89

11 **COMMISSIONER HOGUE:** And I have one question.
12 These TRMs have shown to be effective? At least some of them
13 have shown to be ---

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

18 **COMMISSIONER HOGUE:** Okay.

19 **M. DAVID VIGNEAULT:** Madame la Commissaire,
20 très rapidement, la nature de l'interférence étrangère et la
21 détermination des états qui le pratiquent fait en sorte que
22 le succès dont madame Tessier vient de faire état est
23 parfois... avec... va diminuer avec le temps.

24 Donc, l'interférence étrangère continue. Va
25 diminuer par rapport... suite à nos interférences... à nos
26 interventions, mais vont... la partie... l'autre partie va
27 trouver des façons différentes, va adapter ses approches.
28 Donc, c'est très utile, les TRM, les mesures d'atténuation de

1 la menace, mais c'est rare qu'on est capable d'arriver, et
2 l'état étranger est tellement déterminé qu'ils vont trouver
3 une façon différente de le faire. Donc, c'est... j'en profite
4 seulement pour mentionner l'exemple parce que c'est la nature
5 pernicieuse d'interférence étrangère, c'est qu'ils ont... c'est
6 comme l'eau, ils vont trouver un autre chemin pour se rendre
7 au même endroit.

8 **COMMISSAIRE HOGUE:** Alors, il faut toujours
9 demeurer vigilant pis il peut y avoir un besoin d'intervenir
10 à plus d'une occasion?

11 **M. DAVID VIGNEAULT:** Oui. On a... j'ai utilisé
12 dans le passé l'expression, c'est comme un peu le jeu du chat
13 et de la souris. On doit toujours adapter nos propres
14 méthodes parce que l'autre partie le fait également.

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

18 Ms. Court Reporter, if you can just scroll
19 down a little bit?

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

1 about that NDO TRM.

2 **MS. CHERIE HENDERSON:** Yes, so I will just
3 speak to two issues, if that's all right, Ms. Chaudhury, that
4 we're discussing here. So as we have noted over -- in our
5 many interviews we've had with you, the Service has been
6 involved in investigating the foreign interference activities
7 of foreign states for a period of time, and in regards to how
8 they are impacting potentially the democratic institutions of
9 our country. So one of the things that we decided that we
10 would do is start to raise that awareness across the country,
11 and the Director has been coming out publicly as well, but we
12 also wanted to go and speak to those who we thought could
13 potentially be impacted directly and give them the tools that
14 they needed to protect themselves as they're moving forward
15 in their work. So we created a program to go out and speak
16 to specific MPs, to allow them or give them the tools to be
17 aware of what they might be facing and to defend themselves,
18 or at least recognize what they're seeing, and start to build
19 resiliency among the MPs.

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

1 could have. And that all came under the threat reduction
2 measure.

3 **MS. SHANTONA CHAUDHURY:** Okay. And you've
4 just drawn out an important distinction, which is that the
5 threat reduction measure can involve providing classified
6 information; whereas, the defensive briefing is generally
7 unclassified?

8 **MS. CHERIE HENDERSON:** Absolutely.

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

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

26 We then also want to make sure that the
27 individual we're speaking to understands the context of
28 foreign interference, what we're talking about, what foreign

1 interference does, how it's actually covert in nature. We're
2 not talking about the regular diplomatic activity or
3 engagement or overactivity. What we're really looking for
4 the covert activity. Excuse me. And so how -- when we're
5 looking at covert activity, what kind of trade craft a
6 foreign officer could use to try and influence, or impact, or
7 effect that person's democratic freedom. So those are sort
8 of what we're walking through. We recognize that many
9 people, this isn't their world. This is our world, and we
10 really want to try and explain what we're looking at, to
11 create a very good base understanding of what foreign
12 interference is, and just try and create a better resiliency
13 among our institutions.

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

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

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

26 Thank you.

27 **--- EXHIBIT No./PIÈCE No. CAN018796:**

28 Defensive briefings to two Members of

1 Parliament regarding PRC foreign
2 interference activity

3 **MS. SHANTONA CHAUDHURY:** And you'll scroll
4 down past this page. Okay. There we go. So this is -- and,
5 Mr. Vigneault, these questions may be for you, but this
6 speaks of a defensive briefing that CSIS was going to conduct
7 to MPs Chong and Chiu in 2021. Can you take us through a
8 little bit the history and context of that briefing?

9 **M. DAVID VIGNEAULT:** Oui, absolument. Madame
10 la Commissaire, comme on a témoigné, je pense, devant la
11 Commission, ce document est un « issues management unit
12 note », « IMU note ». Donc, c'est document qui est préparé
13 par le Service pour informer le ministre, informer le
14 ministère clé de certains faits ou, dans ce cas-ci, d'une
15 activité qu'on allait entreprendre. Précisément, les
16 briefings... les briefings à certains députés.

17 Donc, par le fait, la nature que les
18 briefings peuvent devenir publics, la nature spécifique, dans
19 ce cas-ci, des briefings à monsieur Chong et Chiu sur
20 l'interférence étrangère. Donc, le but de la note était
21 d'informer les gens qu'on allait faire ces briefings-là.
22 Comme... comme c'est mentionné, pour les sensibiliser à la
23 menace, leur donner l'opportunité de discuter avec nous et,
24 éventuellement, de partager avec nous certaines craintes ou
25 questions qu'ils peuvent avoir pour nous permettre de mieux
26 comprendre la nature de la menace qui est en cause.

27 **MS. SHANTONA CHAUDHURY:** And at a very
28 mechanical level, how would a document like this be

1 disseminated?

2 **M. DAVID VIGNEAULT:** Le document serait... va...
3 est disséminé par le Service de manière électronique. Vous
4 avez, je pense, si on peut remonter au début du document, il
5 y a une liste de distribution, je pense, qui est... juste, à la
6 page précédente. Donc, c'est... il y a... vous pouvez voir sur
7 le courriel et sur le document, il y a une liste de
8 distribution. Ça va à des individus spécifiques. Et en
9 demandant à ce que le document soit vu, soit lu. Donc,
10 généralement, en fait, presque exclusivement, c'est distribué
11 de façon électronique.

12 **MS. SHANTONA CHAUDHURY:** And this we know is
13 -- ça date de 2021. Est-ce qu'il y a du changement -- have
14 there been any changes in the method of disseminating CSIS
15 intelligence product since then?

16 **MS. CHERIE HENDERSON:** So, yes. This also --
17 this particular document, as I -- I'm just going to back up a
18 little bit. I apologize. So as I indicated when we opened
19 up that I was the Director General of our Intelligence
20 Assessment Branch. In that role, we were responsible for
21 analyzing and then disseminating intelligence to the
22 appropriate partners. Those would be the other reports that
23 we've looked at, like, the CSIS Intelligence Report, the
24 Intelligence Assessment, those would have all gone through
25 our Intelligence Assessment Branch. An IMU note was actually
26 -- or actually designed, written, and drafted, and
27 disseminated by the Strategic Policy Branch, which is what
28 Ms. Giles is responsible for. These particular IMU notes at

1 that point were created in order to give an awareness of
2 something, a heads up to the Minister of what -- something we
3 were going to engage in. We did not want our Minister to be
4 taken by surprise that we were going to be discussing issues
5 with his colleagues. So it was to manage the issue in that
6 sense. These particular notes would then be drafted,
7 approved internally, and disseminated by the Strategic
8 Program Management Branch by email to specific email
9 recipients at the other end, the intent being that we would
10 note who we felt that that report should be seen by, and the
11 receiver at the other end would then disseminate that to the
12 appropriate party. So I just want to make sure you
13 appreciate the two.

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

16 **DR. NICOLE GILES:** If I might just add on the
17 IMU notes, I think one of the things we realized over time is
18 that we were not necessarily seeing where the notes wound up
19 after we sent them out via the email system, so what we've
20 done since is create a more robust system of feedback to
21 ensure that we have visibility on whether the notes have been
22 received, whether they have been read, and we've started to
23 link the distribution of those notes a little bit more
24 strongly to the distribution system that Ms. Henderson
25 managed in terms of linking it to also the tracking of
26 intelligence products, rather than keeping them entirely
27 separate. So we've been able to tighten that out as part of
28 our lessons learned and continual evolution.

1 **MS. SHANTONA CHAUDHURY:** Understood.

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

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

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

11 **DR. NICOLE GILES:** It's relatively new. I'd
12 say over the last 12 months in particular we've been
13 tightening up that system, and it's been trial and error in
14 terms of figuring out what works best for each organization.

15 **COMMISSIONER HOGUE:** Thank you.

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

19 **DR. NICOLE GILES:** I would say right now
20 we're probably averaging three a week, would be my estimate.
21 But that is very much dependent on the ebb and flow of the
22 intelligence and the intensity of the threats that we're
23 experiencing.

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

1 to the new dissemination process?

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

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

6 **MS. VANESSA LLOYD:** --- later on or did you
7 want to ---

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

9 **MS. VANESSA LLOYD:** Sorry. Thank you.
10 Certainly.

11 So perhaps, Madam Commissioner, it answers in
12 part your question.

13 So as a learning organization based on the
14 feedback frankly that has come out through the number of
15 specific reviews around foreign interference, as of around
16 this time last year, CSIS intelligence products, and indeed
17 more broadly, intelligence produced by the government, our
18 government departments who also have intelligence production
19 mandates, is housed in one system.

20 And I believe in our testimony and documents
21 before the Commission, it identifies that is a platform that
22 is managed by our colleagues at the Communication Security
23 Establishment. And the benefit of that is it allows us to
24 specifically address product to specific departments and
25 clients. It also has a more robust system of tracking when
26 that intelligence has been read, as well as affording an
27 ability for feedback on the intelligence to come back to the
28 service in a more systematic manner.

1 confirm that this confirms your understanding of what was
2 happening here?

3 **MR. DAVID VIGNEAULT:** Absolutely.

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

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

9 So the bullet there, the last paragraph, Mr.
10 Vigneault says:

11 "At no time did intelligence
12 reporting indicate a threat to [the]
13 life, physical harm, or detention of
14 any of [the] individual or their
15 families."

16 Can you confirm that that was your
17 understanding?

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

19 **MS. SHANTONA CHAUDHURY:** Okay.

20 **COMMISSIONER HOGUE:** I noticed in a previous
21 document that the word "target" was used. Can you just
22 explain what you mean by being a target in your world?

23 **M. DAVID VIGNEAULT:** Oui. Absolument. Donc,
24 c'est... dans ce cas-ci, pour... dans le vocabulaire du SCRS, si
25 vous voulez, être un *target*, une cible, ça veut dire, donc,
26 il y a un individu ou, dans ce cas-ci, un état qui a un
27 intérêt à mieux comprendre ce que vous faites ou tenter de
28 vous influencer. Donc, vous êtes la cible des actions de cet

1 état-là.

2 Ce n'est pas... dans le langage commun, si on
3 dit que vous êtes la cible, ça veut potentiellement dire
4 cibler pour un attentat ou pour une menace physique. Dans ce
5 cas-ci, notre vocabulaire « being a target » ne réfère pas...
6 pourrait dans certains cas inclure une menace à la sécurité
7 de l'individu, mais dans la plupart des cas, on fait
8 seulement référence au fait que vous êtes la cible des
9 actions d'un état étranger ou d'une personne étrangère.

10 **COMMISSAIRE HOGUE:** Alors, il faut pas voir
11 de contradiction dans le fait que vous avez utilisé, vous
12 avez conclu que certaines personnes pouvaient être une cible
13 et qu'en même temps il y avait pas de menace à leur vie, à
14 leur sécurité physique ou un risque d'être détenu là, d'être..

15 **M. DAVID VIGNEAULT:** Exactement. Il y a pas
16 de contradiction dans la façon dont on fait notre évaluation.
17 Évidemment, si c'était le contraire, on a des mesures
18 spécifiques en place. Si on a de l'information qui fait état
19 d'une potentielle menace physique, à l'intégrité physique ou
20 un risque de détention à l'étranger, on a des mesures
21 spécifiques immédiates qu'on prend pour évidemment protéger..
22 partager l'information pour que les individus puissent se
23 protéger.

24 **COMMISSAIRE HOGUE:** Et lorsque je lis des
25 documents provenant du Service et que je vois, par exemple,
26 l'utilisation du terme « target », je peux pas en tirer de
27 conclusion autre que le fait que c'est une personne qui est
28 un sujet d'intérêt, et si vous avez conclu qu'il y avait plus

1 de risque, ça va être indiqué dans les documents normalement?

2 **M. DAVID VIGNEAULT:** Absolument. Et ce
3 serait indiqué, parce que c'est rare. C'est... je veux
4 rassurer les Canadiens, c'est rare qu'on a de l'information
5 qui fait état d'une menace phys... à l'intégrité physique des
6 gens ou risque de détention ou potentiellement de leur... dans
7 ce cas-ci, leur proche ou des... c'est très très rare qu'on a
8 cette information-là, et donc, ce serait bien indiqué.

9 **COMMISSAIRE HOGUE:** Merci.

10 **Mme MICHELLE TESSIER:** Si je peux me
11 permettre, pour ajouter peut-être... pas ajouter à la
12 confusion, mais clarifier. Dans le jargon du Service dans
13 notre quotidien, quand on utilise le mot « target » ou
14 « cible », ça veut aussi dire un sujet d'enquête du Service.
15 Donc...

16 **COMMISSAIRE HOGUE:** Un sujet d'enquête?

17 **Mme MICHELLE TESSIER:** Du Service. Mais
18 c'est un contexte différent.

19 **COMMISSAIRE HOGUE:** Mais à ce moment-là,
20 c'est un *target* du Service?

21 **Mme MICHELLE TESSIER:** Exact.

22 **COMMISSAIRE HOGUE:** Et non pas un *target*, par
23 exemple, d'un état étranger?

24 **Mme MICHELLE TESSIER:** Tout à fait. Exact.

25 **MS. SHANTONA CHAUDHURY:** One word is doing a
26 lot of work.

27 So the Commissioner has actually guessed my
28 next question, so I'll just, in the interest of time, go

1 through them very briefly.

2 Ms. Court Reporter, if you'll pull up WIT135,
3 paragraph 24?

4 **COMMISSAIRE HOGUE:** Je veux pas vous
5 interrompre dans votre interrogatoire, mais vous me direz
6 lorsque ce sera le bon moment pour la pause dans la séquence..

7 **Me SHANTONA CHAUDHURY:** Oui, n'importe quand.

8 **COMMISSAIRE HOGUE:** Parce qu'on avait prévu
9 10 h 45, mais c'est à vous de me dire quand ce sera un bon
10 moment en fonction de..

11 **Me SHANTONA CHAUDHURY:** Ben, je vais adresser
12 juste les 2 minutes ici et après ça on peut prendre la pause.

13 **COMMISSAIRE HOGUE:** D'accord.

14 **MS. SHANTONA CHAUDHURY:** Parfait.

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 **M. DAVID VIGNEAULT:** Le contexte, Madame la
28 Commissaire, de cette interaction-là avec monsieur Chong fait

1 suite aux révélations dans les médias de certains documents,
2 informations. Donc, j'ai rencontré le premier ministre,
3 discuté de la nature avec la conseillère de la sécurité
4 nationale, madame Thomas. On a discuté de la nature
5 d'information du renseignement du SCRS à propos de monsieur
6 Chong et des activités de la République populaire de Chine
7 envers monsieur Chong.

8 Par la suite, on a, le premier ministre,
9 madame Thomas et moi avons rencontré monsieur Chong pour
10 quelques minutes. Le premier ministre a quitté la salle et,
11 à ce moment-là, j'ai fait état à monsieur Chong de
12 l'information plus précise.

13 Donc, Madame Chaudhury, plus tôt vous avez
14 fait... on a fait la distinction entre un « defensive
15 briefing », qui n'utilise pas d'information classifiée, et
16 une mesure d'atténuation de la menace, un TRM, qui peut
17 utiliser de l'information classifiée.

18 Donc, dans ce cas-ci, j'ai invoqué les
19 autorités de mesure d'atténuation de la menace pour divulguer
20 de l'information classifiée à monsieur Chong dans un endroit
21 sécurisé au Parlement. Je l'ai informé de ce qu'on savait
22 des intentions, des activités de certains éléments reliés à...
23 au corps diplomatique et au service de renseignement chinois
24 vis-à-vis monsieur Chong, et a pu répondre à de nombreuses
25 questions de monsieur Chong. On a eu un bon échange. Et
26 donc, c'était la nature de la discussion. Et comme la note
27 l'indiquait plus tôt, j'ai évidemment fait part à monsieur
28 Chong que toute l'information qu'on avait et notre évaluation

1 ne faisait en sorte qu'on n'avait aucune information qui
2 indiquait une menace physique à lui ou à... potentiellement à
3 ses proches à Hong Kong.

4 **Me SHANTONA CHAUDHURY:** Parfait. Et en fait,
5 Madame la Commissaire, il me reste 18 minutes. Je peux peut-
6 être finir l'interro?

7 **COMMISSAIRE HOGUE:** Allez-y. Parfait.

8 **MS. SHANTONA CHAUDHURY:** We're continuing on
9 with this theme, so might as well forge ahead.

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

16 **--- EXHIBIT No./PIÈCE No. CAN028170 0001:**

17 Update - Upcoming Threat Reduction
18 Briefings to Parliamentarians

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

24 So memorandum is dated September 13th, 2023,
25 but it speaks to events that were happening early on. And we
26 see that -- we'll see that the third bullet speaks about the
27 TRM to Michael Chong, and also that there were TRM briefings
28 delivered to Ms. Kwan and Mr. O'Toole. The fourth bullet

1 says that:

2 "Following Mr. O'Toole's speech in
3 the House of Commons, Public Safety
4 and CSIS paused further disclosures
5 to parliamentarians in order to
6 develop a governance protocol through
7 which the security and intelligence
8 community would have the opportunity
9 to review CSIS's key messages for
10 disclosure and the intelligence on
11 which they are based." (As read)

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

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

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

21 **MS. VANESSA LLOYD:** I think, Madam
22 Commissioner, what I would emphasize is that the Ministerial
23 Directive that the service received at that time was
24 reflective of an emphasis of the priority of the government
25 to activities that the service was already doing. And so,
26 you've heard from our discussion this morning that we had
27 already been using the range of tools that we had from
28 protective security briefs to TRMs, to be able to engage with

1 parliamentarians.

2 And as we touched on earlier this morning in
3 the threat summary of the landscape, the intensity of the
4 activities by hostile threat actors was intensifying around
5 this time. And so, the government had issued to us a
6 Ministerial Directive that made *une précision* about how they
7 expected the service to engage with parliamentarians.

8 And the challenge that is captured in this
9 briefing note and what the events that unfolded afterwards,
10 was that we proceeded with those engagements with
11 parliamentarians based on the authorities and tools that we
12 had and that those were in the process of evolving.

13 And so, in terms of the third and fourth
14 bullet there, the authorities that we used at that time in
15 the early days of these renewed and prioritized engagements
16 were the TRMs. And we were grappling with how the classified
17 information being shared in the course of those briefings
18 could also factor into the public narrative on foreign
19 interference.

20 **DR. NICOLE GILES:** Maybe to add to the
21 development of the MD itself, one of the things that it
22 really clearly communicated was the intent that the
23 government had for CSIS to really prioritize investigations
24 in this area, and also the information surrounding it. But
25 the language of the MD itself spoke of a requirement for CSIS
26 to inform of all threats that were directed at
27 parliamentarians.

28 And so, when the briefing was done -- the

1 briefings were done that mention the bullets here, and
2 specifically to Mr. O'Toole, CSIS briefed in the way that the
3 MD was phrased, which was on all threats, but that included
4 information that was not necessarily credible, or
5 corroborated, or verified, because we were staying true to
6 the language of the MD.

7 **COMMISSIONER HOGUE:** So as soon as there was
8 a possibility that a threat exists, you mentioned that
9 threat?

10 **DR. NICOLE GILES:** Exactement. Et puis, dans
11 ce cas-ci, c'était une information ancienne.

12 So it was going back to previous information
13 that we had held, that we were aware of, and were in a sense
14 ensuring that that information was being provided to
15 parliamentarians. And the information regarding Mr. O'Toole
16 was particularly important for us to share, because some of
17 that was emerging in the media and we wanted to make sure
18 that Mr. O'Toole had the information that he needed to feel
19 secure and to understand the definition of the threat that he
20 was experiencing.

21 But what happened out of that briefing is it
22 became clear that that was not workable in terms of briefing
23 on all intelligence regardless of whether it was at that
24 point credible, verified, corroborated. And so, the pause
25 allowed us to reflect on how to clarify the scope of the
26 briefings to really focus in on the credible threat
27 information. And then also making it clear that while the MD
28 was directed at CSIS, it really did require the entire

1 intelligence community to be part of those conversations and
2 to think strategically about the information being provided
3 in those briefs.

4 So the protocol that was developed after the
5 pause by ourselves, with our Public Safety, our CSE, our PCO,
6 our GAC colleagues, built a process where all of those
7 stakeholders would come together to look at the intelligence
8 packages prepared by at that point, Ms. Henderson's teams,
9 have a conversation about whether there was other information
10 that needed to be considered, and then went through a very
11 robust consultation process. So it clarified the scope, but
12 also made sure that all the intelligence community was
13 brought into the conversation so that the briefs were
14 reflecting the broader set of information that was available.

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

16 **COMMISSIONER HOGUE:** And once the protocol
17 was agreed upon, was there a need to modify the Ministerial
18 Directive, or there was no need?

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

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

25 "...misconstrued or overstated the
26 information that he had been provided
27 with." (As read)

28 Now, we've heard some evidence from Mr.

1 O'Toole saying that he disagrees quite strongly with that
2 statement and that he sought legal counsel and did this in as
3 careful a manner as he could.

4 Ms. Court Reporter, if you can pull up now
5 CAN23483?

6 **--- EXHIBIT No./PIÈCE No. CAN023483:**

7 Briefing to Member of Parliament

8 **MS. SHANTONA CHAUDHURY:** Scroll down to the
9 second page, I believe. Oh, no, it's not the second page,
10 sorry. Keep going. Page 9.

11 Okay. So this is a document that compares
12 Mr. O'Toole's statements in the house and the information
13 that was provided to him by CSIS. So maybe Mr. Basler, would
14 you be prepared to sort of explain that righthand column,
15 which I think details some of the problems that the service
16 saw?

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

21 Madam Commissioner, you had asked earlier if
22 we kind of track the impact of our threat reduction measures
23 and then reevaluate and continue. We may need multiple threat
24 reduction measures over time. I think it's important to
25 frame this. The briefing to Mr. O'Toole was done as a threat
26 reduction measure. So the information we were providing, it
27 was consistent with our Ministerial Direction that we had
28 been given, but our legal authority to undertake this

1 activity was to provide information, in this case to Mr.
2 O'Toole, to reduce the threat as we assessed was against him
3 from a foreign state actor, from a threat actor. So all of
4 the information we provided to Mr. O'Toole was intended
5 directly for the use by Mr. O'Toole to reduce the threat. So
6 that is kind of the frame of why we were the legal authority
7 under which we were sharing the information within the bigger
8 frame of the Ministerial Direction to engage with
9 parliamentarians.

10 So we crafted our speaking points for Mr.
11 O'Toole, and we engaged with him to present the information.
12 So the information, as already noted, spanned the entirety of
13 our holdings, anything that could be considered a threat
14 because that was the direction under which we were operating
15 at the moment, prior to the protocol. So this document
16 compares the speech that Mr. O'Toole made in the House of
17 Commons after our briefing, and the information from our
18 briefing that we provided to Mr. O'Toole.

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

28 So as part of that, Mr. O'Toole received the

1 information, was asked not to take detailed notes because
2 there'd be no way to store classified information he might
3 have received. And we provided the information, and when we
4 provided it, we tried to contextualize. So if something was
5 information that we had a strong basis for an assessment, we
6 would note it. If it was information that we had a weaker
7 basis of assessment, we would note it. So if something was
8 unverified information, we would note that. If it was
9 uncorroborated information, we would note that.

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

28 So this -- after the speech in the House,

1 there's a couple of things that we had to do. This was, as
2 noted, we provided the information to reduce the threat. The
3 speech in the House of Commons was an unintended outcome of
4 our presentation. That was not -- it certainly was not
5 something -- it's we provided the information to Mr. O'Toole
6 for the purpose of reducing the threat. The intent, it
7 wasn't foreseeing that shortly thereafter it would be public
8 speech in the House of Commons based on that briefing.

9 So there's a couple things. The first thing
10 we had to do was immediately undertake a national security
11 review of what had been said. So our first order of
12 business, because we knew we had provided classified
13 information, is we had to take the statements that were made
14 publicly in the House, trace them back to the original
15 intelligence to see if there was potential national security
16 injury that resulted from the disclosures, the unintended
17 disclosures from the Service perspective, but the disclosures
18 that had happened. So that was the first order of business.

19 The second order of business was what became
20 this document, which was an analysis of the information that
21 we provided paired up to what was said. So I guess you could
22 phrase it somewhat -- and this may be a little bit of an
23 overstatement but an accuracy kind of check. So is what Mr.
24 O'Toole said in the House speech, is it what we delivered, or
25 is there a divergence from the information we presented? Is
26 it combined with other information? And that is this
27 document where we took the transcript from the House of
28 Commons and then we compared it, and each of the major

1 statements in the speech we tried -- and we're -- you know,
2 the speech -- and I think Mr. O'Toole testified to this. He
3 took the information and combined it and made it into a
4 number of broad themes that were very important to Mr.
5 O'Toole with respect to the threat.

6 So we had to take those public statements and
7 try and reverse engineer them to what part of the classified
8 briefing is this statement in public based on, and then is
9 that actually what was said or not said, or is it the same
10 weighting that we provided to the reporting or not. This
11 does a side-by-side -- it's an attempt at a side-by-side
12 comparison where we note what was said, and then we say this
13 is consistent with the information we provided, but we noted
14 it as it was actually unverified reporting, so, you know, not
15 a strong statement, important from an intelligence
16 perspective, but not a statement of fact and -- or it's an
17 uncorroborated piece of intelligence, which, again, not a
18 statement of fact, but a piece of intelligence. That is kind
19 of the genesis and the output of that ---

20 **MS. SHANTONA CHAUDHURY:** I think when we
21 discussed this in one of our previous encounters -- maybe it
22 was you, Mr. Vigneault, my memory may fail me, but discussed
23 how this sort of illustrates some of the difficulties or the
24 complications that may be involved in providing classified
25 information by CSIS and then to parliamentarians perhaps in
26 particular. I'm wondering if you can speak to that a little
27 bit.

28 **M. DAVID VIGNEAULT:** Absolument. Madame la

1 Commissaire, c'est... vous avez entendu beaucoup d'information
2 en privé sur le renseignement. Vous avez lu beaucoup de
3 documents. Vous avez entendu ce qui est dit, évidemment, en
4 public devant la Commission. Les médias font état de
5 beaucoup d'information. Et on vous a parlé de la nature du
6 renseignement, comment le renseignement était des pièces d'un
7 *puzzle* qu'on essaie de mettre ensemble et qu'on... donc,
8 souvent, ce qui arrive... ou, parfois, ce qui arrive, c'est que
9 ces nuances-là sont perdues. Sont perdues là, en termes de
10 où un élément qui pourrait être énoncé par le Service dans un
11 contexte spécifique est pris dans un autre contexte et
12 devient en lui-même quelque chose qui... auquel le lecteur
13 pourrait accorder plus d'importance que nous on l'a fait.

14 Et donc, ce que vous voyez en ce moment dans...
15 et c'est pour ça qu'on avait des préoccupations avec le
16 libellé de la directive ministérielle. C'est pour ça que le
17 travail a été fait, pour pouvoir remettre dans un contexte...
18 donc, l'intention, c'est d'informer les gens, de pouvoir
19 leur... incluant avec de l'information classifiée, dans ce cas-
20 ci, les députés, leur permettre de comprendre la menace
21 potentiellement à laquelle ils font face et de travailler
22 avec nous et avec d'autres pour pouvoir se protéger, se
23 prémunir contre cette menace-là.

24 Donc, ça requiert beaucoup de nuance et de là
25 le mot de... *the word of caution* que je pourrais émettre, de
26 dire il faut toujours faire attention dans lequel... dans le
27 contexte dans lequel l'information, le renseignement a été
28 divulgué, a été utilisé. Et donc, ce que vous voyez devant

1 vous... et monsieur Basler l'a bien décrit... une personne comme
2 monsieur O'Toole, recevoir cette information-là, de pas
3 pouvoir prendre de notes, et par la suite faire son devoir de
4 député d'informer la Chambre, les Canadiens de certaines
5 choses, c'est très complexe. C'est... il y a beaucoup de
6 risque associé à ça.

7 Et donc, quand on parle de continuer d'avoir
8 une discussion mature avec les Canadiens sur le
9 renseignement, sur la nature de la sécurité nationale, c'est
10 un petit peu tous ces éléments-là dont on parle pour faire en
11 sorte que les individus spécifiquement, et les Canadiens de
12 façon plus générale, puissent bien comprendre la nature de la
13 menace, puissent bien comprendre ce qu'on sait et qu'on ne
14 sait pas, et de pouvoir prendre les actions en conséquence.

15 **COMMISSAIRE HOGUE:** Tout ça en protégeant...

16 **M. DAVID VIGNEAULT:** En protégeant le
17 renseignement. Vous avez la première partie, la discussion
18 de la Commission, on a témoigné ici encore une fois sous
19 serment de la complexité de protéger l'information, le besoin
20 de protéger l'information classifiée de par la complexité de
21 la façon dont on fait la collecte. Donc, les individus de
22 ressources humaines, les outils techniques qu'on utilise, si
23 ça devient public, les gens ne nous parleront plus, leur vie
24 peut être à risque, ici ou à l'étranger. Les gens qui nous
25 partagent de l'information pour protéger les Canadiens et les
26 techniques qu'on utilise vont devenir inutilisables et donc
27 le Canada va être moins en sécurité.

28 **DR. NICOLE GILES:** Peut-être une petite

1 addition.

2 I think it's also important, as colleagues
3 have mentioned, to remember that while Canadians are watching
4 the hearings and the information that's put in public, so are
5 our adversaries. And right now, I think we're all very
6 confident that our adversaries are watching these hearings
7 and are reading every word that comes out from them just as
8 they read every word that comes out from statements in the
9 House of Commons.

10 So that's something that's front of mind for
11 us, but sometimes gets lost in the broader conversation in
12 how we balance that transparency, understanding that
13 everything that's made transparent is also made transparent
14 to our adversaries.

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

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

19 **COMMISSIONER HOGUE:** Yes, we'll take the
20 break first.

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

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

24 This sitting of the Commission is now in
25 recess until 11:30 a.m. Cette séance de la Commission est
26 maintenant suspendue jusqu'à 11 h 30

27 --- Upon recessing at 11:13 a.m./

28 --- La séance est suspendue à 11 h 13

1 --- Upon resuming at 11:33 a.m./

2 --- La séance est reprise à 11 h 33

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

5 This sitting of the Foreign Interference
6 Commission is now back in session. Cette séance de la
7 Commission sur l'ingérence étrangère est de retour en
8 session.

9 The time is 11:33 a.m. Il est 11 h 33.

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

15 **COMMISSIONER HOGUE:** And you'll do the third
16 part.

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

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

19 **--- MS. CHERIE LYNN HENDERSON, Resumed/Sous la même**
20 **affirmation:**

21 **-- MS. MICHELLE TESSIER, Resumed/Sous la même affirmation:**

22 **--- MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:**

23 **--- MS. VANESSA LLOYD, Resumed/Sous la même affirmation:**

24 **--- DR. NICOLE GILES, Resumed/Sous la même affirmation:**

25 **--- MR. BO BASLER, Resumed/Sous la même affirmation:**

26 **--- EXAMINATION IN-CHIEF BY/INTERROGATORE EN-CHEF PAR**
27 **MS. SHANTONA CHAUDHURY (cont'd/suite):**

28 **MS. SHANTONA CHAUDHURY:** So witnesses, the

1 next topic -- we're sticking with the idea of briefings to
2 parliamentarians, but now we're going to talk a bit about
3 unclassified briefings.

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

6 **--- EXHIBIT No./PIÈCE No. CAN047986 0001:**

7 Foreign Interference - Briefing to
8 Canadian Parliamentarians

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

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

19 **M. DAVID VIGNEAULT:** Oui, c'est une bonne
20 question. Il y a différentes nuances, je pense, à apporter.
21 Donc, si c'est un député ou une députée individuelle, la Loi
22 sur le service nous permet évidemment de... comme ça a été
23 démontré plus tôt ce matin, on va pouvoir aller parler
24 directement aux gens, leur demander de nous rencontrer.

25 Par contre, lorsque vient le temps de
26 rencontrer un caucus, rencontrer le groupe de parlementaires,
27 soit des députés ou des sénateurs en groupe, à ce moment-là,
28 ça prend plus de coordination. Il y a l'autorité de la

1 Chambre ou du Sénat. Donc, les autorités avec lesquelles on
2 doit travailler. Et on travaille dans un environnement aussi
3 où il faut... on veut pas avoir de surprises, donc on va
4 coordonner avec nos partenaires. Dans ce cas-ci, le
5 ministère de la Sécurité publique, le Bureau du Conseil
6 privé, qui est évidemment le lien avec le Bureau du Premier
7 ministre. Donc, je vous dirais ces... dans notre esprit, ces
8 partenaires-là dont je viens d'énumérer doivent être non
9 seulement au courant, mais généralement confortables avec le
10 fait qu'il y aurait un tel engagement avec les
11 parlementaires.

12 **MS. SHANTONA CHAUDHURY:** So in your view,
13 this is not something that CSIS would undertake of its own
14 volition.

15 **M. DAVID VIGNEAULT:** Absolument pas. J'ai
16 réfléchi beaucoup à la question. J'ai pris acte de... du
17 rapport de NSICOP en 2018-2019. J'ai trouvé que c'était une
18 très bonne initiative. J'en avais déjà parlé avec les
19 partenaires ici au Canada. Également avec les partenaires à
20 l'étranger. Comment eux font les choses, comment eux, dans
21 un système démocratique parlementaire, comment ils
22 interagissent avec les élus. Et donc, c'était une très bonne
23 idée, mais c'était clair que c'était pas une initiative que
24 le Service de renseignement pouvait entreprendre de son
25 propre chef de façon unilatérale.

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

28 **--- EXHIBIT NO./PIÈCE No. CAN047988 0001:**

1 FI Briefing to Parliamentarians -
2 Script

3 **MS. SHANTONA CHAUDHURY:** We understand that
4 recently, June 2024, unclassified briefings to
5 parliamentarians were delivered, and here we have,
6 essentially, the script for those briefings.

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

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

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

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

1 from everyone's perspective.

2 So with the requests that had come in last
3 year, we engaged with Public Safety colleagues, the Office of
4 the National Coordinator for Foreign Interference, to create
5 a community-wide briefing that we would undertake.

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

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

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

24 **COMMISSIONER HOGUE:** And do you know how many
25 parliamentarians participated?

26 **MR. BO BASLER:** It was -- I don't have the
27 exact number but based on my understanding of the size of
28 each caucus and who was there, it was -- I would estimate in

1 between about 50 and 60 percent off each caucus was present
2 for the presentation. The ones that were there were very
3 engaged with the presentation, asking follow-up questions.

4 **COMMISSIONER HOGUE:** Thank you.

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

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

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

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

20 With reference to the discussion here at
21 paragraph 73 through 80...

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

24 Can you provide us your recollection of how
25 that unfolded?

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

27 Donc, évidemment, je peux pas rentrer dans
28 trop de détails concernant le sujet du mandat, mais,

1 évidemment, à plusieurs reprises, si on demande quelque chose
2 de nouveau ou quelque chose... je veux pas dire que les mandats
3 sont routine. Chaque mandat est représentatif de ce qu'on
4 cherche, mais ça arrive souvent qu'on va breffer le bureau du
5 ministre ou le ministre même avant. Donc, dans ce cas-ci, il
6 y a eu des discussions avant qu'on n'a présenté le mandat.
7 Et donc, ça, ça a été fait. Il y a eu des discussions avant
8 qu'on soumette le mandat. Et pour tous les mandats, il y a
9 beaucoup d'interlocuteurs - sécurité publique, justice,
10 centre de sécurité et télécommunications - qui sont impliqués
11 dans le processus. Alors, le mandat a suivi son processus,
12 mais une fois que le mandat a été approuvé, que la soumission
13 a été approuvée par le directeur, c'est envoyé au bureau du
14 ministre. Et, à ce moment-là, je pense qu'il y a eu un délai
15 de six semaines avant que le mandat soit signé par le
16 ministre.

17 **COMMISSAIRE HOGUE:** Ce qui est inusité?

18 **Mme MICHELLE TESSIER:** Oui. Oui.

19 Généralement, nous donnons à peu près 10 jours au bureau du
20 ministre pour qu'il puisse signer, lire l'affidavit et signer
21 la demande de mandat. Évidemment, c'est des mandats urgents,
22 c'est fait plus rapidement, mais généralement, c'était aux
23 alentours de 10 jours.

24 **COMMISSAIRE HOGUE:** D'accord.

25 **Me SHANTONA CHAUDHURY:** Et est-ce que vous
26 avez été perturbée par le délai?

27 **Mme MICHELLE TESSIER:** Je vais dire, au
28 niveau opérationnel, c'est certain qu'on cherche toujours que

1 ce soit fait rapidement, parce que les gens veulent pouvoir
2 avancer. Donc, je pense qu'il y a eu une certaine
3 frustration opérationnelle parce que les gens voulaient,
4 évidemment, voir que ce mandat soit présenté à la Cour
5 fédérale pour approbation. Mais je pense que... je dirais pas
6 c'est perturbé, juste on se posait la question et une
7 certaine frustration dans le délai.

8 **MS. SHANTONA CHAUDHURY:** Ms. Court Reporter,
9 if you can keep scrolling down in the document a little bit.

10 Was there anything that gave you an
11 impression, Ms. Tessier, or probably Mr. Vigneault here, that
12 there was an intentional -- an intention to delay this
13 warrant?

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

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

21 And then Mr. Vigneault, I believe you
22 mentioned that Ms. Astravas was forthcoming and transparent;
23 is that your recollection?

24 **M. DAVID VIGNEAULT:** Oui.

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

28 Can we pull up WIT134 again at paragraph 55?

1 **THE COURT OPERATOR:** Can you please repeat
2 the paragraph number?

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

4 So Mr. Vigneault, this question is for you,
5 and it's a brief one but this is about a document called the
6 Targeting Paper, a CSIS document. And this Targeting Paper
7 was a CSIS product that summarized some intelligence on PRC
8 foreign interference targeting various parliamentarians, and
9 we understand from the chronology is that it was actually
10 written in 2021, wasn't published by CSIS until 2023. When
11 it was published, it was made inaccessible soon after, and
12 then we understand that there was a different version
13 produced, a shorter, more sanitized version; is that correct?

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

15 **MS. SHANTONA CHAUDHURY:** Okay. And your
16 impression was that that was destined to go to the Prime
17 Minister?

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

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

23 **MR. DAVID VIGNEAULT:** I think in our view, in
24 my personal view, this was a very important piece of analysis
25 that was bringing together the totality of what we knew,
26 including using some exquisite intelligence, that provided a
27 picture of the continuum of the specific activities and the
28 country norm of activities employed by the PRC to target

1 elected officials in Canada. So I thought that this was a
2 very illustrative piece of intelligence analysis that should
3 have been, yes, read by the Prime Minister, but not
4 necessarily that therefore something he needed to do
5 personally, but more for how as a community, intelligence
6 community the government should continue to assess the PRC's
7 actions and, therefore, you know, what other measures could
8 take place. So it's part of a very important piece of
9 intelligence analysis, amongst others, to speak to how to
10 address the threat of the PRC.

11 **MS. SHANTONA CHAUDHURY:** Okay. And we know
12 that the targeting paper was formed -- the basis of a
13 discussion by NSIRA in its recent review. That's at
14 paragraphs 121 to 133. In our in-camera examination, Mr.
15 Vigneault, you said that it was your understanding that the
16 NSIA, at the time, had decided not to provide that paper to
17 the Prime Minister.

18 **MR. DAVID VIGNEAULT:** I have -- j'ai appris
19 par les questions de NSIRA qui m'ont été posées lors de leur
20 examen, j'ai appris à ce moment-là que le document n'avait
21 pas été disséminé... distribué au premier ministre. Et ce que
22 j'ai appris à ce moment-là, c'était que la décision de la
23 conseillère à la sécurité nationale et au renseignement du
24 premier ministre.

25 **MS. SHANTONA CHAUDHURY:** But just to be
26 clear, the source of your knowledge on that is the NSIRA
27 Report ---

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

1 **MS. SHANTONA CHAUDHURY:** --- not personal
2 knowledge?

3 **MR. DAVID VIGNEAULT:** Absolutely.

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

5 **MR. DAVID VIGNEAULT:** Yeah.

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

9 **COMMISSIONER HOGUE:** Thank you.

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

11 **MS. EMILY McBAIN-ASHFIELD:**

12 **MS. EMILY McBAIN-ASHFIELD:** Good morning,
13 Commissioner, witnesses. My questions today will largely
14 focus on the Service's public outreach initiatives. But
15 first, Dr. Giles, I have one question about Bill C-70. I
16 understand that several aspects of Bill C-70 for an Act
17 respecting countering foreign interference as enacted will
18 assist CSIS. Can you provide a brief overview of the core
19 areas of amendment to the *CSIS Act* that will assist CSIS in
20 exercising its authorities?

21 **DR. NICOLE GILES:** Very happily. So the
22 fundamental nature of the changes for the *CSIS Act* amendments
23 really stemmed from the fact that the Act was four years old,
24 predigital, before the complexity and the persistence of the
25 threats that we're facing. So we looked at it from a
26 perspective of how to better equip CSIS to detect for and
27 defend against foreign interference, while making sure that
28 the really important safeguards remained. There were four

1 main sets of amendments, and I'll go through very briefly
2 each in turn.

3 So the first set of amendments is really
4 around enabling CSIS to disclose information outside the
5 federal government. And we've heard in the testimony this
6 morning some of the challenges with the tools that we had at
7 the time that were perhaps imperfect for that goal. So the
8 *CSIS Act* amendments do allow now CSIS to disclose information
9 outside the federal government for the purposes of building
10 resiliency. And so, for example, there could be a scenario
11 where there's a foreign state that's targeting a particular
12 region in Canada, or riding, or a particular ethnic community
13 group for foreign interference. And now, we are able to
14 disclose specific information, whether it's to the MP whose
15 riding it's in, to the community group about the trade craft
16 that they could expect to see from the foreign interference
17 actor, or even with the permission of the Minister of Public
18 Safety, provide the name of the FI proxy who's carrying out
19 those activities. And that will enable the individual who's
20 receiving that disclosure, again, MP, community group,
21 private sector, to recognize the foreign interference threat
22 when they're faced with it, and then also to be able to build
23 resiliency, to put measures in place to help protect against
24 it from emerging in the first place.

25 The other really important part of the new
26 disclosure authority is to allow CSIS to share information
27 with agencies that have investigative authority. And so
28 really critically from a foreign interference perspective is

1 we're now able to share information with provincial elections
2 commissions for the purpose of them conducting
3 investigations, including into foreign interference
4 activities in democratic processes.

5 Would you like me to go to the next
6 amendments or did you have any questions?

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

9 **DR. NICOLE GILES:** Okay. The next set of
10 amendments was around providing CSIS with new judicial
11 authorizations, so warrants and orders. And so the first one
12 is provided us with a single-use warrant, rather than simply
13 having the one-size-fits-all appropriately intrusive and
14 therefore very heavy process to seek permission from the
15 federal court. The single-use warrant will allow us to
16 request from the federal court the ability to do something
17 once. And so, for example, in a foreign interference
18 context, there's a foreign interference actor who's
19 transiting through a Canadian airport. All we want to do is
20 look at their cell phone once. And so now we have the
21 ability to seek a single warrant from the federal court, so
22 that we're able to do the single assessment and data grab
23 from their Smart phone, so that we can analyze that
24 information and know immediately why they're there, the
25 activities they're trying to perpetuate, who they might be
26 meeting with.

27 Another example in the foreign interference
28 sphere with the new warrants and orders would be the

1 preservation order authority. So the new preservation order
2 authority will allow us to compel, for example, an internet
3 service provider to not delete information that would be part
4 of their regular deletion schedule. And so, for example,
5 there could be a foreign interference actor that we're
6 observing doing postings about mis and disinformation against
7 a particular candidate. We're now able to ask the internet
8 service provider to not delete that information while we go
9 through the process of seeking from the federal court a
10 production order or a warrant. Without that new authority,
11 we would have lost all of that information and not been able
12 to identify the foreign interference actor perpetrating the
13 mis and disinformation on that internet service provider's
14 platform, or to understand perhaps where the orders are
15 coming from. So those are not the whole gamut of the warrant
16 orders, but a couple of really important ones.

17 The third set of amendments is around really
18 giving us a more nimble dataset regime. And so it wasn't a
19 full overhaul, but some really important adjustments. So,
20 for example, we now have more time to analyze datasets, and
21 that's important from a foreign interference perspective in
22 that foreign interference related databases almost every time
23 need to be de-encrypted. They're in a foreign language, so
24 they need to be translated, and we have to have the time to
25 analyze it and assess it before we request permission to
26 retain it. And so rather than risking losing those really
27 critical foreign datasets that could have really valuable
28 foreign interference information, we now have the time to

1 process them, given the complexity of foreign interference
2 related databases.

3 Another example is that we're now able to use
4 Canadian datasets to do government and immigration security
5 screening. And so an example of why that would be really
6 important is we could have a list of individuals in Canada
7 who have lived in countries where we know the country's a
8 foreign interference actor. And that list of individuals in
9 Canada who have lived in a foreign interference actor country
10 could have their educational institutions that they attended.
11 So now, we'll be able to query, while doing a government
12 security screening or immigration security screening against
13 that database, and, for example, discover that an individual
14 studied at a foreign military university that we as CSIS know
15 to be a perpetrator of foreign interference, whether it's
16 economic security, or other types of FI. And so that's
17 really important to enable us to make sure that people that
18 are getting government security clearances, or getting
19 immigration entry into Canada are not, in fact, foreign
20 interference actors.

21 The last set of amendments, I'll be very
22 brief, is around enabling our foreign intelligence
23 collection. So we're now able to collect information from
24 within Canada when the information is stored outside of
25 Canada. And that's very important because for example, there
26 could be a foreign interference actor within Canada whose
27 emails are backing up outside of Canada. We're now able to
28 collect that information. So that goes back to the

1 borderless world that we're now living in, in terms of where
2 information is stored.

3 It now also enables us for when a foreign
4 interference actor is temporarily leaving Canada to continue
5 collection. So for example, foreign interference actor
6 crosses the border to go outlet shopping and happens to meet
7 a contact. We're now able to continue to collect that
8 information, so we don't have a blackout period while they
9 temporarily cross outside of our jurisdiction.

10 **MS. EMILY McBAIN-ASHFIELD:** Okay. Thank you,
11 that was helpful.

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

16 **--- EXHIBIT No./PIÈCE No. CAN038232 0001:**

17 Canada towards 2028 - IA 2022-23/90

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

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

22 "Similarly, a more mature, less
23 hesitant public- and private-sector
24 outreach strategy on CI..."

25 CI being counterintelligence threats:

26 "...will be required to better
27 sensitize potential targets on the CI
28 threat, including insider threat

1 activity and communities targeted for
2 infiltration by foreign states.”

3 And then further down the last sentence:

4 “A ‘taking to the people’ strategy
5 will, for example, help support
6 threat reduction measures...by
7 encouraging a general public that is
8 more aware and by instilling a
9 normative national security culture
10 in the population.”

11 And so, while this paragraph is not specific
12 to foreign interference, Dr. Giles, does the service
13 similarly view increased transparency with the public as an
14 important tool for countering foreign interference?

15 **DR. NICOLE GILES:** Absolutely. I think what
16 this intelligence product speaks to is the fact that the
17 targets of threats now extends far beyond the Federal
18 Government and really does target whole of society and
19 Canada. And so, it does require a whole of society response.
20 And in order for all Canadians and the various sectors to be
21 able to protect themselves against foreign interference, they
22 need to be aware of it.

23 And so that’s why it’s really important that
24 we increase the awareness, we increase the engagement to
25 enable them to be able to protect themselves, and their
26 communities, and their institutions. But fundamentally, we
27 also can’t do that unless they trust us. And if they don’t
28 trust CSIS, they’re not going to trust the information that

1 we're providing to them.

2 And so that's also one of the fundamental
3 aspects underlying our strategic engagement and academic
4 outreach program that was launched in 2019, is to ensure that
5 we're able to build that trust, so the first time we have an
6 engagement isn't in the midst of a crisis. The relationships
7 of trust are built in advance. And also, to enable us to
8 learn from the various sectors in the communities so that we
9 better understand their concerns and their fears. Quite
10 frankly, quite often in terms of communities that have come
11 to Canada to seek safety and find themselves targeted once
12 they're here.

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

18 **DR. NICOLE GILES:** So one of the challenges
19 that I think we've really faced in Canada is that there has
20 not been a comfort level to talk about national security.
21 We've been very privileged as a country to not have been
22 exposed directly to wars, and threats, and attacks in the
23 same way that unfortunately many of our allies have. And so,
24 there's been a hesitancy in Canada to think about national
25 security and to talk about national security, and to factor
26 it in how people go about their daily lives.

27 So that awareness and that base level of
28 understanding is not there and that's why you see in this

1 product and in a lot of the publications we've put out as
2 well, we're trying to baseline the understanding of what the
3 threats are and how Canadians can address them.

4 And that's why for example, we have really
5 stepped up the information that's included in our annual
6 public report. So in 2012 for the first time, we disclosed a
7 lot of data and information for example about how many
8 intelligence products we put out every year, how many
9 engagements we have, how many security screening applications
10 we've reviewed in an attempt to lean into the transparency
11 and to start to shed some of that -- shed some of that light.

12 And in the 2023 annual report this year, we
13 provided far more detailed information on a threat assessment
14 than we ever have before. And what we found is that that's
15 been picked up with a lot of receptivity and we have seen the
16 increased understanding starting to manifest. And we've also
17 seen that emerge from some of the more innovative social
18 media campaigns we've done as well, for example, around how
19 to detect and identify mis- and disinformation. So that
20 broader strategy we've had in terms of those broader
21 engagements with the public seems to be paying off in terms
22 of increasing the transparency.

23 We've also had a number of different
24 publications as well that are a little bit more focused. So
25 for example, in 2021 we put out a Foreign Interference in
26 Electoral Processes publication to help individuals identify
27 when that foreign interference is happening and what to do
28 about it. And then in 2023 we put out very snappily named

1 Foreign Interference and You publication that's in eight
2 languages, including the languages of the communities that we
3 know to be most targeted, so Mandarin, Cantonese, Russian,
4 Farsi, because we believe very strongly that linguistic
5 ability should not be a barrier to getting information from
6 CSIS about how to identify the foreign interference threat
7 and how to protect themselves.

8 **MS. EMILY McBAIN-ASHFIELD:** And so, with the
9 public report, and also all the other publications that you
10 mentioned, do you track or evaluate the engagement whether
11 you're reaching the populations that you're intending to
12 reach?

13 **DR. NICOLE GILES:** So our data analytics on
14 our social media sites are -- is something that we're
15 starting to increase and build as that team tries to increase
16 the sophistication. I have to stress, these are very tiny,
17 tiny, and tiny teams that are doing gargantuan work, and so
18 as we're putting increased focus on this, we're also
19 increasing the tools that are sitting behind it.

20 And for the annual report we do have some
21 data tracking how often it's been downloaded from our
22 website, which has been a big increase. But we also are a
23 bit old school, we have a lot of hardcopies, I think we've
24 handed them out to the Commission. And so, of course, we're
25 not able to track that. But we've seen increased printing of
26 the annual reports in order to meet that -- in order to meet
27 that demand. But the social media pickup has increased
28 dramatically in particular over the last two years as a

1 result of some of those innovative campaigns.

2 **MS. EMILY McBAIN-ASHFIELD:** Okay. Thank you.
3 And you mentioned the academic outreach and stakeholder
4 engagement program, which if I understand correctly, the
5 academic outreach part of the program was created in 2008 and
6 then the stakeholder engagement part was added in 2019. And
7 through that program you're engaging civil society partners,
8 including advocacy associations and diaspora groups and
9 national organizations.

10 And I'm wondering if you can specifically
11 talk about those engagements and whether the issue of foreign
12 interference is discussed with those stakeholders?

13 **DR. NICOLE GILES:** So the strategic
14 engagement program has a series of formal engagements that
15 take place. So the more perhaps traditional engagements
16 where there'll be a meeting that can be quite large, it has a
17 formal agenda, we're tracking next steps, coming out of it.
18 And to give you a sense, there were 150 formal engagements in
19 2023 with those community organizations, private sector, and
20 we had over 200 briefings more specifically on foreign
21 interference and on espionage as well.

22 There are other parts of that program that
23 are equally important. Violent extremism is a threat that
24 we're also very focused on and very concerned about that's
25 outside of this scope. But it's also important to
26 contextualize it within that broader context of what
27 community groups and different associations are concerned
28 about in terms of threats that they are experiencing. But

1 the foreign interference and espionage part which go hand in
2 hand, are very much part of those engagements right now.

3 One of the things that we've been trying to
4 do as part of this is to really lean into the degree possible
5 on the information interactions between those formal
6 engagements, because we know that it takes time to build up
7 the trust in those relationships and that can't just happen
8 in a large meeting with a formal agenda. But part of that as
9 well for us has been leaning in on how we codevelop products
10 for these communities.

11 So for example, we had a coedited version of
12 our external newsletter last year, which again we have a very
13 clever communications team, it's called Need-To-Know is our
14 external newsletter. But we did a coedited Need-To-Know
15 piece last year with the Chinese Canadian National Council
16 for Social Justice, and that was specifically on foreign
17 interference. And those newsletters go to several hundred
18 readers, and that one in particular, we received a lot of
19 positive feedback on.

20 We've also done work, for example, to
21 codevelop action plan commitments for CSIS to the UN
22 Declaration on the Rights of Indigenous Peoples. And we're
23 the only intelligence agency in the world that has made
24 action plan commitments.

25 So what we're trying to really do is make
26 sure that we're having a two-way street for that engagement,
27 that it's codeveloped, really within a broader application of
28 the mantra, "Nothing about us without us." And so that's how

1 those relationships are being built and the foundation of
2 that trust exists. And that allows us to ensure that the
3 information that we're providing is being heard, understood,
4 and actioned, and that we're also receiving information to
5 better understand the concerns of Canadians.

6 **MS. EMILY McBAIN-ASHFIELD:** Okay. And my
7 final question that I'm going to ask, because I understand
8 I'm short on time, some of the challenges with engagement and
9 public outreach. So you've mentioned mistrust and some of
10 the things that you are trying to do. And if you want to
11 elaborate on other things that the Service is doing to try
12 and address the issue, that there are some communities who
13 may not trust security agencies?

14 And then the second challenge is, given that
15 much of the Service's information is highly classified, can
16 you describe some of the challenges that this creates when
17 engaging with the public or engaging with organizations who
18 may have an interest or may want to know some of that
19 information?

20 **DR. NICOLE GILES:** Those are great questions.
21 So I think maybe beginning with the trust deficit issue, what
22 we've been trying to do is really, as the first step, just
23 recognize it and own it, and understand that there is a trust
24 deficit that we are not always trusted, both as CSIS and also
25 as part of a more amorphous perception of the security
26 intelligence and law enforcement community in Canada. And so
27 that acknowledgement has been a really important part of
28 that.

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

8 We've also tried to ensure that we have been
9 really understanding where the foundations of that come from.
10 And we did jointly develop with some marginalized and
11 racialized groups, what we call our Trust Pamphlet, which
12 goes to the heart of what we're trying to accomplish by
13 ensuring that human rights are at the center of how we do our
14 national security.

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

25 So the changes to the Act will go quite some
26 way enabling us to move past that frustration and provide
27 more actionable information.

28 But fundamentally, there are some inherent

1 limits because we do need to protect the methodology and the
2 sources and, as I said in an earlier comment, recognizing
3 that everything that we say publicly is seen, and read, and
4 absorbed by our adversaries.

5 We are making progress in being able to
6 communicate that the reason we don't share that information
7 all the time is not because we're being guarded, it's not
8 because we're trying to keep information that we feel they
9 need, but because we need to protect that information so that
10 we can protect them.

11 And that circles back to building that
12 baseline understanding of national security within Canada is
13 going a long way to help that understanding.

14 And then finally, on that, I think the more
15 they trust CSIS, the more they'll also trust that we're not
16 keeping information from them, but we're keeping that
17 information secret so that we can help to protect them.

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

20 **COMMISSIONER HOGUE:** Thank you.

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

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

1 This sitting of the Commission is now in
2 recess until 1:20 p.m. Cette séance de la Commission est
3 maintenant suspendue jusqu'à 13 h 20.

4 --- Upon recessing at 12:11 p.m./

5 --- L'audience est suspendue à 12 h 11

6 --- Upon resuming at 1:23 p.m./

7 --- La séance est reprise à 13 h 23

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

10 This sitting of the Foreign Interference
11 Commission is now back in session. Cette séance de la
12 Commission sur l'ingérence étrangère est de retour en
13 session.

14 The time is 1:23 p.m. Il est 13 h 23.

15 **--- MS. CHERIE LYNN HENDERSON, Resumed/Sous la même**
16 **affirmation:**

17 **-- MS. MICHELLE TESSIER, Resumed/Sous la même affirmation:**

18 **--- MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:**

19 **--- MS. VANESSA LLOYD, Resumed/Sous la même affirmation:**

20 **--- DR. NICOLE GILES, Resumed/Sous la même affirmation:**

21 **--- MR. BO BASLER, Resumed/Sous la même affirmation:**

22 **COMMISSIONER HOGUE:** Good afternoon.

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

24 **MS. SHANTONA CHAUDHURY (cont'd/suite):**

25 **MS. SHANTONA CHAUDHURY:** Good afternoon.

26 Good afternoon, witnesses. Welcome back.

27 So we'll now be spending the next hour, hour
28 and 15 minutes or so talking about the examination that we

1 did on the NSICOP House Motion.

2 And let me begin just by introducing the
3 process that the Commission went through.

4 So the Commission received all documents and
5 all intelligence reporting that was provided to NSICOP,
6 reviewed the report, and honed in on allegations regarding
7 the witting or semi-witting involvement of current or former
8 parliamentarians in foreign interference activities.

9 The Commission then reviewed the documents
10 cited for each allegation and asked the Service to produce
11 the raw intelligence cited or relied on in each of the
12 documents in those footnotes.

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

16 The Commission then asked the Service a
17 series of questions in writing with respect to each
18 allegation and conducted in-camera examinations with
19 yourselves, the CSIS witnesses, and a brief examination of
20 some officials from PCO.

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

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

24 **MS. SHANTONA CHAUDHURY:** For the Court
25 Operator's benefit, this one is going to be simple because
26 I'm only going to be referring to two documents. The first
27 is WIT136, which is the Summary of the In-Camera Examination
28 on the NSICOP Report, and the second is COM363, which is the

1 Public Version of the NSICOP Report.

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

3 NSICOP Special Report on Foreign
4 Interference in Canada's Democratic
5 Processes and Institutions

6 **MS. SHANTONA CHAUDHURY:** Mr. Basler, I'll
7 direct the first question, and maybe several questions, to
8 you.

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

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

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

19 So you'll see, Mr. Basler, you discuss here
20 how it's been a reverse engineering exercise. So for both
21 the Commission and the Service, it was an exercise in pouring
22 over the documents referred to in the footnotes and trying to
23 figure out who was being referred to. Is that correct?

24 **MR. BO BASLER:** Correct.

25 **MS. SHANTONA CHAUDHURY:** Okay. And we're
26 pretty confident that we've now identified the persons whom
27 NSICOP had in mind, but actually, the only people who could
28 confirm that with certainty are NSICOP themselves. Is that

1 correct?

2 **MR. BO BASLER:** That would be correct as
3 well, yes.

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

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

9 **MS. SHANTONA CHAUDHURY:** Okay. And can you
10 explain why that is?

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

16 Why the names would be classified is because
17 by releasing the names, especially in conjunction with an
18 incident or a matter that is described, even in general
19 terms, within the unclassified, but the unclassified NSICOP
20 report would reveal to the adversaries, so to the foreign
21 governments that are engaging with the MPs, it would advise
22 them that we know about a specific activity at a point in
23 time, which would then potentially reveal the method of
24 collection that we had targeting the threat actor that's
25 engaged or is part of this activity.

26 So it is whenever you move anything into the
27 unclassified space, you're always trying to ensure that
28 you're not revealing the sources or methods, when we

1 collected it, how we collected that piece of information.
2 And that key element when you identify one of the individuals
3 as being part of a moment, it will be telegraphing to our
4 adversaries when we collected it, how we collected it.

5 So that is, essentially, at its core, why
6 those names would remain classified.

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

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

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

17 And the first one, sticking with a theme of
18 names, can we scroll to paragraph 10, please? It's at page
19 3.

20 So at paragraph 10, Ms. Henderson, you were
21 explaining that in section 16 reporting, the Service has to
22 suppress the identities. Can you explain why that is? First
23 of all, what is section 16, a brief reminder?

24 **MS. CHERIE HENDERSON:** So section 16 of the
25 Act is information that the Service is asked to collect on
26 behalf of either Foreign Affairs, Global Affairs Canada, or
27 Department of National Defence in order to support their
28 programs. And we often refer to that as foreign

1 intelligence.

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

5 **MS. CHERIE HENDERSON:** Yes. Under that
6 mandate, we collect information at the request of the
7 requesting departments, but we do not collect information on
8 Canadians. So we are collecting information on our -- on
9 foreign engagement, but not Canadians. Therefore, we must
10 suppress all Canadian identities.

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

15 **MS. CHERIE HENDERSON:** It will not -- yes.
16 Yes.

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

20 **MS. CHERIE HENDERSON:** Yes, they can. And
21 when they make their request, they must advise on behalf of
22 who they're making their request and why the release of that
23 particular name would support their program.

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

26 **MS. CHERIE HENDERSON:** Yes.

27 **MS. SHANTONA CHAUDHURY:** Okay. The second
28 broad topic I'd like to address, Ms. Cour Operator, if you

1 can just scroll down to paragraph 13? Sorry, just a little
2 up. There we go.

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

5 "The witnesses, including Mr.
6 Vigneault and Ms. Lloyd, highlighted
7 throughout their testimony that the
8 Service's focus is on the activities
9 of the threat actor, [i.e., the
10 foreign state or individual acting on
11 the state's behalf] not necessarily
12 the wittingness of an MP."

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

15 **MS. VANESSA LLOYD:** Certainly. I think this
16 is a really important piece, Madam Commissioner, to underline
17 the investigation of the threat activities are the threat
18 activities of the foreign state actor or adversaries. So
19 it's important to understand that in the course of our
20 investigations, the large majority of information that we
21 have that would relate to those impacted by the threat
22 activities of the foreign actor are collected incidentally.

23 And so that means that we will have gaps as
24 it relates to the affected party. So our focus is
25 understanding the intent, and the capabilities, and the
26 intended outcome that the foreign state wants to have, and
27 not necessarily do we have all of the information related to
28 how the person themselves received that information, or

1 conversely, was able to be resilient against that activity.

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

3 And if we go down now to paragraph 14, which
4 says:

5 "In some cases, CSIS has collected
6 sufficient intelligence to determine
7 that an MP may [-- essentially I'll
8 paraphrase here --] been suspected of
9 posing a threat to the national
10 security of Canada. However, this
11 has happened very few times in the
12 Service's history."

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

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

15 Madame la Commissaire, on a, dans notre
16 histoire, ce que je connais, ce que je suis au courant, c'est
17 arrivé. Il y a pas de sanctuaire -- there is no sanctuary,
18 so we follow the threat activity where it will take us. So
19 if that means that, you know, a member of Parliament, elected
20 official, is engaging in threat activity, we can go there.

21 Mais dans notre histoire, la façon dont on a
22 fait les enquêtes, les demandes qui ont été faites au
23 Service, c'est vraiment l'acteur étatique étranger qui était
24 la... le sujet de nos enquêtes. Donc, c'est vraiment... je pense
25 que c'est un concept important à comprendre pour permettre de
26 voir... d'éliminer ce qu'on sait et peut-être certaines choses
27 dont on ne sait pas sur les... l'aspect volontaire ou non des
28 activités de certaines personnes. C'est un... je pense que

1 c'est dans le contexte actuel très important de comprendre
2 cette nuance-là.

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

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

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

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

23 And to our conversation earlier this morning,
24 as we have those engagements with parliamentarians, there is
25 a sliding scale of the level of awareness of FI that a
26 parliamentarian has. And that is from someone who is unaware
27 about the nature of FI and therefore would be, as Ms.
28 Henderson said this morning, surprised that they could be

1 subject of activities of a threat actor or directed at them,
2 to someone who has a better understanding of FI and is
3 grateful for the engagements that we have to help them to
4 make better informed decisions on that scale of absolutely
5 legitimate engagement with foreign actors and their duties
6 and functions to perhaps situations where they might not be
7 as aware that the interest of a foreign country could also be
8 detrimental to the interests of Canada.

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

16 And further to our discussion about
17 significant instances, as we have information, those
18 assessments can also change.

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

23 Madam Court Operator, can you scroll down so
24 that we can see both paragraphs 15 and 16? Great. A little
25 more, please. Yeah.

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

1 "One report on the TRM outcomes
2 stated that the TRM exposed a lack of
3 [foreign interference] awareness
4 among Canadian politicians."

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

7 And if we then go down to paragraph 16:

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

13 Mr. Basler responded that:

14 "...the focus [was not the TRM --] of
15 the TRM was not the MPs. The TRM was
16 directed at the foreign state..."

17 So:

18 "The Service was not looking at MPs
19 as having crossed lines..."

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

22 "In some cases, the relationships may
23 have crossed lines, but by no means
24 would all of it be characterized in
25 that manner."

26 Is that ---

27 **MR. BO BASLER:** That's correct.

28 **MS. SHANTONA CHAUDHURY:** Is that fair?

1 **MR. BO BASLER:** That's fair. Yes.

2 **MS. SHANTONA CHAUDHURY:** Okay. And then if
3 we can scroll all the way down to page 13, please, Madam
4 Court Operator? Paragraph 46.

5 I think this speaks to, again, Ms. Lloyd,
6 something that you were bringing out.

7 And Ms. Henderson, I think it was you who
8 brought out the evidence in the examination, sliding scale in
9 terms of whether a person is compromised and that that -- so
10 one day it might seem that an individual is very compromised,
11 but the next day, you might get another piece of information
12 that changes that. Is that correct?

13 **MS. CHERIE HENDERSON:** Yes, that's correct.

14 **MS. SHANTONA CHAUDHURY:** Okay. And maybe we
15 can pause here to just speak a little bit about the nature of
16 intelligence and what this means about intelligence evolving
17 over time.

18 And I know, Mr. Vigneault, you've said before
19 that intelligence reports provide a snapshot of a much bigger
20 picture. So are you able to speak to that a bit?

21 **M. DAVID VIGNEAULT:** Oui. Madame la
22 Commissaire, comme je l'ai mentionné, c'est pour ça que c'est
23 important de prendre toujours le renseignement dans le
24 contexte dans lequel il a été écrit et de comprendre
25 l'environnement spécifique.

26 Donc, l'information, surtout lorsque notre
27 activité est dirigée contre les acteurs étrangers,
28 l'information qu'on reçoit peut-être sur certains Canadiens

1 va devenir... est pas nécessairement la plus élaborée et la
2 plus complète. Et donc, notre travail consiste à, selon la
3 *Loi sur le service*, à regarder les menaces à la sécurité du
4 Canada telles que définies dans notre loi. C'est très
5 important de voir que toute l'histoire du Service, la Loi a
6 été écrite en 1984, et en 1984, le Parlement avait dit « On
7 veut, CSIS, que vous regardiez l'interférence étrangère ».
8 Donc, le Service a toujours fait... a toujours enquêté ça.

9 Comme on vous l'a... on l'a, je pense,
10 démontré, ou on a témoigné à cet effet, l'amplitude... la
11 diversité dans laquelle l'interférence se... est perçue
12 maintenant et vécue a augmenté énormément. La technologie,
13 les volontés étatiques - on a parlé beaucoup de la Russie, on
14 a parlé de la Chine - fait en sorte que ce qu'on voit
15 maintenant, et ce que cette Commission-là est en train de
16 comprendre, c'est l'évolution du renseignement.

17 Donc, les approches qu'on avait par le passé,
18 les approches qu'on avait sur la façon dont on écrivait notre
19 renseignement, la façon dont nos partenaires recevaient le
20 renseignement, dans - je lisais certains des paragraphes sur
21 le document ici - fait en sorte que non seulement le Service
22 évolue dans la façon dont il fait son analyse, mais les
23 partenaires également évoluent dans leur façon qu'ils
24 comprennent le renseignement, et les questions qu'ils nous
25 posent, donc, à être capables d'arriver pis de clarifier
26 certaines choses. Donc, je pense que c'est important
27 d'arriver... je décris un environnement qui est très nuancé, et
28 je pense que c'est toujours important de revenir à cet

1 aspect-là.

2 Quand on parle de *sliding scale*, quand on
3 parle... l'information va évoluer. On va avoir accès à de
4 l'information qui va nous permettre d'être plus définitif.
5 Et comme monsieur Basler l'a mentionné ce matin, des fois on
6 va devoir revenir pis dire « On a de nouvelles informations
7 qui nous permettent de croire qu'il faut l'interpréter de
8 façon différente ». Et donc, c'est... de là vient l'importance
9 de la culture de sécurité nationale et du renseignement, de
10 comprendre le renseignement dans le contexte dans lequel il
11 est. Et donc, c'est pour ça que c'est si nuancé et complexe,
12 l'image qu'on essaie de donner aux Canadiens par votre
13 entremise, Madame la Commissaire.

14 **COMMISSAIRE HOGUE:** Dites-moi si je comprends
15 bien.

16 **M. DAVID VIGNEAULT:** Oui.

17 **COMMISSAIRE HOGUE:** Je vais tenter de faire
18 une comparaison, parce que je pense... ça me semble important,
19 cet aspect-là, de bien comprendre, et je veux vraiment être
20 certaine. Alors, soyez à l'aise de me corriger là si ce que
21 je dis est pas juste.

22 **M. DAVID VIGNEAULT:** Oui.

23 **COMMISSAIRE HOGUE:** Ne parlons pas du
24 Service, parlons plutôt par exemple d'un corps policier qui
25 ferait enquête. Un corps policier va faire enquête et va
26 collecter pendant une certaine période de temps plein
27 d'informations qui ne seront pas rendues publiques, parce que
28 c'est dans le cadre d'une enquête, puis éventuellement va

1 parvenir à une conclusion. Et selon la conclusion à laquelle
2 ceux qui enquêtent parviennent, ben, il y aura par exemple
3 des accusations, puis là, toute information qui a pu être
4 colligée sera éventuellement connue et rendue publique.

5 Dans votre cas, lorsque vous monitoriez ce qui
6 se passe, vous êtes appelé à communiquer à différents
7 partenaires les informations que vous obtenez au fil du
8 temps, sans avoir nécessairement toutes les informations, ou
9 sans avoir fait les liens entre toutes ces informations-là.
10 Parce que vous le faites constamment, en fait, vous informez
11 constamment vos partenaires dès que vous avez des
12 informations qui sont significatives, sans avoir
13 nécessairement encore un portrait global ou une conclusion.

14 Est-ce que ça c'est... est-ce que ma
15 compréhension de comment vous fonctionnez, elle est exacte?

16 **M. DAVID VIGNEAULT:** Elle est tout à fait
17 exacte, Madame la Commissaire. Et dans... si je peux prendre
18 l'exemple et le pousser plus loin, c'est que l'information
19 que nous, on a, on le partage à nos partenaires qui, eux,
20 peuvent prendre action.

21 Donc, dans ce cas-ci, lorsque le corps
22 policier a assez d'informations, et il croit s ont... ils vont
23 parler avec un pro... avec la Couronne pour dire... voir est-ce
24 que des accusations peuvent être déposées? Donc, est-ce que
25 cette action-là peut être prise?

26 Dans notre cas, ça peut être... je vais garder
27 mon exemple, dans le cadre des institutions démocratiques, ça
28 peut être de parler avec Élections Canada, ça peut être

1 parler avec... donner de l'information au commissaire aux
2 élections du Canada, donner de l'information à la GRC, donner
3 de l'information aux partis politiques. C'est très important
4 pour qu'ils puissent arriver pis dire, est-ce qu'eux-mêmes
5 doivent prendre certaines actions? Parce qu'encore une fois,
6 c'est... nous, on donne de l'information, la meilleure
7 information au moment où on l'a, et pour pouvoir permettre à
8 quelqu'un de dire, est-ce que c'est assez pour moi? Est-ce
9 que je dois faire quelque chose? Ou non, j'en ai besoin de
10 plus et voici les questions.

11 Donc, cet... l'exemple que vous donnez est très
12 bon, et ça... c'est exact... la partie à rajouter, c'est dire...
13 c'est l'aspect dynamique de l'échange. De dire, on donne
14 l'information, les gens doivent venir poser des questions,
15 dire « Qu'est-ce que vous voulez dire par ça? » Ou « Est-ce
16 que vous en avez plus, pouvez-vous m'en donner plus sur cet
17 aspect-là? Parce que moi, pour prendre ma décision, j'aurais
18 besoin d'en savoir plus là. »

19 Donc, c'est vraiment cet aspect-là qui, à mon
20 humble avis, c'est l'évolution qu'on est en train de vivre au
21 Canada. Ces questions-là n'étaient pas nécessairement posées
22 dans le passé. Je retourne voilà plusieurs années. Et donc,
23 cette évolution-là fait en sorte de dire que la menace évolue
24 tellement que pour être capable de protéger les Canadiens,
25 d'être plus résilient, il faut que les acteurs soient
26 capables d'arriver, d'utiliser le renseignement de la bonne
27 façon et de pouvoir prendre les bonnes actions, avec les
28 limites parfois. Donc, on en a parlé, des fois il y a des

1 limites. Donc, l'action peut pas être prise immédiatement ou
2 il y a une action préliminaire qui peut être prise mais on
3 doit avoir plus d'information. Et quand cette information-là
4 est disponible, quand le renseignement devient disponible, là
5 une action peut être prise.

6 **COMMISSAIRE HOGUE:** Parce que, si je
7 comprends bien, dans certains cas, vous pouvez décider de
8 communiquer à un partenaire une information qui est encore
9 très fragmentaire?

10 **M. DAVID VIGNEAULT:** Oui.

11 **COMMISSAIRE HOGUE:** Parce que vous jugez
12 néanmoins utile que ce partenaire-là soit informé, même s'il
13 y a encore du travail qui éventuellement devra être fait
14 avant de pouvoir soit la confirmer ou avant d'avoir un
15 portrait complet.

16 **M. DAVID VIGNEAULT:** Absolument. La
17 discussion ce matin sur la directive ministérielle et le fait
18 qu'on devait divulguer de l'information qui était pas encore
19 corroborée, madame Giles a bien démontré les aspects qui
20 étaient... qui pouvaient être compliqués.

21 Il y a également ce qu'on a discuté dans les
22 premières parties, la première phase des travaux de la
23 Commission, qu'est-ce que les produits de renseignement? Des
24 fois, on a ce qu'on appelle du renseignement brut. Donc, on
25 va à des partenaires plus opérationnels de dire « on a telle
26 information, voici l'information ». Mais souvent, le
27 document qui va être le plus utile, ça va être notre analyse
28 du renseignement. De dire « cette information-là, on a

1 d'autre information qui vient d'un partenaire, on a de
2 l'information de source ouverte, on a de l'information de
3 différentes autres techniques, et notre analyse est la
4 suivante ». On ne dit pas « voici la preuve », on ne dit pas
5 « voici notre conclusion », mais « voici notre analyse ».

6 Et donc, ces différentes façons de présenter
7 le renseignement-là, encore une fois, plus nos partenaires
8 sont... connaissent le renseignement, sont... *they are literate*
9 *about intelligence*... mieux sont capables également de nous
10 poser des questions, de dire « qu'est-ce que vous voulez dire
11 ici, le Service? », parce qu'encore une fois, c'est de
12 prendre l'information et de faire quelque chose avec cette
13 information-là. Dans notre cas, c'est de l'information qui
14 est privilégiée, qui vient de sources très délicates la
15 plupart du temps, et donc qu'est-ce que le gouvernement peut
16 faire pour se donner un avantage, se protéger dans le monde
17 dans lequel on vit, avec toutes les menaces qui existent?
18 C'est vraiment à la base même de ce qu'est le renseignement.

19 **COMMISSAIRE HOGUE:** J'ai une dernière
20 question dans cette veine-là. Si vous pouvez pas y répondre,
21 vous me le dites. Quelle est l'utilité de transmettre à un
22 ou des partenaires une information qui est un renseignement
23 qui est encore fragmentaire? Qu'est-ce que ça donne de faire
24 ça si on sait qu'en fait, on ne peut pas en tirer de
25 conclusion, qu'il y a encore beaucoup d'éléments qui sont
26 manquants?

27 **M. DAVID VIGNEAULT:** Je vais utiliser un
28 exemple, Madame la Commissaire. On peut avoir de

1 l'information comme quoi il y a... une de nos sources nous
2 informe qu'un groupe terroriste veut utiliser le système
3 d'immigration pour faire entrer des gens au Canada. Ou on a
4 vu que l'information dit que « voici telle technique qui est
5 utilisée dans un autre pays pour utiliser le système
6 immigration pour faire entrer quelqu'un » ou un problème à la
7 frontière.

8 Donc, on n'a pas plus d'information, on n'est
9 pas capable de le mettre plus en contact. Par contre, si on
10 passe cette information-là à nos collègues à l'immigration, à
11 l'Agence des services frontaliers, à la Gendarmerie royale du
12 Canada, eux connaissent l'environnement dans lequel ils
13 vivent, dans lequel ils opèrent. Ils peuvent... cette... ce bout
14 d'information-là qui, nous, nous permet pas de tirer des
15 conclusions, dans leur contexte, avec ce qu'eux savent, ils
16 sont peut-être capables d'arriver et dire « oh, attendez un
17 petit peu, nous, on a vu... voici nos statistiques qui
18 démontrent les choses suivantes ». Cette information-là va
19 faire poser des questions différentes à nos gens sur le
20 terrain.

21 Donc, on veut pas présumer que l'on sait
22 tout, parce qu'on ne sait pas tout. Donc, en partageant de
23 l'information, qui est - si c'est pas crédible, on le
24 partagerait pas - donc, information crédible, mais qui est
25 partielle, qui est un fragment, peut permettre à quelqu'un
26 d'autre de faire son travail. Par contre, c'est très, très
27 rare qu'on va arriver pis qu'on va aller à des hauts
28 fonctionnaires, aux ministres pis leur partager ces petits

1 bouts d'information-là parce qu'on n'est pas capable de le
2 mettre plus en contexte.

3 Les experts, les gens sur le terrain, les
4 gens qui font les opérations, nos collègues qui font du
5 renseignement dans d'autres ministères sont capables
6 d'arriver et d'analyser leur... pour eux, ça peut être une
7 pièce d'information extrêmement importante.

8 Et par la suite, c'est comme ça qu'on
9 enrichit. Quand on parle de communauté, la communauté du
10 renseignement, de la sécurité au renseignement au Canada, ce
11 sont tous ces petits bouts-là qui, nous, on reçoit de
12 l'information qui est parcellaire de nos collègues, pis ça
13 peut arriver à nos analystes qui disent « hey, là maintenant,
14 je suis capable de mettre ces deux éléments-là en parallèle
15 et de pouvoir avoir une nouvelle compréhension d'une menace
16 qui existe ».

17 **COMMISSAIRE HOGUE:** Je comprends. Merci.

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

20 And before we get into the actual operations,
21 Madam Court Operator, can you scroll to -- actually, it's
22 already up on the screen, paragraph 47. So you're here, a
23 panel of CSIS witnesses, testifying about NSICOP's Report
24 because the report largely cites CSIS intelligence for its
25 conclusions. But to be clear, this is -- sorry; it's
26 actually paragraph 47.

27 To be clear, this is not actually CSIS's
28 report. So it's NSICOP's Report and the conclusions in it

1 are NSICOP's conclusions, not the Service's; is that correct?

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

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

5 "Ms. Lloyd noted that CSIS is not in
6 a position to know how NSICOP came to
7 its conclusions. Mr. Basler added
8 that NSICOP had chosen the wording of
9 the...Report, not CSIS."

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

12 Mr. Basler, this is another observation that
13 you made. The language in the public version of the NSICOP
14 Report has been through national security confidentiality
15 review. And this is a process that inevitably and inherently
16 removes detail and results in some abstraction and some loss
17 of nuance. Is that fair to say?

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

23 **MS. SHANTONA CHAUDHURY:** Okay.

24 And if we can just scroll up to paragraph 36
25 and 37, at page 10, please? So this is a little section on
26 the factual review of the NSICOP Report. So we understand
27 that as part of NSICOP's process not only the Service, but
28 all involved departments and agencies do what's called a

1 factual review. Mr. Basler, can you help us understand what
2 that review is and what it is not?

3 **MR. BO BASLER:** Certainly. Whenever a report
4 kind of -- of one of our review bodies on doing a --
5 conducting a review of a matter relating to the Service, they
6 will share an initial draft of the report with us to
7 determine if there are factual errors, not necessarily in
8 their analysis or in their conclusions, that is not something
9 that the Service can weigh in on or would weigh in on. We
10 wouldn't attempt to influence a conclusion or a
11 recommendation of a review body.

12 Instead, what the factual accuracy review
13 process does is allows the opportunity, let's say if there
14 was a paragraph that referenced a series of presentations,
15 because when you -- the process with NSICOP, one of the tools
16 that they used is they sought some presentations by Service
17 personnel. So if there's a paragraph in their report which
18 attributed some information to a presentation delivered by
19 the CSIS Director, when, in fact, we know it was delivered by
20 myself, we will point out the factual error that that
21 information should be attributed to the CSIS Director, not to
22 Mr. Basler, for example. But that is the extent.

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

28 The factual accuracy process is really just

1 about ensuring that there's consistency in what we said to
2 what they wrote, but not anything touching on recommendations
3 or conclusions or their analysis of our information.

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

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

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

10 Can we scroll down to paragraph 39, please?

11 Okay. So this paragraph refers to paragraph
12 55 in the public NSICOP report, which reads:

13 "Some elected officials, however,
14 began wittingly assisting foreign
15 state actors soon after their
16 elections."

17 And it says:

18 "[Three sentences were deleted to
19 remove injurious or privileged
20 information. The sentences described
21 examples of members of Parliament who
22 worked to influence their colleagues
23 on India's behalf and proactively
24 provided confidential information to
25 Indian officials.]"

26 So the first three allegations we're going to
27 talk about are essentially what's behind those three
28 sentences.

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

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

4 So Allegation 1, there's not much said about
5 the substance of Allegation 1, but it does say, "Commission
6 counsel asked the witness" -- this is at the top of paragraph
7 42, "about the Service's assessment of the wittingness of the
8 MP involved in Allegation 1."

9 We can now scroll down to the end of that
10 paragraph.

11 So Ms. Lloyd is emphasizing there that when
12 CSIS collects information on threat actors, it does not
13 necessarily assess individuals engaging with them unless it's
14 part of a determination of investigative steps, which is what
15 you said earlier today, Ms. Lloyd. So CSIS would not
16 necessarily have made an assessment of the MPs' wittingness.

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

19 "Mr. Basler did not have a specific
20 recollection of whether CSIS had used
21 the term 'wittingness' in relation to
22 the MP involved in Allegation 1."

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

26 **MR. BO BASLER:** Correct.

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

1 "This MP's activities were not
2 included as one of the instances in
3 the CSIS IR."

4 Is that correct?

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

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

9 "The NSICOP Report states that the MP
10 referred to in Allegation 2 is the
11 same MP as in Allegation 1. However,
12 the intelligence reporting cited in
13 the footnote for Allegation 2 is
14 about a different MP. Commission
15 counsel asked the witnesses if they
16 were able to explain this
17 discrepancy." (As read)

18 So it's a little hard to understand, but
19 essentially what's going on here, Mr. Basler, and I'll ask
20 you to confirm this, NSICOP says this Allegation 2 is about
21 the same MP as in Allegation 1, but the facts described and
22 the document referenced are about a different MP; correct?

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

24 **MS. SHANTONA CHAUDHURY:** Okay. So on the
25 face of it, NSICOP appears to believe that the MP in
26 Allegation 1 also did what is talked about at Allegation 2?

27 **MR. BO BASLER:** It appears that way, yes.

28 **MS. SHANTONA CHAUDHURY:** Okay. And in actual

1 fact, that's not what the intelligence reveals.

2 **MR. BO BASLER:** Correct.

3 **MS. SHANTONA CHAUDHURY:** Okay. And if we can
4 just scroll down now to paragraph 55, we'll see:

5 "Mr. Basler indicated that Allegation
6 2 is listed in the CSIS IR." (As
7 read)

8 So this is one of the ones that's considered
9 a significant instance of FI and made it into the CSIS IR.
10 Is that correct?

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

12 **MS. SHANTONA CHAUDHURY:** Okay. And then
13 finally, we'll just note that Mr. Basler noted that, at the
14 end of paragraph 57 there, "this MP is no longer a concern".

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

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

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

23 "...wittingly assisting foreign state
24 actors. Commission counsel referred
25 the witnesses to the underlying
26 intelligence reporting related to the
27 allegation at paragraph 55 of the
28 report that an elected official

1 proactively provided confidential
2 information to Indian officials. An
3 intelligence report suggests that the
4 MP allegedly provided confidential
5 information to an Indian official;
6 however, at the time the MP is
7 alleged to have done this, the
8 information had already been made
9 public." (As read)

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

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

14 **MS. SHANTONA CHAUDHURY:** Okay. Because at
15 the time that this information, allegedly confidential, was
16 provided, it had actually been made public. Is that correct?

17 **MR. BO BASLER:** The reference appears that
18 way, correct.

19 **MS. SHANTONA CHAUDHURY:** Okay. Scroll down
20 now if we can to paragraph 60. Just to note that this
21 particular mistake is one that actually found its way into
22 the CSIS Annual Report 2022-2023 as described at paragraphs
23 60 through 62.

24 There's an excerpt in the report at paragraph
25 61 that reflects that information.

26 And then down to paragraph 62, we can see
27 there was some discussion about this in the examination, so
28 the Commission asked the Service to confirm afterwards that

1 the Service did not have -- did or did not have an indication
2 that the confidential information had been shared by the MP.
3 And what we see at the end of paragraph 62 is that the
4 Commission was advised that the Service had no indication
5 that confidential information was shared by the MP. Is that
6 correct?

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

8 **MS. SHANTONA CHAUDHURY:** Okay. And then if
9 we just -- to paragraph 64. Very, very end of paragraph 64,
10 please.

11 The end of it. Sorry. Next page.

12 "Again, further to the undertaking,
13 CSIS had no information the MP
14 provided confidential information to
15 Indian officials. CSIS' information
16 merely implied that some information,
17 not necessarily confidential, would
18 be shared discretely." (As read)

19 Fair?

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

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

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

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

28 Moving now to -- and this time I'll ask you,

1 actually, to take down the witness summary and put up COM363,
2 please.

3 And scroll down to paragraph 56, please, of
4 the NSICOP Report.

5 Okay, perfect. So paragraph 56, I'll just
6 read it:

7 "[This paragraph was deleted to
8 remove injurious or privileged
9 information. The paragraph described
10 a textbook example of foreign
11 interference that saw a foreign state
12 support a witting politician. CSIS
13 provided specific intelligence to the
14 secret-cleared representatives of the
15 party shortly before the election and
16 to the Prime Minister shortly after.
17 The Prime Minister discussed this
18 incident with the Committee and the
19 steps he took in response to
20 intelligence reporting.]"

21 Mr. Basler, what I want to focus here in this
22 paragraph is the line "a textbook example of foreign
23 interference that saw a foreign state support a witting
24 politician."

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

28 Thank you.

1 So here we have the allegation is a textbook
2 example. The Commission examined an allegation at paragraph
3 56 of the report that was described as:

4 "...a textbook example of foreign
5 interference [...] saw foreign states
6 support a witting politician." (As
7 read)

8 So the witnesses confirmed that the
9 description of the politician as witting was NSICOP's
10 conclusion, not the Service's. Is that correct, Mr. Basler?

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

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

13 "Commission counsel then referred to
14 an intelligence product related to
15 this allegation and we confirmed that
16 this product describes the incident
17 as a textbook example of foreign
18 interference, but doesn't describe
19 the MP as a witting politician." (As
20 read)

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

22 **MS. SHANTONA CHAUDHURY:** Okay. And just
23 scroll down to the end of that paragraph, please. so this
24 again goes to the -- this was one of the written questions
25 put to the Service, which states -- and the response that
26 came back was:

27 "The extent to which the MP is aware
28 of the details, or that they

1 constitute foreign interference
2 remains an intelligence gap." (As
3 read)

4 And Mr. Basler, you confirm that's a fair
5 statement?

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

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

14 Okay. So this is the next allegation, which
15 has to do with an MP providing an intelligence officer with
16 information provided in confidence. So what the textbox
17 says:

18 "Member of Parliament wittingly
19 provided information to a foreign
20 state
21 The Committee notes a particularly
22 concerning case of a then-member of
23 Parliament maintaining a relationship
24 with a foreign intelligence officer.
25 According to CSIS, the member of
26 Parliament sought to arrange a
27 meeting in a foreign state with a
28 senior intelligence official and also

1 proactively provided the intelligence
2 officer with information provided in
3 confidence."

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

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

11 "The Commission explored the
12 allegation at page 26, whereby an MP
13 is alleged to have passed on
14 information that was provided to them
15 in confidence to a foreign
16 intelligence officer." (As read)

17 In the written response, the Service
18 acknowledged that:

19 "It is not known whether the MP had
20 been advised that they were to keep
21 that information in confidence." (As
22 read)

23 Mr. Basler, is that ---

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

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

26 Okay.

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

1 "Commission counsel referred the
2 witnesses to underlying intelligence,
3 indicating that the information that
4 had been provided was actually
5 unclassified." (As read)

6 Is that correct?

7 **MR. BO BASLER:** Correct.

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

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

16 **MS. SHANTONA CHAUDHURY:** Okay.

17 **MR. BO BASLER:** --- but not classified.

18 **MS. SHANTONA CHAUDHURY:** Not classified and
19 the -- it's unknown whether the MP had ever been advised?

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

21 **MS. SHANTONA CHAUDHURY:** Okay. And if we now
22 scroll down to paragraph 79?

23 "The Service witnesses agreed that in
24 respect of this allegation, NSICOP
25 used stronger language than the
26 Service used." (As read)

27 Is that fair?

28 **MR. BO BASLER:** Yeah, I'd have to ---

1 **MS. SHANTONA CHAUDHURY:** Sorry, scroll up
2 again.

3 **MR. BO BASLER:** I'd have to look at the
4 language again to refresh.

5 **MS. SHANTONA CHAUDHURY:** Sorry, to paragraph
6 74, please.

7 So the NSICOP report, I skipped a step here,
8 actually refers to that information as having been privileged
9 as well. That's not in the public report. It's in the
10 classified report. So it's referred to there.

11 And then we have some discussion about what
12 privileged information is and is not.

13 And all of that ends in the statement that I
14 just read at paragraph 79, that that is stronger language
15 than the Service would have used.

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

17 **MS. SHANTONA CHAUDHURY:** Okay. Scroll down -
18 - yeah, so we can see paragraph 81, please.

19 This is the next allegation. Concerns with
20 an MP being compromised by a foreign state. Paragraph 81:

21 "Commission counsel referred the
22 witnesses to an allegation contained
23 in the classified NSICOP report
24 indicating that an MP had been
25 compromised using specific
26 inculpatory language. Commission
27 counsel queried whether NSICOP's
28 characterization was directed at the

1 correct MP and whether the correct
2 country had been identified in the
3 allegation. The Service witnesses
4 responded that the reporting refers
5 to a different country than that
6 which NSICOP had identified." (As
7 read)

8 So Mr. Basler, again paraphrasing, and
9 colloquial language, basically NSICOP had the wrong country
10 here?

11 **MR. BO BASLER:** Correct. The use -- in that
12 specific one, the use of the specific inculpatory language
13 was attributed to a different country.

14 **MS. SHANTONA CHAUDHURY:** Okay. And just
15 looking down at paragraph 82, and you were speaking about,
16 again, this reverse engineering process. And then at
17 paragraph 83, you note that:

18 "NSICOP incorrectly ascribed that
19 inculpatory language as an assessment
20 of the Service, when in fact it was
21 not the Service's assessment, it was
22 language that had been used by a
23 third party in an intelligence
24 report." (As read)

25 **MR. BO BASLER:** Correct. It appeared in a
26 report, but not as an assessment of the Service.

27 **MS. SHANTONA CHAUDHURY:** Okay. Pausing for a
28 moment to go up to paragraph 33, please. There we go.

1 So this is more in the nature of an
2 explanation of a general intelligence concept, but Ms.
3 Henderson, can you explain the difference between a declared
4 intelligence officer and an undeclared intelligence officer?

5 **MS. CHERIE HENDERSON:** Yes, I can. And I'll
6 try and make it clear, but if it gets confusing, please stop
7 me and ask me for clarification.

8 So when a foreign intelligence service sends
9 representatives of their agency to come and work inside the
10 diplomatic premise in another country, they come in and tell
11 the Canadian Government, or the government of the country
12 that's hosting them, that they are an intelligence officer
13 working in an intelligence officer capacity, and that would
14 be a declared intelligence officer.

15 When a foreign intelligence service sends a
16 representative of their agency into work in a diplomatic
17 premise in another country and do not tell the host country
18 that they're actually a representative of the intelligence
19 agency, we would determine that to be an undeclared officer.

20 One clarification, or one thing to make very
21 clear is in a declared intelligence officer, they only
22 declare that to the host government. They do not declare
23 that publicly to the country, the citizens of the country
24 that they are being hosted by.

25 **MS. SHANTONA CHAUDHURY:** Okay. That was
26 clear. So if I can just, again, paraphrase in rather
27 colloquial language, a declared intelligence officer is a
28 legitimate position. An undeclared intelligence officer is a

1 spy? Is that fair?

2 **MS. CHERIE HENDERSON:** Yes.

3 **MS. SHANTONA CHAUDHURY:** Good enough.

4 Let's scroll down now to paragraph 68,
5 please.

6 So here we have an allegation regarding
7 interactions with a foreign intelligence officer.

8 "The Commission explored an
9 allegation in the NSICOP report in
10 which a person was described as an
11 undeclared intelligence officer but
12 was in fact, as confirmed in CSIS
13 intelligence products and its written
14 response to the Commission, a
15 declared intelligence officer." (As
16 read)

17 And then Mr. Basler, I think after this, you
18 indicated that this statement could be somewhat factual, in
19 that the individual was declared to, as Ms. Henderson
20 explained, the Government of Canada, but not necessarily the
21 whole world, with the qualification that some people, and
22 likely the person involved here, were aware of the person's
23 status as a declared intelligence officer. Is that a fair
24 summary?

25 **MR. BO BASLER:** That's a fair summary. I
26 think Ms. Henderson was much more eloquent in the description
27 of the difference. But the summary is correct.

28 **MS. SHANTONA CHAUDHURY:** Than I was? Thanks.

1 (LAUGHTER / RIRES)

2 MR. BO BASLER: Than I was, not than you
3 were.

4 MS. SHANTONA CHAUDHURY: Okay. Let's go now
5 to page 20, please, paragraph 84. I think the rest of this
6 will go reasonably quickly.

7 So this is an allegation involving covert
8 support from Pakistan. The allegation being that:

9 "Pakistan worked to support a
10 preferred candidate's election." (As
11 read)

12 And then if we see what Mr. Basler tells us
13 at page -- at paragraph 86, rather:

14 "That information was shared with
15 both Elections Canada and OCCE." (As
16 read)

17 Is that correct?

18 MR. BO BASLER: That's correct.

19 MS. SHANTONA CHAUDHURY: Okay. Can we take
20 the summary down and have the report put back up again,
21 COM.363, please? Paragraph 68. Great. So this is an
22 allegation about transfer of funds, the paragraph describes:

23 "CSIS information that an Indian
24 proxy claims to have repeatedly
25 transferred funds from India to
26 politicians at all levels of
27 government in return for political
28 favours, including raising issues in

1 Parliament at the proxy's request.
2 CSIS did not share this information
3 with the RCMP or the Commissioner of
4 Canada Elections."

5 Can we take the report down and put the
6 summary back up, please? Scroll down to paragraph 89,
7 please. Okay, actually just a little -- start at 88 please.
8 Okay, just so we see where we are here. Then 89 -- sorry:

9 "Commission counsel referred the
10 witnesses to a sentence, paragraph 68
11 of the NSICOP report, CSIS did not
12 share this information with the RCMP
13 or the Commissioner of Canada
14 Elections." (As read)

15 Mr. Vigneault, I'll just ask you to speak to
16 the next part. What you said was you couldn't recall any
17 specific discussion, but that you noted the intelligence on
18 this was limited and that you were comfortable, or not
19 uncomfortable with the fact that it wasn't shared in the
20 circumstances.

21 **MR. DAVID VIGNEAULT:** That's accurate.

22 **MS. SHANTONA CHAUDHURY:** Okay. And that's
23 again because of the limitations on the intelligence?

24 **MR. DAVID VIGNEAULT:** Limitations on the
25 intelligence given the mandate of these organizations and
26 their ability to use that information with the limited amount
27 of information we had.

28 **MS. SHANTONA CHAUDHURY:** Okay. Now, if we

1 can scroll to paragraph 73, please? Actually, sorry,
2 paragraph 96. And just can we scroll up so we can see the
3 heading, please? Great. Okay:

4 "Allegation concerning Indian
5 interference in the CPC leadership
6 race." (As read)

7 So this discussion goes from paragraph 96 to
8 paragraph 100. Ms. Llyod, I think you're probably best
9 placed to speak to this. I'll just introduce it by saying:

10 "The paragraph which is paragraph 73
11 in the NSICOP report described
12 India's alleged interference in a
13 Conservative Party of Canada
14 leadership race." (As read)

15 So Ms. Lloyd, I'll ask you to tell us what
16 you can about that and Madam Court Operator, I'll ask you to
17 follow along with respect to what's in the summary.

18 **MS. VANESSA LLOYD:** I believe all the
19 information we can share about the incident is provided here.
20 What we're looking at though is part of our efforts to
21 increase resiliency more broadly.

22 So in the democracy it's important that all
23 parties understand the implications of foreign interference.
24 And so what we're looking at is the fact that in a briefing
25 in June, earlier this year, that this information was
26 provided to an official representing the Conservative Party
27 of Canada.

28 **MS. SHANTONA CHAUDHURY:** Okay. And if we can

1 just scroll down a little bit so we can see the rest of this
2 discussion. This was the Chief of Staff who received a top-
3 secret clearance. And then at paragraph 98, it was with
4 regard, as you say, to potential government of India
5 interference and there's further discussion of the issue at
6 DM CIR, and can someone remind us of what DM CIR is?

7 **MS. VANESSA LLOYD:** It's DM Intelligence
8 Response.

9 **MS. SHANTONA CHAUDHURY:** Perfect:

10 "The government believed that this
11 information needed to be provided to
12 the party and so it was." (As read)

13 And as you said, it was provided in order to
14 build resilience. And I believe that is around paragraphs 99
15 and 100. And is that the sum total of what we can say about
16 this allegation at this point?

17 **MS. VANESSA LLOYD:** Yes, it is.

18 **MS. SHANTONA CHAUDHURY:** Okay. Finally, my
19 remaining three and a half minutes, I'll just ask you to
20 first scroll down to paragraph 109, please? Great.

21 So at the end of this examination, counsel
22 for the Attorney General asked what your general impressions
23 were of the NSICOP report. And a few things came out of that
24 discussion, one of which was the contribution that the report
25 made to raising awareness of foreign interference among the
26 Canadian public.

27 And if we see, Ms. Tessier, what you said at
28 paragraph 109, which I'll ask you to build on here:

1 "The nature of these activities and
2 the fact that they're happening in
3 Canada is important to highlight.
4 The nuances raised by the Commission
5 are also important." (As read)

6 And then you speak a little bit about the
7 national security culture in Canada. So can I ask you to put
8 it in your own words, not mine, those ideas?

9 **MS. MICHELLE TESSIER:** You've summarized it
10 very well though, I have to say.

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

12 **Mme MICHELLE TESSIER:** Comme on a discuté
13 déjà, pis comme mes collègues ont indiqué, il n'y a pas eu
14 beaucoup de discussion au niveau des enjeux de la sécurité
15 nationale ici au Canada. Donc, moi, quand j'ai lu le
16 rapport, il faut comprendre, la première fois que j'ai lu le
17 rapport, c'est en tant que citoyenne canadienne. Donc,
18 j'avais pas à ce moment-là accès à l'information classifiée
19 que j'ai pu recevoir par la suite pour les fins de la
20 Commission.

21 Mais donc, quand j'ai lu l'information, j'ai
22 été agréablement surprise de voir les détails qui ont été
23 divulgués. Parce qu'il faut pas perdre de vue la menace de
24 l'ingérence étrangère et l'importance de cette menace.
25 Évidemment, aujourd'hui, comme j'ai souligné pis comme madame
26 Chaudhury a souligné, c'est des nuances, c'est important de
27 les souligner, de les expliquer, mais il faut pas perdre de
28 vue la nature de cette menace.

1 Donc, le fait que le comité, dans ce cas-ci,
2 a divulgué beaucoup d'information pour informer les Canadiens
3 que ce genre d'activité a lieu, je trouve que c'est très
4 important à souligner parce que ça alimente notre discussion
5 au niveau de la sécurité nationale. Ce que je trouve être un
6 peu manquant dans le pays, mais ça évolue, mais ça a été
7 quand même manquant.

8 Il faut aussi souligner... je prends
9 l'opportunité pour souligner que le Canada n'est pas seul.
10 C'est une menace que les démocraties mondialement... à laquelle
11 elles font face, surtout dans les années électorales. Pas
12 seulement les élections, on sait que ça a lieu à l'extérieur
13 des périodes électorales, mais je pense quand qu'on regarde
14 ce qui se passe au monde et le travail qu'on fait avec nos
15 alliés, c'est une menace partagée, si vous voulez, parmi les
16 valeurs démocratiques au monde. Donc, je pense que, pour ces
17 raisons-là, le fait que autant de détails ont été divulgués
18 souligne l'importance de cette menace.

19 **COMMISSAIRE HOGUE:** Est-ce que je dois
20 comprendre par ailleurs vos propos comme portant
21 essentiellement sur l'origine de la menace? Donc, vous
22 portez toujours, comme vous le mentionnez, votre regard sur
23 les auteurs de la menace?

24 **Mme MICHELLE TESSIER:** Tout à fait.

25 **COMMISSAIRE HOGUE:** Et non pas nécessairement
26 sur ceux qui pourraient être affectés par la menace ou, je
27 veux pas me prononcer ici là, sciemment ou non sciemment
28 affectés par cette menace-là?

1 **Mme MICHELLE TESSIER:** Oui, tout à fait. Et
2 comme madame Lloyd a dit au tout début aujourd'hui, on
3 regarde la situation géopolitique aussi puis ce que les états
4 cherchent à faire pour leurs propres fins. Mais aussi, comme
5 on dit, il n'y a pas de *sanctuary*, on va enquêter où la
6 menace nous amène. Et le but, c'est de protéger les citoyens
7 canadiens, les intérêts du Canada et les institutions
8 démocratiques du Canada. Donc, tout ça fait partie de nos
9 enquêtes quand on regarde ce type de menace.

10 **MS. SHANTONA CHAUDHURY:** Madam Commissioner,
11 those are my questions.

12 **COMMISSIONER HOGUE:** Merci. We'll take a
13 break. We'll come back at 2:45.

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

16 The sitting of the Commission is now in recess
17 until 2:45 p.m. Cette séance de la Commission est maintenant
18 suspendue jusqu'à 14 h 45.

19 --- Upon recessing at 2:24 p.m./

20 --- La séance est suspendue à 14 h 24

21 --- Upon resuming at 2:47 p.m./

22 --- La séance est reprise à 14 h 47

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

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

1 The time is 2:47 p.m. Il est 14 h 47.

2 --- MS. CHERIE LYNN HENDERSON, Resumed/Sous la même
3 affirmation:

4 --- MS. MICHELLE TESSIER, Resumed/Sous la même affirmation:

5 --- MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:

6 --- MS. VANESSA LLOYD, Resumed/Sous la même affirmation:

7 --- DR. NICOLE GILES, Resumed/Sous la même affirmation:

8 --- MR. BO BASLER, Resumed/Sous la même affirmation:

9 COMMISSIONER HOGUE: So first is counsel for
10 Michael Chong.

11 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR
12 MR. GIB van ERT:

13 MR. GIB van ERT: Thank you, Commissioner.
14 I'll ask the Court Operator to open up, please, document
15 CAN8242.

16 --- EXHIBIT No./PIÈCE No. CAN008242:

17 Ministerial Direction on
18 Accountability

19 MR. GIB van ERT: Madam Director, I will have
20 some questions for you in a moment. I haven't forgotten that
21 you're in charge of the place now, but the first document
22 that I've called up here is one that I believe dates from
23 Director Vigneault's time, so I'll start with him.

24 Mr. Vigneault, this is, as I understand it, a
25 CSIS document concerning whether CSIS met its duty, as you
26 see in that first paragraph, to advise the Minister, who I
27 take it is the Minister of Public Security, but you'll
28 correct me if I'm wrong, by way of disseminating relevant

1 intelligence reports and assessments concerning a potential
2 threat activity against Mr. Chong and his family. So my
3 first question for you is who was it that was suggesting that
4 the Service had failed to meet its duty?

5 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
6 not sure I would characterize that our reaction to a
7 statement that we -- someone was impugning this on us. I
8 think the comments by the Prime Minister and by the Minister
9 of Public Safety came out after it was revealed publicly that
10 some of this intelligence existed clarified their
11 expectations. So this is very much how we have looked at it,
12 and I think this document speaks to both what we have done in
13 the past, but what we have done, you know, in response to
14 this event.

15 **MR. GIB van ERT:** And, Mr. Vigneault, had --
16 was this -- are these talking points for a meeting, or was
17 this document delivered to someone?

18 **MR. BO BASLER:** Would you -- would it be
19 possible to bring up the -- who submitted this document? I'm
20 -- I have seen the document, but I'm not certain it's
21 actually a CSIS document.

22 **MR. GIB van ERT:** Well, I'm not certain
23 either, and so if we're able to inform ourselves about that,
24 yes, please. I don't know how to do it, but perhaps
25 Commission ---

26 **MR. BO BASLER:** I don't know either.

27 **MR. GIB van ERT:** --- counsel has a sense of
28 it.

1 **COMMISSIONER HOGUE:** Don't look at me.

2 **MS. ERIN DANN:** I will see whether that is --
3 there is a category on the database to indicate where we --
4 where the Commission is aware. If I can just have a brief
5 moment perhaps while you continue, I will ---

6 **MR. GIB van ERT:** Yes.

7 **MS. ERIN DANN:** --- I will investigate.

8 **MR. GIB van ERT:** Thank you very much. I'll
9 show you page 3 because there's something there that may be
10 of assistance. At the bottom of page 3 of this document --
11 oh, no, I've misremembered. I think it must be the bottom of
12 page 2. Yes. Hang on a second. I'm going to have to find
13 my way through here as well. Give me a moment while I look
14 at my own note here. There is -- somewhere in this document,
15 it indicates -- it indicated to me, at least, that it was
16 done in May 2023. Where am I finding that? Oh, yes, at the
17 bottom of page 2, it says,

18 "The July 2021 Intelligence Assessment
19 referenced in this week's Globe and
20 Mail reporting..."

21 So I'm assuming that's the May 2023 leak that
22 concerned Mr. Chong and the alleged targeting of him through
23 the Consul in Toronto. And so I took it from that that this
24 document was something that CSIS had prepared around that
25 time, but you're quite right, Mr. Basler, that I'm not
26 entirely sure.

27 Well, let's go on, and I think Ms. Dann is
28 looking into it for us. Oh, it looks like she's got an

1 answer.

2 **MR. BO BASLER:** Drum roll.

3 **MS. ERIN DANN:** Thank you. What I can advise
4 is that when the document was produced to us by the Attorney
5 General, the metadata associated with that file indicated
6 that the author was CSIS.

7 **MR. BO BASLER:** Okay. Thank you.

8 **MR. GIB van ERT:** All right. Do any of you
9 know anything more about who at CSIS produced this document?

10 **MR. DAVID VIGNEAULT:** I do not. I do not.

11 **MR. BO BASLER:** If it was produced by CSIS,
12 there is a chance it would have been produced by my team,
13 just based on, as you say, the dates or but I don't -- the
14 wording in it does not lead me to believe that it is, in
15 fact, a CSIS document, but I just don't ---

16 **MR. GIB van ERT:** All right. Well, it is
17 quite an important document, so I will ask that you inform
18 the Commission whose document this is, please.

19 **COMMISSIONER HOGUE:** I think the way the
20 question is framed will be probably difficult to answer
21 because if it's not a CSIS document, I ---

22 **MR. GIB van ERT:** Ah, that's a very good
23 point.

24 **COMMISSIONER HOGUE:** --- don't think they
25 will be able to say.

26 **MR. GIB van ERT:** No, the Commissioner's
27 absolutely right. Could you please inform us whether or not
28 this is a CSIS document?

1 NSIA [who at the time was Mr. Rigby],
2 and others at PCO:

3 The Deputy Minister of Foreign
4 Affairs and others at Global
5 Affairs...;

6 The Deputy Minister of National
7 Defence and others at DND;

8 The Chief of [CSE and others there];

9 The Minister and Deputy Minister of
10 Public Safety..."

11 That was Mr. Blair at the time, of course,
12 the Minister, and Rob Stewart was the Deputy:

13 "...and others at Public Safety..."

14 I'll stop to ask this question.

15 Others at Public Safety, did that include the
16 Chief of Staff at Public Safety, Ms. Zita Astravas?

17 **MR. DAVID VIGNEAULT:** Madam Commissioner,
18 what I can say is that the normal distribution of
19 intelligence reports would include the Minister's office. It
20 will be normal practice that these products are available to
21 them.

22 Specifically to know if this specific report
23 had been disseminated to her as a distribution, I doubt that
24 we would have that in our database, but it will be normal
25 practice that these reports are made available to the
26 Minister's office.

27 **MR. GIB van ERT:** All right. Thank you.

28 Are you able to say -- you'll see the

1 redaction that says prior to May 2021. Are you able to say
2 in what -- I mean, prior to May of 2021, that leaves four
3 months, January to April.

4 Are you able to say in which months -- which
5 month the first of these three products was distributed to
6 these people?

7 **MR. BO BASLER:** I'll note it says prior to
8 May.

9 **MR. GIB van ERT:** Twenty twenty-one (2021).

10 **MR. BO BASLER:** Twenty twenty-one (2021).

11 That's all it says. It doesn't say ---

12 **MR. GIB van ERT:** That's right.

13 **MR. BO BASLER:** --- between January and May.

14 **MR. GIB van ERT:** No.

15 **MR. BO BASLER:** It doesn't say any of that.

16 It says prior to May ---

17 **MR. GIB van ERT:** That's right.

18 **MR. BO BASLER:** --- 2021, which is ---

19 **MR. GIB van ERT:** Yeah.

20 **MR. BO BASLER:** --- as far as we are able to
21 go.

22 **MR. GIB van ERT:** Well, let me remind you
23 that the NSIRA Report said several months prior to the IMU,
24 which was the 30th of May. Does that refresh your
25 recollection a bit about when -- I mean, it wasn't -- these
26 weren't delivered, I think -- even what NSIRA says, it wasn't
27 the 27th, 28th and 29th of April.

28 **MR. BO BASLER:** Correct. It's not a -- it's

1 not a matter of refreshing my memory. It's a matter of not
2 disclosing when intelligence -- particular intelligence
3 reports were created or disseminated on the basis of national
4 security.

5 **MR. GIB van ERT:** Yes. All right.

6 So if I've understood your answer, what
7 you're saying is you are not able to specify the month in
8 which the first of these three reports was released for
9 national security reasons. Is that what you've told me?

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

11 **MR. GIB van ERT:** Thank you. All right.

12 And you may not be able to answer this
13 either, but I'll ask.

14 Monsieur Vigneault, vous vous rappelez qu'au
15 printemps, vous avez témoigné que vous avez eu une rencontre
16 avec le premier ministre le 9 février 2021, un briefing avec
17 lui. Est-ce que vous êtes en mesure de dire si le premier de
18 ces trois documents avait été distribué avant cette
19 rencontre-là avec le premier ministre?

20 **M. DAVID VIGNEAULT:** Madame la Commissaire,
21 si l'information n'a pas été rendue publique à ce moment-ci,
22 je ne suis pas en mesure de le faire.

23 **Me GIB van ERT:** Merci.

24 All right. And it goes on, if you'll scroll
25 down, please, a little further -- right. Yes, that's good.

26 The July 2021 intelligence assessment
27 referenced in this week's Globe and Mail reporting summarized
28 the earlier reports. It was shared much more broadly and

1 then, to go over the page.

2 Just scrolling down, please. There we are.

3 It goes on about information sharing.

4 Let me put it this way. I understand this
5 document's been saying these are the reasons why CSIS is of
6 the view that we met our obligations to inform the Minister
7 because we shared the three instruments and the July
8 assessment. It doesn't mention the MIU, but of course, there
9 was that, too.

10 All those things were shared with a long list
11 of people, including the Minister of Public Safety himself,
12 the NISA and so on. These are the reasons why you say we met
13 our obligations. Isn't that right?

14 **M. DAVID VIGNEAULT:** Madame la Commissaire,
15 comme monsieur Basler l'a mentionné, on n'est pas certain de
16 l'origine du document, but I understand the question and, you
17 know, I would agree with the statement that, you know, from
18 our point of view, from my point of view, having shared this
19 information at large, even though it's -- could be sensitive
20 information, we would feel that, you know, we have informed
21 adequately.

22 **MR. GIB van ERT:** Thank you.

23 This morning, you gave some evidence about a
24 targeting paper. Are you able to say whether the targeting
25 paper is one of the three instruments, one of the three
26 products that were shared prior to May 2021.

27 **M. DAVID VIGNEAULT:** Madame la Commissaire,
28 je peux pas aller dans ces détails-là.

1 **MR. GIB van ERT:** Thank you.

2 Have you -- actually, I've just been informed
3 -- I was about to ask you a question, but I've just been
4 given the answer by Ms. Dann before we began.

5 I understand that these three products have
6 not been disclosed to the Commission and ---

7 **MS. ERIN DANN:** I'm sorry, Mr. van Ert. Just
8 to confirm, the products have been disclosed to the
9 Commission.

10 **MR. GIB van ERT:** Oh, I see. But they
11 haven't been disclosed to the parties.

12 **MS. ERIN DANN:** We have -- the Commission
13 made a request for public disclosure of these documents and
14 the Attorney General has advised that, on the basis of
15 national security confidentiality, the documents cannot be
16 produced and must be withheld in their entirety. And they
17 have provided reasons to the Commission for that in a
18 classified letter.

19 **MR. GIB van ERT:** All right. So we won't get
20 the documents and we won't get the reasons.

21 All right. Well, let's pass on to something
22 else, then.

23 I'm coming back to you, Madam Director. You
24 and your colleagues gave evidence this morning about a
25 warrant that CSIS sought for Mr. Blair, the Minister of
26 Public Safety at the time.

27 I'll ask the Court Operator to go to
28 CANSUM29.

1 --- EXHIBIT No./PIÈCE No. CAN.SUM.000029:

2 CSIS Warrant Application Process

3 **MR. GIB van ERT:** Yes. Page 2 at the top.

4 And so this is a summary explaining the
5 warrant process, and the second paragraph explains that the
6 authority to seek a warrant is set out in section 21(1) of
7 the *CSIS Act*. And it quotes the Act there:

8 "...if the Director believes on
9 reasonable grounds that a warrant is
10 required to enable the Service to
11 investigate a threat to the security
12 of Canada or to perform its duties
13 under s. 16."

14 So that is the basis upon which the Service
15 would seek a warrant. Isn't that right, Director?

16 **DR. NICOLE GILES:** That's correct.

17 **MR. GIB van ERT:** Thank you.

18 And if the warrant is granted, then the
19 Service will have the authority to intercept communications
20 in some way. Isn't that right?

21 **MS. VANESSA LLOYD:** So the paragraph that is
22 being described there speaks about how the Director would
23 support and the Minister would support an application. The
24 application is made to the Federal Court ---

25 **MR. GIB van ERT:** Yes.

26 **MS. VANESSA LLOYD:** --- and the Federal Court
27 determines which of a range of methodologies might be
28 authorized under the warrant conditions.

1 **MR. GIB van ERT:** And one of those would be
2 intercepting communications, if that's what the Service is
3 asking for.

4 **MS. VANESSA LLOYD:** There would be a range,
5 madame Commissaire, of ---

6 **COMMISSIONER HOGUE:** Yes. But in the range,
7 does it include interception of communications?

8 **MS. VANESSA LLOYD:** Madam Commissioner, I'm
9 not going to speak to the individual authorizes that the
10 Court may or may not provide to the Service.

11 **MR. GIB van ERT:** On what possible basis
12 would you decline to answer that? It's in the statute.

13 I'm not asking you about a particular
14 warrant. I'm just asking you about what a warrant is for.

15 **MS. VANESSA LLOYD:** A warrant authorizes
16 intrusive measures that would not otherwise be permissible
17 without the authorization of the Federal Court.

18 **MR. GIB van ERT:** Right. Okay. Thank you.
19 If you'll call up, please, Court Operator,
20 WIT0121.

21 This is one of the witness summaries. And if
22 you'll go, please, to paragraph 12.

23 Paragraph 12. There we are. Thank you.

24 Ça, c'est votre preuve, Madame Tessier. And
25 you mentioned it this morning. It says that you also briefed
26 the Minister's Chief of Staff prior to the warrants being
27 submitted. Est-ce que vous êtes en mesure de dire combien de
28 temps avant que le mandat soit soumis? Des jours? Des

1 semaines?

2 **Mme MICHELLE TESSIER:** Oui. Je me souviens
3 pas exactement de la date, mais je crois que c'était
4 plusieurs semaines, au moins six semaines, si je m'abuse, si
5 ma mémoire est bonne là, à base des informations qui ont déjà
6 été divulguées. Mais je me souviens pas de la date précise.

7 **Me GIB van ERT:** Je comprends, mais vous avez
8 dit à peu près six semaines, c'est ça?

9 **Mme MICHELLE TESSIER:** Oui.

10 **Me GIB van ERT:** Merci.

11 **Mme MICHELLE TESSIER:** À peu près. Ben, six
12 semaines entre le moment que nous avons déposé la demande de
13 mandat auprès de la Sécurité publique et la signature du
14 ministre.

15 **Me GIB van ERT:** Oh, non, non.

16 **COMMISSAIRE HOGUE:** Je pense c'est pas la
17 question. C'est ça.

18 **Mme MICHELLE TESSIER:** Non, ça, je comprends.
19 C'est pour ça que j'ai dit c'était au moins six semaines,
20 parce que je me souviens pas de la date précise à laquelle
21 que j'ai discuté avec le chef de cabinet. Je crois que
22 c'était le mois de mars, mais...

23 **Me GIB van ERT:** Oui.

24 **Mme MICHELLE TESSIER:** ... je crois que c'est
25 dans les documents. Mais je pense...

26 **Me GIB van ERT:** Et quand vous avez dit que
27 vous avez... briefed the Chief of Staff prior to the warrant
28 being submitted. Is it a day before? Is it a couple days

1 before? Do you recall?

2 **MS. MICHELLE TESSIER:** As I said, I don't
3 recall the exact date, but I believe it was March and I
4 believe the warrant was signed in May. I think those ---

5 **MR. GIB van ERT:** Yes.

6 **MS. MICHELLE TESSIER:** --- are the dates that
7 are ---

8 **MR. GIB van ERT:** Yes.

9 **MS. MICHELLE TESSIER:** --- in the document --
10 -

11 **MR. GIB van ERT:** I believe that's ---

12 **MS. MICHELLE TESSIER:** --- if I'm not
13 mistaken.

14 **MR. GIB van ERT:** --- right, but in that
15 case, the evidence that -- Mr. Blair hasn't testified yet,
16 but he's had an interview summary that is -- and we're
17 anticipating that he's going to say that the warrant was in
18 his office for 54 days before he signed it. So, as you say,
19 that would put us into mid-March. My question is, before
20 mid-March, when the warrant application goes to the
21 Minister's office, you had a meeting with Ms. Astravas. How
22 long before was ---

23 **MS. MICHELLE TESSIER:** I ---

24 **MR. GIB van ERT:** --- that meeting; do you
25 know?

26 **MS. MICHELLE TESSIER:** --- I don't recall the
27 exact date. I apologize. I don't recall ---

28 **MR. GIB van ERT:** I don't need the exact

1 date. Are you able to say ---

2 **MR. BARNEY BRUCKER:** No, I don't think that's
3 the evidence.

4 **MR. GIB van ERT:** --- a couple days? Are you
5 able to say a couple days? A week? Do you know?

6 **MS. MICHELLE TESSIER:** I'm sorry, could you
7 repeat your question?

8 **MR. GIB van ERT:** Yes. You've given evidence
9 here that you briefed the Chief of Staff prior to the warrant
10 being submitted. Was it a month ---

11 **MS. MICHELLE TESSIER:** Yes.

12 **MR. GIB van ERT:** --- prior? Was it a week
13 prior? Was it a day prior?

14 **MS. MICHELLE TESSIER:** And that is my
15 response is I do not recall the exact date.

16 **MR. GIB van ERT:** I'm not asking for an exact
17 date, Madam.

18 **MS. MICHELLE TESSIER:** I don't recall if it
19 was days or weeks.

20 **MR. GIB van ERT:** All right. Thank you. All
21 right. In those preliminary discussions, did you tell Ms.
22 Astravas who the target of the warrant was?

23 **MS. MICHELLE TESSIER:** Yes.

24 **MR. GIB van ERT:** All right. And was she,
25 Ms. Astravas -- well, let me ask you, was anyone else in
26 those preliminary discussions? Was Rob Stewart, for
27 instance, there?

28 **MS. MICHELLE TESSIER:** I do not believe he

1 was. There would have been other people. I don't recall
2 exactly who.

3 **MR. GIB van ERT:** Thank you.

4 **MS. MICHELLE TESSIER:** But I do not believe
5 he was, but I will stand to be corrected.

6 **MR. GIB van ERT:** Was Ms. Astravas free to
7 inform PMO who the target of the warrant was?

8 **MS. MICHELLE TESSIER:** That would not be for
9 me to respond to.

10 **MR. GIB van ERT:** All right. Okay. You
11 didn't tell her you can't tell anybody. It was up to her?

12 **MS. MICHELLE TESSIER:** Well, I would not tell
13 her who -- what she should do in terms of her functions as --
14 -

15 **MR. GIB van ERT:** All right.

16 **MS. MICHELLE TESSIER:** --- to her staff.
17 That is for her to obviously decide.

18 **MR. GIB van ERT:** Understood. Understood.
19 You had this preliminary meeting with Ms. Astravas and
20 others. Did you inform -- or did the Service inform the
21 Prime Minister's office of who the target of the warrant was?

22 **MS. MICHELLE TESSIER:** I do not recall if the
23 Service did at that point.

24 **MR. GIB van ERT:** Right. Thank you.

25 **MS. MICHELLE TESSIER:** It's possible. I just
26 do not recall. I don't want to say we ---

27 **MR. GIB van ERT:** It's possible the Service -

28 --

1 **MS. MICHELLE TESSIER:** --- absolutely did
2 not. It's possible. I just don't recall if we actually did.

3 **MR. GIB van ERT:** All right. All right. The
4 reason why I'm asking these questions, perhaps it's obvious,
5 is that Mr. Blair says very clearly in his evidence that he
6 signed the warrant the day it was put before him. He says
7 three hours after it was put before him. It has since come
8 out that it was in his office for 54 days. And so the
9 question is, well, how can that be? How could it have been
10 in his office all that time, with his Chief of Staff knowing
11 about it for 54 days and more, and not sharing that with him?
12 Do you know -- do you have any explanation, has Ms. Astravas
13 told you, do you have any sense of why Ms. Astravas would
14 have kept that information from the Minister?

15 **MS. MICHELLE TESSIER:** I can't explain that.

16 **MR. GIB van ERT:** Can any of you? Do you
17 have any understanding of why Ms. Astravas wouldn't have
18 shared that with her Minister?

19 **MR. BO BASLER:** No.

20 **MR. GIB van ERT:** No. Thank you. When the
21 Minister came before us on the 10th of April, Mr. De Luca,
22 counsel for the Conservative Party, took him to a Globe and
23 Mail leaked report that alleged that the Minister had sat on
24 the warrant, let's say delayed in signing the warrant for a
25 long time, and that the warrant's subject was Michael Chan.
26 And the Minister denied that statement. And Mr. De Luca
27 asked, "What's wrong? What do you deny?" I can show you the
28 transcript if it would help you.

1 **MR. BARNEY BRUCKER:** We object to -- I know
2 that there is a reference in the transcript, but we've had
3 discussions and correspondence with the Commission about
4 this, and the Service cannot confirm or deny identity of
5 anybody on a warrant where this question is going.

6 **MR. GIB van ERT:** Well, I haven't asked the
7 Service to confirm or deny anything yet. I wonder if I might
8 ask the Court Operator to put up the transcript, so that you
9 can consider this objection. And the transcript is to be
10 found at TRN14, please.

11 **MR. BARNEY BRUCKER:** Commissioner, there's a
12 concern about this form of proceeding with respect to
13 national security. I know we've had some exchange of
14 correspondence. There is a transcript, but there are issues
15 around national security, and I submit that it's not
16 appropriate at this time to pursue this line of questioning
17 with the exhibit up on the screen.

18 **MR. GIB van ERT:** Commissioner, this
19 transcript has been on ---

20 **COMMISSIONER HOGUE:** Yes.

21 **MR. GIB van ERT:** --- your website since the
22 middle of April. It's there right now. It is public
23 information. It is evidence that a Minister of the Crown
24 gave under sworn testimony. Not just any Minister of the
25 Crown, a former police officer who's given testimony in sworn
26 proceedings probably hundreds of times. He was specifically
27 asked what was untrue about that report. And he answered
28 that I delayed it. He didn't say that it wasn't about

1 Michael Chan. And so we have this public statement by a
2 Minister of the Crown. If my learned friend for the Attorney
3 General wants to put that to Mr. Blair and cross-examine him
4 on whether or not he was right that the warrant he signed was
5 a warrant directed at Michael Chan, he's entitled to do that.

6 **MR. BARNEY BRUCKER:** Well, the ---

7 **MR. GIB van ERT:** But at the moment -- let me
8 just finish -- at the moment, that is evidence that Minister
9 Blair gave you in this proceeding. And so I am struggling to
10 understand what possible objection my learned friend can make
11 to a transcript that is on your website as we speak.

12 **MR. BARNEY BRUCKER:** Well, I'll make it
13 anyway. The question of whether or not the disclosure is
14 inadvertent or whether it's a waiver is something that should
15 be referred to another forum, if necessary. We have made our
16 position clear to the Commission, and I think that that has
17 been evident.

18 **COMMISSIONER HOGUE:** And here is what we will
19 do. We'll do the same thing than what we did in phase one.
20 So the question will be written down, and you'll move to the
21 next question, but we'll look into the matter afterward, and
22 we'll see what will be the next ---

23 **MR. GIB van ERT:** I'm not sure ---

24 **COMMISSIONER HOGUE:** --- course of action.

25 **MR. GIB van ERT:** --- that I know which
26 question's being written down just yet, so perhaps -- because
27 I don't know that I got around to formulating a question
28 before the objection was ---

1 **COMMISSIONER HOGUE:** Formulate your question
2 without -- formulate your question and we'll write down the
3 question, but the witness won't answer.

4 **MR. GIB van ERT:** Yes. All right. Well, do
5 you know what? Why don't I do it this way instead because
6 we're a bit stuck here. Here's the question I'd like to put
7 to the witnesses, and I don't think this question will elicit
8 an objection, but my learned friend will tell me if it does.

9 **COMMISSIONER HOGUE:** Okay. So ---

10 **MR. GIB van ERT:** But we'll move on ---

11 **COMMISSIONER HOGUE:** --- just formulate your
12 question.

13 **MR. GIB van ERT:** Yes.

14 **COMMISSIONER HOGUE:** And we'll see.

15 **MR. GIB van ERT:** Witnesses, my concern is
16 this, Ms. Astravas, and possibly also Mr. Stewart, but I
17 don't know -- to be clear, I want to set up for the record
18 where I'm at here. I am quite uninformed about this. There
19 is an interview summary of Ms. Astravas, but it hasn't yet
20 been produced to the parties, so I haven't seen it. There
21 is, to my knowledge, no interview summary about any of this
22 of Mr. Stewart, so I don't know what his evidence is. Ms.
23 Astravas hasn't even been listed as a witness, so I don't
24 know where that is going. But knowing what I know right now,
25 it appears that at the same time that Minister Blair is not
26 informed of the warrant, he is also not informed of these
27 three intelligence products concerning Michael Chong. The
28 evidence in his summary, which he hasn't yet adopted, but we

1 anticipate his evidence will be that he wasn't told about
2 those three products, and he wasn't told about the warrant
3 either. That all lands, it seems to me, on the desks of Ms.
4 Astravas and/or Mr. Stewart, and it's all happening at the
5 same time. And so I am trying to understand how it is that
6 Ms. Astravas, or why it is that Ms. Astravas is keeping
7 information from the Minister? Do you have any reason to
8 believe that Ms. Astravas was keeping information from the
9 Minister?

10 **COMMISSIONER HOGUE:** Is there an objection to
11 this question, or no?

12 **MR. BARNEY BRUCKER:** No objection.

13 **COMMISSIONER HOGUE:** No objection. So you
14 can answer.

15 **MR. DAVID VIGNEAULT:** I do not -- I am aware
16 of the timelines between the moment the warrant application
17 was submitted and at the time the Minister signed. I'm aware
18 of the -- of course, of what Ms. Tessier testified to, and
19 I'm also aware that when we engaged the Minister directly, he
20 signed a warrant.

21 So I can only speak to what I know, which is
22 those facts, and I could not speculate any other way.

23 **MR. GIB van ERT:** One final question. Do we
24 know whether -- do any of you know whether Ms. Astravas
25 brought the identity of the subject of the warrant to the
26 Prime Minister's office.

27 **MR. DAVID VIGNEAULT:** I am not aware if that
28 was done. That was not shared with me, if that was done or

1 not. And -- dans la même lignée de questions, Madame la
2 Commissaire, monsieur van Ert a posé la question plus tôt
3 « did anyone inform the Prime Minister », madame Tessier
4 répondait à ces questions à ce moment-là. Je peux vous dire
5 que si ça avait été une information partagée avec le Bureau
6 du Premier ministre, ça aurait fort été probablement moi,
7 comme directeur, qui l'aurait fait, et je peux vous dire que
8 ça n'avait pas été fait. Donc...

9 **COMMISSAIRE HOGUE:** Partagée par CSIS?

10 **M. DAVID VIGNEAULT:** Partagée par CSIS avec
11 le Bureau du Premier ministre, à mon... à ma connaissance, ça
12 n'a pas été fait.

13 **Mme MICHELLE TESSIER:** Moi, je veux juste
14 préciser encore une fois ma réponse que je m'en souviens pas,
15 mais je veux pas dire que ça a pas été fait. Donc,
16 concernant le mandat. C'est que je me souviens pas
17 précisément donc je veux pas induire en erreur, évidemment,
18 la Commission.

19 **Me GIB van ERT:** Il me semble, Madame, que ce
20 serait une question à poser à madame Astravas.

21 Thank you. Thank you, you've been very
22 helpful.

23 **COMMISSAIRE HOGUE:** Merci.

24 So next one is Mr. Choudhry for Jenny Kwan.

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

26 **MR. SUJIT CHOUDHRY:**

27 **MR. SUJIT CHOUDHRY:** Good afternoon. Welcome
28 back. My name is Sujit Choudhry. For the record, I'm

1 counsel to Jenny Kwan.

2 So my first question, or theme that I'd like
3 to pursue is a bit different, it's a bit higher level, it's
4 about the idea of being an intelligence professional. And
5 what prompts the question is former Director Vigneault's
6 testimony here on April 12th. And at the conclusion of his
7 evidence he described the work and praised the work of
8 professional, trained intelligence analysts. And he also
9 referred to intelligence professionals, and it was a term he
10 used repeatedly.

11 And so what I'd like to come to grips with,
12 if I could, with Director Vigneault, but also other members
13 of the panel, is what that term means. What does it mean to
14 be an intelligence professional? And so I thought it'd be
15 helpful to analogize, imperfectly to another profession.
16 Unfortunately, there's a lot of lawyers here, including
17 myself; we're not quite in the same position as you but we're
18 professionals.

19 And so I want to put a series of
20 propositions, perhaps to the two Directors to begin with, and
21 then we will take it from there to see if others want to
22 weigh in, okay? So would you agree that an intelligence
23 professional has specialized expertise?

24 **M. DAVID VIGNEAULT:** Madame la Commissaire, I
25 understand. I think where -- the line of questioning but, I
26 also fail to see the -- how this is leading up, so you can
27 understand my -- a bit my reluctance to go down the path of
28 answering a number of very specific questions.

1 **MR. SUJIT CHOUDHRY:** Sure.

2 **MR. DAVID VIGNEAULT:** So that -- with that
3 caveat said, I will say that absolutely, someone -- when I
4 described intelligence professionals by what I had in mind is
5 the people at CSIS, but also in the larger intelligence
6 community, who might be trained intelligence officers or
7 intelligence analysts, but also people working in our policy
8 areas, people working in our compliance areas, people who
9 need to understand, you know, the nature of intelligence, the
10 nature of our work in order to be to apply the expertise to
11 contribute to the mandate of the CSIS. So that's what I
12 meant by intelligence professionals.

13 **MR. SUJIT CHOUDHRY:** So they have a certain
14 type of expertise. Engaging in intelligence analysis
15 requires expertise; it's not for those who are untrained
16 and/or lack experience.

17 **MR. DAVID VIGNEAULT:** Again, Madam
18 Commissioner, we went from intelligence professionals, now in
19 the question about intelligence analyst. Intelligence
20 analyst is a very specific profession within the intelligence
21 community. We have trained people who do intelligence
22 analysis. And so our intelligence analysts, as well as our
23 intelligence officers, form the *cadre* of what we describe as
24 our intelligence professionals within CSIS and the larger
25 community.

26 **MR. SUJIT CHOUDHRY:** Okay. So they take that
27 expertise, and you've also referred to the idea of training,
28 and then they apply it to whatever question is put to them,

1 to a specific problem.

2 **MR. DAVID VIGNEAULT:** Again, we're talking --
3 I think we're mixing a few things. Intelligence analysis is
4 exactly that. So I'll speak to intelligence analysts. So
5 these are people who are trained in analysis, who have
6 expertise. Most of them have a deep expertise in specific
7 fields of activities, and these are the people who will be
8 able to interpret, analyze, question the direct collection
9 activity to make sure we are answering the right questions in
10 order to bring about a picture, the best possible analysis
11 available at that point.

12 **MR. SUJIT CHOUDHRY:** And then when they
13 provide kind of an analysis in that way -- and that's very
14 helpful -- that reflects their considered judgment as to what
15 is correct or accurate; correct?

16 **MR. DAVID VIGNEAULT:** Yes, but I will as my
17 colleague, Cheri Henderson, who is the Director General of
18 Intelligence Analysis, to speak to this as well, please.

19 **MS. CHERIE HENDERSON:** It's a very
20 interesting question that you're posing, and I'll say this
21 because we have been, within the entire intelligence
22 community, working on defining what we mean by an
23 intelligence professional. So you're asking very, in a
24 sense, timely questions.

25 An intelligence analysis will definitely --
26 as you said, they're trained, they get very familiar with
27 their subject matter; they are subject matter experts, but
28 they are constantly learning and developing. There is never

1 one point in time where they stop developing or stop
2 learning. It's a constant ongoing, evergreen situation. And
3 it's the same thing when they're applying their knowledge and
4 their expertise to an intelligence question, they're
5 constantly building, looking for corroboration, looking for
6 new information, challenging any assumptions, challenging the
7 information, so they can get to a better appreciation of
8 answering the question.

9 **MR. SUJIT CHOUDHRY:** That's helpful, and I
10 can assure you legal professionals are the same way. And
11 so ---

12 **COMMISSIONER HOGUE:** We hope so.

13 **MR. SUJIT CHOUDHRY:** We hope so, that's
14 right. And the day we're not, I think it's time to hang up
15 our robes, Madam Commissioner.

16 And so taking that point, and so look, as a
17 lawyer when I'm posed a question and I'm asked to apply my
18 skill by a client, ultimately I give an answer, it might be
19 not what they want to hear. And then the client decides what
20 to make of it; yes, agree or disagree with the analysis;
21 agree or disagree with the recommendation, if I was asked to
22 give a recommendation; sometimes I'm not. And so I have to
23 think that when CSIS is tasked with producing an analysis,
24 whoever that is, an analyst or an intelligence officer -- and
25 forgive me for not having all the distinctions sorted, that
26 wasn't my intention. But when CSIS is asked, it gives its
27 best answer. And then it presents that answer to decision-
28 makers who then decide what to do with it, whether to accept

1 it, reject it, nuance it, ask for more analysis. Is that
2 fair?

3 **MR. DAVID VIGNEAULT:** I think it's fair in
4 concept, but I would say that the distinction I would make is
5 that we're not giving, necessarily, answers; we're giving the
6 best analysis possible. And so the analogy with, you know,
7 you being asked as a lawyer a question and you give an
8 answer; we provide the best-possible analysis available to
9 us. So that's the distinction I would make.

10 **MR. SUJIT CHOUDHRY:** And lawyers do as well,
11 believe it or not. Even though we might come across much
12 more confident in proceedings like this.

13 So now let me take that point and I now want
14 to go to Witness Statement 136, if we could, and it's
15 paragraphs 7 and 8, and so this was very interesting. So
16 these were paragraphs about the purpose of intelligence
17 reports. And so I won't summarize all of it, but I want to
18 take you to something in the middle of paragraph 7. And I
19 think, Mr. Vigneault, I think this is you. It says:

20 "He noted that not every CSIS
21 intelligence report will generate
22 discussion at senior levels.
23 However, he added that CSIS seeks to
24 broaden the understanding of senior
25 decision makers and advance common
26 work on issues that may not be fully
27 understood within government." (As
28 read)

1 And so you stand by that statement; correct?

2 **MR. DAVID VIGNEAULT:** I do.

3 **MR. SUJIT CHOUDHRY:** And then if you go to
4 paragraph 8, which is on the next page, I believe, this
5 describes an exchange between you and Commissioner Hogue. It
6 says:

7 "In response to a question for the
8 Commissioner, Mr. Vigneault added
9 CSIS can flag reports that ought to
10 be brought to the attention of senior
11 officials." (As read)

12 And that's true; isn't it?

13 **MR. DAVID VIGNEAULT:** Yes.

14 **MR. SUJIT CHOUDHRY:** And that could include
15 the Prime Minister, for example?

16 **MR. DAVID VIGNEAULT:** That would include the
17 Privy Council Office, and it's the Privy Council Office who
18 will then determine if it goes to the Prime Minister.

19 **MR. SUJIT CHOUDHRY:** Well let's talk about
20 the targeting paper, because I know that this has come up and
21 I'd like to go back to that. And so I believe you said this
22 morning, Mr. Vigneault, and I'm sorry, I don't have the
23 transcript in front of me, but you said it's a very important
24 piece of analysis; correct?

25 **MR. DAVID VIGNEAULT:** Yes.

26 **MR. SUJIT CHOUDHRY:** Regarding the PRC's
27 activities or foreign interference activities directed at
28 elected officials. And I believe you said, and forgive me if

1 I'm misdescribing your evidence, that it should have been
2 read by the Prime Minister?

3 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
4 not sure that's my evidence. I think, you know, when this
5 was discussed with the Privy Council Office, when it was
6 brought up, I said I thought that, you know, the Prime
7 Minister, you know, this should be read by the Prime
8 Minister. So this is, I think, what I described this
9 morning, to be clear.

10 **MR. SUJIT CHOUDHRY:** So do you happen to
11 know, and if you don't, just say so, and perhaps then I'd ask
12 Director Lloyd, do you know if the Prime Minister has
13 actually read the targeting paper?

14 **MS. VANESSA LLOYD:** To my -- I don't have
15 that piece of information.

16 **MR. SUJIT CHOUDHRY:** Mr. Vigneault, I take
17 you don't have that information either?

18 **MR. DAVID VIGNEAULT:** I do not have that
19 information.

20 **MR. SUJIT CHOUDHRY:** Okay. Thanks. For the
21 record, neither knows. Okay.

22 So I'd like to take you to WIT134, paragraph
23 55. And Ms. Chaudhury took you there as well. I'm going to
24 take you there too.

25 Thank you, Madam Registrar. Sorry I didn't
26 give you the page number.

27 And so it says:

28 "Several months later, Mr. Vigneault

1 was surprised to learn during the
2 NSIRA review that the less sensitive
3 version of the targeting paper was
4 never distributed to the Prime
5 Minister..." (As read)

6 And so forth.

7 And so I don't want to -- you're familiar
8 with this paragraph. I want to kind of ask you this
9 question. is it fair to say here that the NSIA disagreed
10 with the analysis in the targeting paper?

11 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
12 do not have that evidence. I am -- I think what is said
13 there is what I know, which, you know, I was surprised to
14 learn through the NSIRA questions to me that the paper had
15 not been distributed. So I think, you know, the question
16 should be asked of the NSIA. I have not had very specific
17 discussions about the conclusions of the NSIA or other people
18 about the targeting ---

19 **MR. SUJIT CHOUDHRY:** Sure.

20 **MR. DAVID VIGNEAULT:** --- paper.

21 **MR. SUJIT CHOUDHRY:** Sure. And we will. But
22 I do want to focus in on one sentence here. It says in the
23 middle:

24 "It was determined that the conduct
25 described therein was more diplomatic
26 than it was FI." (As read)

27 Who made that determination, Mr. Vigneault?

28 **M. DAVID VIGNEAULT:** Madame la Commissaire,

1 j'essaie de me souvenir si c'est l'information que j'ai eu à
2 partir de NSIRA, qui eux m'ont informé que c'était la
3 réaction de la conseillère à la sécurité nationale et au
4 renseignement. So I'm just not sure if I learned this
5 through NSIRA, but it was not through direct discussion with
6 the NSIA.

7 **MR. SUJIT CHOUDHRY:** So you don't know if it
8 was her objection or not? I think it was Ms. Thomas at this
9 point.

10 **MR. DAVID VIGNEAULT:** Yes, that's accurate.
11 I do not know if it was ---

12 **MR. SUJIT CHOUDHRY:** Okay.

13 **MR. DAVID VIGNEAULT:** I'm aware of what NSIRA
14 said. And just to be very, very transparent, through the
15 preparation of this work, I have seen some information, some
16 transcripts, and I believe -- I have seen information now
17 that from transcripts -- or not transcript, but summary of
18 other people who have testified, that it was indeed her
19 position, but I've learned about it a few days ago while I
20 was preparing for this.

21 **MR. SUJIT CHOUDHRY:** So I want to pose a
22 machinery of government kind of question. And I know that
23 your processes have evolved. And so I -- and we have that
24 information. But I just want to talk about this incident, if
25 we could. And maybe with the benefit of hindsight, in light
26 of how things apparently now work.

27 And so I suppose -- I want to suggest to this
28 you. If the NSIA had concerns about the analysis, and it

1 seems to be a substantive concern, this was not FI, this was
2 diplomatic activity, wouldn't the appropriate thing to have
3 done been to come back to you and discuss the point and asked
4 you to perhaps explain the basis for the conclusion, or
5 perhaps to bring your colleague, the analyst who I understand
6 prepared this report, to have a meeting with the NSIA and
7 other colleagues in her division at the time to discuss that
8 issue?

9 **M. DAVID VIGNEAULT:** Madame la Commissaire,
10 c'est effectivement la réaction que j'ai. Et je crois que
11 l'évolution de la gouvernance, dont on a parlée souvent... the
12 DM Committee of Intelligence Response is now the venue where
13 I am confident, based on what I knew before I left that this
14 would have been the right place to discuss that and this
15 would take place now.

16 **MR. SUJIT CHOUDHRY:** Good. Okay. Good.
17 Well then I want to take you to paragraph 31 in this witness
18 summary as well.

19 Thank you, Madam Registrar. We're almost
20 there. And so if you could scroll down? It's the fourth
21 line down on this page.

22 It says Mr. Vigneault, third line:

23 "...believes that in a democracy, it is
24 healthy that the intelligence service
25 not have the last word on everything.
26 Still, it is necessary for the
27 Service to be at the table to ensure
28 its perspective is well represented."

1 (As read)

2 You remember saying that; don't you, Mr.
3 Vigneault?

4 **MR. DAVID VIGNEAULT:** Yes.

5 **MR. SUJIT CHOUDHRY:** And so I want to suggest
6 to you that if that discussion, which would happen today, had
7 happened, and had there been an impasse, then perhaps what
8 should have happened is that CSIS should have been at the
9 table presenting its analysis, if the NSIA disagreed, she
10 should have been at the table presenting her perspective, but
11 what the NSIA should not have been is a chokepoint, or a
12 gatekeeper, or an editor of professional intelligence
13 produced by CSIS? Is that fair?

14 **MR. DAVID VIGNEAULT:** I think, Madam
15 Commission, as I said earlier, I think it's fair to say that
16 with the evolution of how the governance around national
17 security and intelligence discussion has taken place, this
18 would be the case now. And all of us, including CSIS, have
19 learned, because of these proceedings, because of the current
20 debate, you know, that exists in Canada, because of the
21 challenges of dissemination of intelligence, we all have
22 learned and together and individually as organizations, and
23 would have -- probably do things differently today.

24 **MR. SUJIT CHOUDHRY:** Okay. So ---

25 **MR. DAVID VIGNEAULT:** I think it's a fair
26 statement on my part.

27 **MR. SUJIT CHOUDHRY:** Fair. Thank you, Mr.
28 Vigneault. So just one last point here before I move on.

1 So I know that during your tenure as CSIS
2 Director -- and forgive me, when did you begin again?

3 **MR. DAVID VIGNEAULT:** June 2017.

4 **MR. SUJIT CHOUDHRY:** Okay. So I think Daniel
5 Jean was the NSIA at the time.

6 **MR. DAVID VIGNEAULT:** Yes.

7 **MR. SUJIT CHOUDHRY:** And then you had Madam
8 Bossenmaier, Mr. Morrison, Mr. Rigby, Ms. Thomas, and now Me
9 Drouin currently hold -- have held that role; correct?

10 **MR. DAVID VIGNEAULT:** Yes.

11 **MR. SUJIT CHOUDHRY:** Now, to the best of your
12 knowledge, is any of them an intelligence professional?
13 Where have they -- what has been their professional
14 formation? Did they come up through the Service or another
15 one of the institutions in the intelligence community?

16 **M. DAVID VIGNEAULT:** Madame la Commissaire,
17 je crois pas qu'il serait juste de ma part de parler de
18 plusieurs personnes, leur parcours, et de faire... de les
19 caractériser. Ils ont chacun des expériences différentes.
20 Donc, je serais... je suis pas confortable à essayer de donner
21 une réponse très générale. Si la question est plus
22 spécifique, parce que chacun avait un parcours différent,
23 certains viennent des organisations de renseignement,
24 certains ont produit du renseignement, certains ont travaillé
25 en termes de gouvernance internationale et autres. Je crois
26 pas que ce serait dans mon... dans ma responsabilité d'essayer
27 d'analyser le pédigrée de chacune des personnes.

28 **MR. SUJIT CHOUDHRY:** Fair enough. And so, I

1 have one last question then, and it's on a different theme
2 entirely. And it's in WIT136, this is the interview summary
3 regarding the NSICOP report, and Madam Registrar, if you
4 could please take me to paragraph 26? Good.

5 And so, Mr. Vigneault, this is about
6 briefings, and it's in a section about briefing political
7 party leaders and the Prime Minister. And it's a tricky
8 problem, let's all understand that. We understand how
9 delicate this is.

10 What I wanted to get you to elaborate on, or
11 perhaps if not you then perhaps Director Lloyd, is the point
12 here that you made, which is that you testified that:

13 "Over the past few years he has
14 raised that the government needs to
15 find a way to figure this out." (As
16 read)

17 Right, it's complicated but it needs to be
18 sorted out. And then I was quite struck by the statement you
19 make in the next sentence. You say:

20 "He has asked certain Five Eyes
21 counterparts who work with national
22 security about how they manage these
23 tensions, that is between the fact
24 that the Prime Minister is the head
25 of a party and also the head of the
26 executive, and how do you avoid
27 partisanship entering into these
28 discussions, which we have to keep

1 out." (As read)

2 And you then said:

3 "And he said they have done so
4 successfully for several years." (As
5 read)

6 So I'm wondering if you can -- in the time
7 remaining to you, and Director Lloyd could answer, how do
8 some of our Five Eyes allies deal with this dilemma?

9 **M. DAVID VIGNEAULT:** Absolument, Madame la
10 Commissaire. Juste pour être clair, ce que... ce qu'il dit
11 dans le paragraphe sur le premier ministre et ce que... la
12 question que j'ai posée à mes collègues à l'étranger... the way
13 that the question or the assertion was made is not totally
14 accurate. I did not ask because of the Prime Minister.

15 The question I asked my colleagues, others
16 who work in Westminster system, like in the UK, in Australia,
17 New Zealand, is how do you take information that the
18 executive. So the executive is, you know, the party that is
19 the governing party that has the majority in the House of
20 Commons and the confidence of the house to be able to govern,
21 and how do you then take information you know, and deal with
22 something that is very sensitive to a Minister, to a group of
23 individuals who are also elected officials, who are also
24 members of Parliament?

25 How do you navigate this issue where you
26 would, for example, take information that might be
27 problematic, vis a vie, a member of the opposition regarding
28 foreign interference and how do you then manage this

1 information and protect people's reputation, make sure that
2 there is no interference in your work. And so, this was the
3 tenure of my discussions with my colleagues. It was very
4 useful information, and this is why I said in my testimony
5 that is summarized in this document, that our job was to find
6 a way. Let's figure out a way to do that. And I think Mr.
7 Basler this morning testified that you know, such a way has
8 been found and the briefing has taken place now.

9 **MR. SUJIT CHOUDHRY:** Okay. Well, we're out
10 of time. I'd love to ask more, but I think I should pass it
11 on. Thank you, Madam Commissioner.

12 **COMMISSIONER HOGUE:** Thank you.

13 **MR. SUJIT CHOUDHRY:** Thank you very much.

14 **COMMISSIONER HOGUE:** So the next one is
15 counsel for Erin O'Toole.

16 **MR. THOMAS JARMYN:** Good afternoon,
17 Commissioner. Tom Jarmyn for Erin O'Toole. Commissioner,
18 before I commence my questioning, I did not put CAN.23483 on
19 the list of documents that I would be examining on. It was
20 uploaded Wednesday night, and I would ask your leave to refer
21 to that during the course of my cross-examination.

22 **COMMISSIONER HOGUE:** It's okay.

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

24 **MR. THOMAS JARMYN:**

25 **MR. THOMAS JARMYN:** Thank you.

26 So most of my questions are going to be
27 focused on the briefing that Mr. O'Toole received, his
28 remarks in the house, and the subsequent evaluation of those.

1 And am I correct in understanding, Dr. Giles, that you were
2 one of the people in attendance when Mr. O'Toole was briefed?

3 **DR. NICOLE GILES:** Correct.

4 **MR. THOMAS JARMYN:** And Mr. Basler, from the
5 fact that you were answering questions about this, am I
6 correct in inferring that you were the other briefer?

7 **MR. BO BASLER:** I was not, no.

8 **MR. THOMAS JARMYN:** Okay.

9 **MR. BO BASLER:** Our Assistant Director of
10 Collection was the other briefer.

11 **MR. THOMAS JARMYN:** All right. Thanks.
12 Well, since you were answering questions this morning, and
13 since Dr. Giles, you were in attendance, my questions will be
14 mostly directed at you, but if any other panelists feel the
15 need to jump in, don't hesitate.

16 So first of all, what I'd like to do is to
17 bring up CAN.DOC.22.

18 **--- EXHIBIT No./PIÈCE No. CAN.DOC.000022:**

19 Commission request for summary
20 information on briefing to Erin
21 O'Toole

22 **MR. THOMAS JARMYN:** And this document was
23 produced by CSIS and it is the summary of information that
24 was provided to Mr. O'Toole in the course of this briefing.
25 Mr. Basler and Dr. Giles, you've both had an opportunity to
26 review this?

27 **DR. NICOLE GILES:** Correct.

28 **MR. BO BASLER:** Yes.

1 **MR. THOMAS JARMYN:** And it fully and
2 accurately reflects the contents of the briefing that were
3 delivered to Mr. O'Toole?

4 **DR. NICOLE GILES:** It's a summary, correct.

5 **MR. THOMAS JARMYN:** Yes.

6 **MR. BO BASLER:** Correct, it's a summary that
7 can be publicly released.

8 **MR. THOMAS JARMYN:** Okay. Thank you.

9 So in the course of one of the CAN23483,
10 which we don't need to bring up, there's a comment that the
11 information that Mr. O'Toole subsequently spoke about in the
12 House of Commons was unverified. And Mr. Basler, I believe
13 you used the words unconfirmed in your evidence this morning.
14 Is that caveat or qualification included in any way in the
15 summary of information that was provided?

16 **MR. BO BASLER:** In this summary, the publicly
17 available summary you mean?

18 **MR. THOMAS JARMYN:** Yes.

19 **MR. BO BASLER:** I'd have to do a word search
20 to find it to be able to confirm. But I will take your -- if
21 it's -- I assume you have read through it and if ---

22 **MR. THOMAS JARMYN:** I have done the word
23 search.

24 **MR. BO BASLER:** --- you can confirm.

25 **MR. THOMAS JARMYN:** Yes.

26 **MR. BO BASLER:** I would need to do a word
27 search to know if it was in there or not.

28 **MR. THOMAS JARMYN:** Yeah. I have done the

1 word search and neither one of those terms is present. But
2 regardless of whether or not the information may be
3 unconfirmed or unverified, am I to conclude from Mr.
4 Vigneault's comments this morning, that the information
5 wouldn't have been shared unless it was credible?

6 **DR. NICOLE GILES:** I think just to clarify
7 that at the time of the briefing to Mr. O'Toole, we were
8 implementing the Ministerial Directive as it was written and
9 as we understood it at the time. And that was to share all
10 information with the members of Parliament and
11 parliamentarians.

12 And so, what that meant is that when we
13 briefed Mr. O'Toole, we did share information that was not
14 necessarily corroborated, or verified, or confirmed. We
15 shared the full range of information that we had at the time.
16 And if memory serves, when we briefed Mr. O'Toole, we did
17 indicate which information was not yet corroborated or
18 verified, but that was in a very long briefing over a very
19 long period of time, and so it might not have always been
20 clear which particular sections were verified or corroborated
21 and which weren't when one might cast their memory back on
22 the briefing.

23 **MR. THOMAS JARMYN:** Okay. And Mr. O'Toole
24 has testified that he doesn't remember those type of
25 qualifications. But regardless of whether or not it was
26 unverified or unconfirmed, the information included is till
27 credible?

28 **MR. BO BASLER:** I think we're confusing, or

1 we're trying to mix terms here, which I don't think is
2 necessarily appropriate. No, it is certainly if we had a
3 piece of incredible information that we knew not to be
4 credible, then it would not have been part of the briefing.
5 But I think it's -- we should not be confusing that, or
6 mixing that with something like a piece of unverified
7 information or uncorroborated information. They are two
8 completely separate elements, and I don't think we should be
9 mixing the two together.

10 **MR. THOMAS JARMYN:** Okay. Thank you very
11 much. What I'd like to do is have a look at CAN.23482. And
12 when we get there, if the reporter could go to page 9?

13 **COURT OPERATOR:** Can you please repeat the
14 number?

15 **MR. THOMAS JARMYN:** CAN.234483, sorry.

16 **COURT OPERATOR:** What page would you like me
17 to go to?

18 **MR. THOMAS JARMYN:** Page 9, please.

19 So this is a tab within the broader memo, and
20 I'm assuming it's prepared -- this analysis was prepared by
21 CSIS?

22 **MR. BO BASLER:** This is a document that was
23 prepared by the Privy Council Office, but I believe it was
24 prepared based on and consistent with our information, yes.

25 **MR. THOMAS JARMYN:** Okay. So did you review
26 this document prior to it being put into the memo?

27 **DR. NICOLE GILES:** No. The governance is
28 that advice to the Prime Minister goes from PCO directly.

1 **MR. THOMAS JARMYN:** Okay. But they didn't
2 seek your input with respect to analysis included within it?

3 **MR. BO BASLER:** I believe it was based on the
4 information and the work that we had undertaken.

5 **MR. THOMAS JARMYN:** Okay.

6 **MR. BO BASLER:** So no, we didn't review -- or
7 we wouldn't review the final product. But I believe this is
8 based on Service's ---

9 **MR. THOMAS JARMYN:** Right.

10 **MR. BO BASLER:** --- assessment of the
11 situation, yes.

12 **MR. THOMAS JARMYN:** Okay. And Mr. Basler,
13 this morning you testified that in essence, this document
14 was, in this case, PCO's reverse engineering of Mr. O'Toole's
15 speech?

16 **MR. BO BASLER:** The work to reverse engineer
17 Mr. O'Toole's speech and to pair it with the intelligence
18 that was provided to Mr. O'Toole was undertaken by the
19 Service.

20 **MR. THOMAS JARMYN:** Oh, it was? Okay.

21 **MR. BO BASLER:** Yes.

22 **MR. THOMAS JARMYN:** So -- all right. So
23 let's go to EOT13, which is Mr. O'Toole's remarks.

24 --- EXHIBIT No./PIÈCE No. EOT0000013:

25 May 30, 2023 - Hansard Extract

26 O'Toole Question of Privilege

27 **MR. THOMAS JARMYN:** And I just want to direct
28 you to the first -- I guess the first full paragraph, which

1 starts:

2 "I am rising on a question of
3 privilege."

4 Do you have an understanding of what a
5 question of privilege is?

6 **MR. BO BASLER:** Generally speaking, yes, I
7 do.

8 **MR. THOMAS JARMYN:** Okay. And essentially, I
9 put it to you that a question of privilege for a
10 parliamentarian is the assertion that some action has
11 occurred which has infringed upon, limited, or otherwise
12 encumbered either his past performance of his duties as a
13 parliamentarian or his future performance of his duties. Is
14 that what you understand the point to be?

15 **MR. BO BASLER:** I do.

16 **MR. THOMAS JARMYN:** Okay. And in Mr.
17 O'Toole's case, he already announced his resignation from the
18 House, and in fact would depart -- resign a few weeks later.
19 So his claim was based upon the -- that his rights previous
20 to these remarks had been incurred -- infringed upon by
21 certain actions. Is that correct?

22 **MR. BO BASLER:** Yes.

23 **DR. NICOLE GILES:** Our understanding.

24 **MR. BO BASLER:** I wouldn't know. Yeah. I
25 wouldn't know. That's it. That's a question for Mr. O'Toole
26 to assert.

27 **MR. THOMAS JARMYN:** Well in fact, that is one
28 of the problems we have, is that unfortunately because of the

1 late production of the document, we can't put these
2 particular questions to Mr. O'Toole.

3 But so when the point of privilege is raised,
4 the obligation is on the member to establish a *prima facie*
5 violation. In other words, that all the facts in his
6 statement, if accepted to be true, have infringed upon his
7 rights to a parliamentarian. Do you understand that to be
8 true?

9 **MR. BO BASLER:** I'm not an expert in
10 parliamentary procedure. Generally speaking, I understand
11 that to be the case, yes.

12 **MR. THOMAS JARMYN:** Okay. And in fact, this
13 is the member's one opportunity to make this case when he or
14 she rises on that point of privilege? They don't get another
15 do-over?

16 **MR. BO BASLER:** Is that a statement?

17 **MR. THOMAS JARMYN:** Is that ---

18 **MR. BO BASLER:** Or is that ---

19 **MR. THOMAS JARMYN:** No, is that your
20 understanding or is that to your knowledge?

21 **MR. BO BASLER:** I am unaware of the exact
22 details ---

23 **MR. THOMAS JARMYN:** Okay.

24 **MR. BO BASLER:** --- of how many opportunities
25 they get or don't get.

26 **MR. THOMAS JARMYN:** All right. I put it to
27 you that in fact Mr. O'Toole's question of privilege is
28 informed by many, not just CSIS' briefing, although I'll

1 agree that it's probably the capstone. But so it's on the
2 record that Mr. O'Toole has had discussions to respect to
3 with Mr. Chiu about breaches of privilege that occurred or
4 certain actions that occurred in 2021 involving foreign
5 interference and you're aware of those. Is that correct?

6 **MR. BO BASLER:** That the two had
7 conversations?

8 **MR. THOMAS JARMYN:** That he has testified
9 about that.

10 **MR. BO BASLER:** I have not read or I don't
11 recall reading that specific piece of testimony, ---

12 **MR. THOMAS JARMYN:** Okay.

13 **MR. BO BASLER:** --- but I am happy to take
14 your word that they have had had those conversations and he
15 has testified to it, yes.

16 **MR. THOMAS JARMYN:** And in the course of his
17 submission in the House of Commons, and in fact, I think
18 according to your analysis, Mr. O'Toole has spoken on a
19 number of occasions with respect to matters involving the
20 PRC, Huawei, Hong Kong, the Uyghur genocide, and there have
21 been adverse reactions from the PRC as a result of that. Is
22 that consistent with your knowledge?

23 **MR. BO BASLER:** Not all of that, but yes.
24 Some of that, yes.

25 **MR. THOMAS JARMYN:** Okay. And are you aware
26 of the reporting that Mr. O'Toole and his campaign staff
27 engaged in with respect to the 2021 Election to the SITE Task
28 Force, and in fact their analysis that the -- various seats

1 had been affected?

2 **MR. BO BASLER:** I am aware of that. The
3 Conservative Party had submitted some information to the SITE
4 Task Force. Yes.

5 **MR. THOMAS JARMYN:** Okay. And I assume
6 you're also aware of the extensive reporting from October
7 forward to March 15th, 2023 when the Independent Special
8 Rapporteur had been appointed with respect to acts of foreign
9 interference involving the Conservative Party and Mr.
10 O'Toole. Is that correct?

11 **MR. BO BASLER:** Sorry, can you repeat the
12 question?

13 **MR. THOMAS JARMYN:** There were extensive
14 media reports from ---

15 **MR. BO BASLER:** Media reports?

16 **MR. THOMAS JARMYN:** Yes.

17 **MR. BO BASLER:** Okay.

18 **MR. THOMAS JARMYN:** From October of '23 until
19 the Independent Special Rapporteur was appointed on March
20 15th, some involving CSIS documents of interference targeted
21 at Mr. O'Toole. Are you aware of those reports?

22 **MR. BO BASLER:** I am aware of considerable
23 media reports. Yes. Where there were reports specifically
24 relating to Mr. O'Toole, I am unaware of those dates to be
25 able to put them in the exact date range that you have
26 mentioned. I wouldn't be able to do that at this time
27 without reviewing them.

28 **MR. THOMAS JARMYN:** Okay. Thank you. I put

1 it to you that attempting to reverse engineer this speech
2 just to the CSIS report -- or the CSIS briefing, rather,
3 doesn't reflect the reality of what was going on, in that
4 there are many other inputs with respect to what goes into
5 this motion of privilege, and that the better approach, the
6 only person who really could reverse engineer this would be
7 Mr. O'Toole or counsel who is discovering it, to find out
8 what went into his mind when he made this motion. Is that
9 correct?

10 **MR. BO BASLER:** I think we are -- again, I
11 think we have to disentangle a couple of very important
12 notions here. The first being when someone starts by saying,
13 "I received a briefing from the Canadian Security
14 Intelligence Service that confirms several matters," which is
15 just following a classified briefing we had given, it is
16 absolutely incumbent on the Service to attempt to reverse
17 engineer that to determine if there is any national security
18 injury that has occurred from that.

19 So no matter what, that is a process that we
20 absolutely would have to undertake to determine if there was
21 injury or not.

22 **DR. NICOLE GILES:** And that's -- just to
23 clarify, that's part of the damage assessment that we're
24 required to do whenever classified information is
25 inadvertently made public and released.

26 **MR. THOMAS JARMYN:** I agree absolutely with
27 respect to that, for Service's purposes, but for the purposes
28 of concluding that Mr. O'Toole made his motion on the basis

1 of the CSIS speech, reverse engineering to just that speech
2 is -- does not take into account all of the many other
3 inputs?

4 **DR. NICOLE GILES:** I think, just to clarify,
5 the work that we had done was not an attempt to reverse
6 engineer the entirety of Mr. O'Toole's speech in the House.
7 The reverse engineering that we did was to try to ascertain
8 what classified information was released in the course of
9 that speech so that we could undertake the necessary
10 assessment of damage and national security injury.

11 **MR. THOMAS JARMYN:** Okay. Thank you. I
12 think I'd like to go -- just finish off with one last
13 question, Commissioner.

14 In Tab B, there's a discussion that -- about
15 Mr. O'Toole's comment that he would be an ongoing target of
16 foreign interference. And the analysis at the bottom -- if
17 you could go to the bottom of page 10? Oh, sorry, of
18 CAN23483. Excuse me.

19 If you could go to CAN23483. Thank you.
20 Page 10.

21 And right down at the bottom on the bottom
22 right-hand column.

23 So CSIS confirmed that as an MP or former MP,
24 Mr. O'Toole could be targeted in the future.

25 I put it to you that, in fact, the CSIS
26 summary says something much more categoric than that. It
27 says that as long as Mr. O'Toole's an elected official and
28 publicly advocates for issues that are viewed by a foreign

1 state as counter to their natural interest, he would remain
2 on their radar for potential influence or interference
3 operations.

4 Is that an accurate statement?

5 **MR. BO BASLER:** As it appears in the summary?

6 **MR. THOMAS JARMYN:** Yes.

7 **MR. BO BASLER:** Yes.

8 It is -- it is consistent with our
9 understanding that as long as a -- like an elected official
10 or a prominent individual who had previously spoken out
11 against issues that if they remain prominent and remain
12 vocal, that they likely would remain on the radar. So that's
13 -- I absolutely agree with that, yes.

14 **MR. THOMAS JARMYN:** Okay. Thank you for your
15 time today. Thank you for your questions.

16 Commissioner ---

17 **COMMISSIONER HOGUE:** Thank you.

18 **MR. THOMAS JARMYN:** --- I have no more.
19 Thank you.

20 **COMMISSIONER HOGUE:** Ms. Teich for the Human
21 Rights Coalition.

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

23 **MS. SARAH TEICH:**

24 **MS. SARAH TEICH:** Good afternoon. I think
25 just for simplicity, I'll direct my questions to Mr.
26 Vigneault and Director Lloyd, but if anyone else has answers,
27 of course, feel free to jump in.

28 Can we please pull up HRC91?

1 Thank you.

2 --- EXHIBIT No./PIÈCE No. HRC0000091:

3 Combatting Transnational Repression
4 and Foreign Interference in Canada

5 **MS. SARAH TEICH:** This is a report from last
6 year prepared by myself, David Matas and Hannah Taylor. And
7 if we can just go to page 53.

8 And I'd like to just draw your attention to
9 the last paragraph on the left column starting from the word
10 "Strikingly". It actually goes into the right column, and
11 I'll just read it out loud for the record:

12 "Strikingly, Safeguard Defenders
13 identified cases where democratic
14 countries, including Canada, secretly
15 cooperated with Chinese law
16 enforcement to track down and deport
17 alleged fugitives. Regarding Canada,
18 Safeguard Defenders found that
19 documentation from the CBSA drawn up
20 whilst Canada was in negotiations
21 with China about a possible
22 readmission agreement showed that
23 Canada was assisting Chinese
24 officials and police and entering the
25 country to carry out negotiations
26 with Chinese nationals there with the
27 expressed intent of persuading them
28 to return to China. Assistance was

1 offered for both Chinese Embassy
2 staff as well as visiting Chinese
3 police, and includes help in securing
4 the visiting police officers' visas.
5 CBSA..."

6 **MS. ERIN DANN:** I'm sorry to interrupt. Just
7 to -- because we're reading, we have a tendency to go
8 quicker. If you'd just ---

9 **MS. SARAH TEICH:** Oh, sorry.

10 **MS. ERIN DANN:** --- slow down for the
11 interpreters.

12 **MS. SARAH TEICH:** I'll slow down.

13 "CBSA clarified that it does not
14 participate in the negotiations
15 between the Chinese National and the
16 official Chinese side, which
17 indicates that such meetings carried
18 out inside Canada are unsupervised.
19 The documentation continues to state
20 that in the event negotiations are
21 successful, CBSA can assist with
22 logistics at the airport to help with
23 the smooth departure of the
24 individual. The documentation
25 acknowledges that those sought are
26 alleged criminals in China and not
27 convicted of crimes in Canada."

28 And this is then cited to a Safeguard

1 Defenders January 2022 report titled "Involuntary Returns".

2 And I realize that you are not CBSA, but
3 because we're not expected to hear from CBSA, I'm going to
4 direct my questions about this passage to this panel and
5 please just answer as best as you can.

6 Are you aware of this reporting by Safeguard
7 Defenders?

8 **MR. DAVID VIGNEAULT:** I am not aware.

9 **MS. SARAH TEICH:** As far as you know, did
10 assistance by CBSA to Chinese officials happen in this
11 manner?

12 **MR. DAVID VIGNEAULT:** I do not have any
13 specific knowledge of this. I also do not have any knowledge
14 -- this paragraph does not specify the timelines that -- you
15 know, when those activities are -- supposedly have taken
16 place, so I have nothing specific to offer on this issue. I
17 don't know if we're talking about two years ago, about five
18 years ago, about 15 years ago. Sorry.

19 **MS. SARAH TEICH:** Okay. Would you agree that
20 it would have been unconscionable if it had happened for
21 Canadian authorities to assist Chinese officials in this
22 manner?

23 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
24 think it's important here that -- that's why my reference to
25 the timelines. We spoke about the evolution of the threat.
26 I have spoken in this -- in front of this Commission about
27 the evolution of the PRC's tactics, mostly after the arrival
28 in power of Xi Jinping in 2012. So we have seen a shift in

1 the approach of the PRC, and culminating with an all party --
2 all Communist Party, all state approach to aggressive
3 posture, including foreign interference in Canada, but that
4 has been an evolution.

5 So I cannot make any -- without the context,
6 I cannot speak to, you know, would it have been appropriate
7 or not with the knowledge of the activities that was taking
8 place at that point of time.

9 **MS. SARAH TEICH:** Okay. Fair enough. Thank
10 you.

11 And the very next paragraph, actually, on the
12 same page -- if you could just scroll down a little bit.

13 This cites a piece by Sam Cooper which
14 indicates that:

15 "In their 2022 briefs, CSIS stated
16 that in 2020, a Chinese police agent
17 worked with a Canadian police officer
18 to repatriate an economic fugitive."

19 Are you aware of this reporting by Sam
20 Cooper?

21 **MR. DAVID VIGNEAULT:** That one specifically,
22 Madam Commissioner, I am not.

23 **MS. SARAH TEICH:** Are you aware if a Chinese
24 police agent worked with a Canadian police officer to
25 repatriate an economic fugitive in 2020?

26 **MR. DAVID VIGNEAULT:** I am not aware
27 specifically in 2020. Without having more context, I would
28 not be able to help you here. Sorry.

1 **MS. SARAH TEICH:** Okay. Given that year
2 being relatively recent, would you agree that if it had
3 happened, this would have been unconscionable?

4 **M. DAVID VIGNEAULT:** Madame la Commissaire,
5 répondre à une question hypothétique de cette façon-là, on
6 fait très attention de pas... to not impugn anybody's
7 reputation. We weigh our words carefully on both sides, so I
8 think it is -- I understand where the counsel is coming from.

9 I understand the overall concerns that are
10 expressed here, but it is not fair, I think, you know, for us
11 to try to muse about, you know, what it would have been
12 adequate or not.

13 I will say, however, my experience -- I don't
14 know, counsel, maybe that's useful or not. My experience is
15 that has been an evolution inside the intelligence service,
16 inside, you know, all of the Canadian government institutions
17 about the nature of the activities of the PRC, about the
18 intent, about the consequences, and I can speak to having
19 seen a very substantive evolution over the years. And when I
20 say "years", I'm talking about 10, 12, 15 years of how
21 Canadian institutions have reacted in their interactions and
22 the precautions they have taken to not have undue harm to
23 anybody in their interactions with the PRC.

24 **MR. SARAH TEICH:** Okay. Thank you.

25 Part of me wants to ask about 10 million
26 follow-up questions to that, but I'm going to move on just in
27 the interests of time.

28 If we can please pull up CAN29962_0001.

1 --- EXHIBIT No./PIÈCE No. CAN029962 0001:

2 PRC Transnational Repression: Key
3 Actors and Their Tradecraft - IA
4 2022-23/27

5 **MR. SARAH TEICH:** This is a CSIS Intelligence
6 Assessment. And if we can scroll to page 4, please.

7 So here, the assessment discusses the
8 incident wherein PRC based hackers targeted activists,
9 journalists and dissidents, predominantly Uyghurs, based
10 outside of the PRC, including in Canada. It says:

11 "According to Facebook, this group
12 used various cyber espionage tactics
13 to identify targets and infect their
14 devices with malware to enable
15 surveillance."

16 It goes on to say that:

17 "Although the operations were not specifically attributed to
18 the MSS or MPS, their..."

19 **MR. DAVID VIGNEAULT:** I'm sorry. We can't
20 see that.

21 OK. Merci.

22 **MS. SARAH TEICH:** It's a little bit small,
23 but it's all on the screen.

24 **MR. DAVID VIGNEAULT:** Okay, sorry. Go ahead.

25 **MS. SARAH TEICH:** Where was I? Although it
26 was not specifically attributed:

27 "...their sophistication,
28 pervasiveness and persistence highly

1 suggests the implication of PRC state
2 actors.”

3 Do you agree with that assessment?

4 **MR. DAVID VIGNEAULT:** I do not have the
5 specific details of this Facebook reporting, but this would
6 be consistent with what I understand the tradecraft of the
7 PRC, yes.

8 **MS. SARAH TEICH:** Okay. What steps, if any,
9 did CSIS take to respond to this particular incident and to
10 protect Uyghurs in Canada who are impacted?

11 **MR. DAVID VIGNEAULT:** So Madam Commissioner,
12 I do not have tip of my hand the specific reaction to this.
13 What I can tell you is that we have engaged with a number of
14 communities, as Ms. Giles has described this morning, with
15 communities at large, but also with specific individuals when
16 we have information that they are being targeted. I have
17 spoken this morning about the fact that if we have any
18 information that speaks to someone who might be under threat,
19 that we would be -- we have protocols to act very quickly.
20 And so this -- the last point I would make on this is that
21 there is a -- our engagement is both when we have specific
22 information of an activity against an individual, but also,
23 more largely, a type of activities directed at a community,
24 and in this case, we have engaged with those communities and
25 this is the process that Ms. Giles explained this morning.
26 Since 2019, we have redirected significant of our attention
27 to be able to do that because transnational repression is
28 real, and the people who are affected are often left with

1 very little to protect themselves. And if we do have
2 information or a way to be supportive, this is what we're
3 trying to do.

4 So let me -- anything ---

5 **MS. VANESSA LLOYD:** That was a great
6 description.

7 **MS. SARAH TEICH:** Okay. Can we please now
8 pull up CANDOC44? This is the CSIS IR. And if we can go to
9 page 16, please. And I'll just read this part aloud again.

10 "CSIS has published unclassified
11 reports, including, for example,
12 foreign interference in eight
13 languages, including the languages of
14 several diaspora communities directly
15 targeted by foreign interference..."

16 And then it lists a number of languages in
17 brackets,

18 "...Arabic, Farsi, Russian,
19 simplified Chinese, traditional
20 Chinese, Punjabi, English and
21 French."

22 Is this list of languages exhaustive?

23 **DR. NICOLE GILES:** What I'd say is that we're
24 continually looking to put these and other publications in
25 more languages, and so we are in the process of trying to
26 translate these documents into additional languages of
27 communities that we know to be targeted and at risk. At the
28 time of writing, that was exhaustive.

1 **MR. DAVID VIGNEAULT:** Oh, sorry, if I can
2 just add, Ms. Giles also under her leadership we have engaged
3 with other communities and some of our documentation we have
4 co-edited reports in Inuktitut to be -- make sure that we're
5 able to reach, you know, communities in the north that would
6 not normally have access to our information.

7 **MS. SARAH TEICH:** Okay. Thank you. And
8 you've mentioned as of the time of writing, as of now, today,
9 is this list still exhaustive?

10 **DR. NICOLE GILES:** My -- I was trying to
11 search for the answer to that question as you were asking
12 yours. I know we do have a couple in translation right now.
13 I don't believe they've yet been released on the website, but
14 they're under active preparation.

15 **MS. SARAH TEICH:** Okay. Are one of the two
16 or more in translation the Uyghur language? Is that in
17 progress?

18 **DR. NICOLE GILES:** I honestly can't recall at
19 this point.

20 **MS. SARAH TEICH:** Do you think it would be
21 valuable to translate this report into the Uyghur language?

22 **DR. NICOLE GILES:** I think it would be and I
23 think it would be valuable to translate this report into as
24 many languages as we have communities in Canada.

25 **MS. SARAH TEICH:** Okay. Thank you. If we
26 can go back, please, to HRC91, this is the last time I'm
27 going to flip you around different documents. And jump to
28 page 164, please. Bullet 33 recommends that,

1 "...the Treaty Between Canada and the
2 People's Republic of China on Mutual
3 Legal Assistance in Criminal Matters
4 [be terminated]."

5 Are you familiar with this Treaty?

6 **MR. DAVID VIGNEAULT:** I'm familiar with the
7 MLAT process, not specifically this one. I have not --
8 that's not been an area that I've been engaged.

9 **MS. SARAH TEICH:** Do you think that Canada
10 should be engaging in mutual legal assistance on criminal
11 matters with the Chinese government?

12 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
13 believe that we had colleagues from the Department of Justice
14 who appeared yesterday. I don't know if that question was
15 asked of them. So I don't -- I do not want to -- I do not
16 have a specific answer other than to say that what I can tell
17 you from experience, it matters regarding criminal
18 proceedings, extradition and information sharing about many
19 different subjects. The -- I've seen in a very, very
20 substantive evolution in the last number of years where
21 commensurate with our understanding of how the PRC was using
22 disinformation and was using these open transparent processes
23 to potentially use them for purposes that was not transparent
24 at the beginning for Canada. And, therefore, I have seen --
25 again, I cannot speak to this specific MLAT, but I have seen
26 a number of these procedures to be suspended, if not
27 completely stopped, because of the way the understanding that
28 is now available that was not necessarily available at the

1 initial stage.

2 **MS. SARAH TEICH:** The report notes here that
3 the Treaty has a termination provision on six month's notice.
4 Would you agree that this Treaty should be terminating using
5 the six month's notice provision?

6 **M. DAVID VIGNEAULT:** Madame la Commissaire,
7 je vais prendre... je vais reprendre la même question.

8 I can just add maybe something to what -- the
9 line of questioning you asked my colleagues, I think what has
10 been very clearly illustrated this morning with -- Dr. Giles
11 pointed out the stakeholder engagement and the approach and
12 the intent. In linking this to your specific question,
13 Counsel, about, you know, was it translated in other
14 languages, that is exactly the kind of engagement and
15 feedback we're looking for. And if there are a gap because,
16 you know, we may not be, you know -- we'd like to think we
17 know a lot, or my colleagues, we're still -- they know a lot,
18 but this is exactly the kind of information that, you know,
19 we're trying to achieve, which is, you know, if there are
20 people who need our support and we have something to offer,
21 we absolutely want to be there. So I'm sure my colleagues
22 have taken very good note of the questions you've raised ---

23 **MS. SARAH TEICH:** Thank you. All right.
24 Thanks, that's all.

25 **COMMISSIONER HOGUE:** Thank you.

26 Mr. Singh for the Sikh Coalition.

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

28 **MR. PRABJOT SINGH:**

1 **MR. PRABJOT SINGH:** And thank you to our
2 panelists as well. My name is Prabhjot Singh for the Sikh
3 Coalition. I'm going to try to move as efficiently as
4 possible, bringing up a number of documents to your
5 attention. That'll obviously prompt some follow-up
6 questions.

7 Just in the interest of time, Mr. Vigneault,
8 I'm going to direct my questions to yourself, particularly,
9 because you were the director in most of the times in
10 question. And before I start, I do just want to flag, I
11 understand that we're trying to walk a very fine line here,
12 engaging in a public process to ensure transparency, while
13 protecting certain issues and information that's sensitive to
14 national security. So I imagine that there's going to be
15 some questions that you're not able to answer in a public
16 setting. If you can indicate that, for the record, so
17 Commission counsel can note down the question, and if any
18 follow up is required in-camera or otherwise, that can be
19 done by Commission counsel and Madam Commissioner.

20 So, Mr. Vigneault, this week, the Commission
21 heard from experts who really talked about the challenges and
22 difficulty of attributing disinformation to specific states,
23 especially when it's based on open-source reporting and data.
24 Can you confirm that it's your understanding that on several
25 occasions Indian government actors and intelligence -- and/or
26 intelligence agencies have actually participated in
27 disinformation in some form against the Government of Canada
28 and diaspora communities?

1 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
2 have working with the Commission produced unclassified
3 documents that's describing the activities of India. This
4 was, you know -- so as -- we stretch everything we could to
5 make as much information public as possible. So if it's not
6 listed in those documents, I will not be able to elaborate
7 further on that.

8 **MR. PRABJOT SINGH:** So I think you're
9 referring to CAN.SUM.30, which is the summary that you're
10 talking about for this stage. So you would rest your answer
11 based off of that in terms of disinformation, whatever's in
12 that document?

13 **MR. DAVID VIGNEAULT:** I'm making it based on
14 that specific documents, but also, more generally speaking,
15 the information that has been disclosed that comes from
16 classified information in our holdings, that forms a basis of
17 our understanding. If that has not yet been disclosed, I
18 cannot go to more details of what is would be our specific
19 understanding of the intelligence.

20 **MR. PRABJOT SINGH:** Sure, understood. Ms.
21 Court Operator, if we can bring up CAN32961? So this is an
22 analytical brief that was referred to by Commission counsel
23 as well. If you scroll down, please? Yeah, that's good.
24 Right there. So this document describes India's desire to
25 acquire cyber capabilities from countries like Israel to
26 engage in cognitive warfare. And I'm paraphrasing, but what
27 I believe you defined this term as is an aggressive tactic
28 that penetrates people's homes and brains in order to change

1 how people are thinking and potentially shape a collective
2 population's outlook.

3 Is that roughly accurate to how you would
4 define that term?

5 **MR. DAVID VIGNEAULT:** I think, Madam
6 Commissioner, it's fair to say that I spoke this morning
7 about the efforts by India to acquire Pegasus. I also spoke
8 separately about cognitive warfare, but I have not linked --
9 made the linkage that counsel is making. I don't know if
10 it's in this document subsequently, but this is -- this
11 morning, this is not how I phrased it.

12 So I'm just -- just because I have not had a
13 chance to re-read all of the documents, counsel.

14 **MR. PRABJOT SINGH:** No -- I was simply just
15 trying to land on a definition of cognitive warfare, but I do
16 believe it is later on this document.

17 What I want to draw your attention to is that
18 line after that redacted block at the top ---

19 **MR. DAVID VIGNEAULT:** Okay.

20 **MR. PRABJOT SINGH:** --- that says that:

21 "The Government of India will likely
22 seek to promote a pro-India and anti-
23 Khalistani narrative in Canada using
24 cognitive warfare techniques." (As
25 read)

26 So this would undeniably pose a significant
27 national security threat to Canada; correct?

28 **MR. DAVID VIGNEAULT:** That's accurate.

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

2 And can we bring up CAN23184 and go to page
3 5?

4 **--- EXHIBIT No./PIÈCE No. CAN023184:**

5 2023 Threat Summary Report

6 **MR. PRABJOT SINGH:** So this is a 2023 threat
7 summary report from CSIS.

8 And if you scroll down. That's good right
9 there.

10 In that bottom right corner, the document
11 refers to an Indian travel advisory in 2022 specifically,
12 noting that this was a clear example of disinformation meant
13 to damage Canada's reputation.

14 I want to hone in on the allegations in the
15 substance of the advisory, that hate crime, sectarian
16 violence, and anti-India activity is increasing in Canada,
17 according to the advisory.

18 I'm going to suggest to you that one of
19 India's disinformation tactics is to manufacture a narrative
20 of sectarian conflict with the objective of polarizing
21 communities in Canada and to deflect a criticism of the
22 Government of India as sectarian. And this is a strategy
23 that's been seen in Five Eyes partner countries like
24 Australia as well. Are you able to confirm that on the
25 record today?

26 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
27 think like so many of these things, we have to be very
28 careful about the nuances here. I think that I am -- I think

1 the statement that is on this document, I concur with that.
2 We also have to -- our -- the -- what we know -- what we can
3 assess of the rationale for why the Government of India
4 published that I think is laid out there. But it's -- we
5 have to be careful not to then, you know, draw that -- those
6 analytical conclusions, you know, to a degree where we would
7 not have the information.

8 So for example, when you describe that, you
9 know, that some facts that will be
10 misinformation/disinformation, and I will speak more
11 generally here, not specifically. Often it has an impact
12 because, you know, there's some element of truth. So people
13 can relate to some of these elements because they've seen it
14 in the media or they have experienced some of these issues.
15 And so part of the misinformation and disinformation comes --
16 their efficacy comes from the fact that, you know, you're
17 using some of the -- some elements that might be actually
18 factually correct.

19 So that's why I -- you made an assertion, you
20 know, counsel, that I am just not necessarily comfortable to
21 follow you through the extent, but what I said is that I'm
22 comfortable with this document, you know, the way it
23 described the specific intent of this advisory, and it is
24 something that, you know, is of concern.

25 **MR. PRABJOT SINGH:** So I'm going to move on
26 to political interference by India.

27 You can take that document now.

28 When we look at India's foreign interference

1 as a whole, India is not simply trying to interfere in
2 elections. They're actually engaged in a much deeper more
3 calculated purpose, which is to interfere and manipulate
4 Canada's democratic processes to influence and control policy
5 from media manipulation to influencing the makeup of
6 Parliament and the issues raised in Parliament. Is that fair
7 to say?

8 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
9 have published our summaries of -- I don't know if counsel
10 can bring me to specific points of our summary where we have
11 described the activities of India?

12 That might be helpful because there is a very
13 long list of elements that you have included in your
14 statement, counsel, and I just want to do justice to the
15 Commission by not necessarily giving, you know, a yay or nay
16 answer like this.

17 **MR. PRABJOT SINGH:** No, and I understand
18 that. And I'm content to kind of rest on that summary. I'm
19 trying to see if there's any other information that you may
20 have, and if you're not able to share it, you can indicate
21 that in this forum.

22 Is it fair to say that Indian officials
23 combine diplomatic influence efforts alongside clandestine
24 foreign interference to undermine what they see as anti-India
25 positions in Canada?

26 **MR. DAVID VIGNEAULT:** Do you have the
27 specifics of what's in the summary?

28 **MR. BO BASLER:** Yeah, I don't -- in the

1 summary we produced for the Commission with respect to
2 activities undertaken by the Government of India, I do not
3 believe that is language that appears in the summary. So I -
4 - we went to considerable length to try and move into the
5 public realm what can be moved into the public realm from the
6 classified material. So I don't -- just not having the
7 summary in front of me, but I don't believe that specific
8 language that you used is reflective in the summary that ---

9 **COMMISSIONER HOGUE:** I think it will be
10 useful to have the summary on the screen ---

11 **DR. NICOLE GILES:** I believe it's ---

12 **COMMISSIONER HOGUE:** --- instead of
13 speculating as to what is said or not said in the summary.
14 So can you ---

15 **MR. PRABJOT SINGH:** Yeah, I appreciate that,
16 Madam Commissioner. Like I said, I'm content to rest on the
17 summary. That information is on the record before yourself
18 as evidence, so I don't want to just reiterate that
19 information. I'm trying to elicit what additional
20 information or context we might get, ---

21 **COMMISSIONER HOGUE:** But he only ---

22 **MR. PRABJOT SINGH:** --- or at the very least,
23 flag instances where the witnesses might have additional
24 information that can be shared in a private setting.

25 **COMMISSIONER HOGUE:** But clearly their
26 position is they won't share any additional information.

27 **MR. PRABJOT SINGH:** Sure.

28 **COMMISSIONER HOGUE:** So instead of ---

1 **MR. PRABJOT SINGH:** I'll move on. If we can
2 bring up CAN3249 and go to page 6, please? And if we scroll
3 down? Yeah, right there. That's fine.

4 **--- EXHIBIT No./PIÈCE No. CAN003249:**

5 Canada's Strategy for Countering
6 Hostile Activities by State Actors

7 **MR. PRABJOT SINGH:** So the document states
8 that:

9 "Indian officials have developed a
10 network of contacts who engage in a
11 variety of activities, including the
12 collection of Canadian political
13 information, dissident monitoring in
14 Canada, interference with Canadian
15 interests, and a number of other
16 activities." (As read)

17 In terms of monitoring dissidents, India does
18 more than just monitor dissidents. Is it your understanding
19 that Indian actors also engage in coercive activities as
20 well?

21 **MR. DAVID VIGNEAULT:** Madam Commissioner, I
22 think we're at the same kind of line of questioning. We have
23 tried to be very transparent with the information that can be
24 released. I think counsel is addressing a number of the
25 specific techniques and approaches that, you know, a country
26 may use. I think we've talked about the fact there were
27 elements of covertness of Indian activities. We've spoken to
28 that.

1 It's just that when you bring it in very
2 specific context that, you know, we're not at the position to
3 speak to those issues, counsel.

4 **DR. NICOLE GILES:** I think it might be
5 helpful just to clarify that the process we went through in
6 developing the summaries was exhaustive and it's also, by
7 leaps and bounds, the most information we've ever put in the
8 public. And so that's why we're indicating that we're up
9 against the line on what's been provided, is that it goes far
10 beyond what we've released before. And the reason the
11 specific language in the summaries matters is that it has
12 been carefully chosen to ensure that that language cannot be
13 used by adversaries to identify our sources, methods,
14 operations, and intelligence gaps.

15 So just hopefully provides a little bit of
16 context on why we're not able to say more at this point.

17 **MR. PRABJOT SINGH:** Yeah, and I understand
18 and appreciate that. And like I've said a couple of times,
19 that summary is very helpful. The purpose of the cross-
20 examination here is to try to elicit additional information
21 to try to delve into a little bit more detail, otherwise it
22 would be a completely redundant exercise.

23 So like I said, again, if there's information
24 that can't be shared, that you can't state verbally, if you
25 can flag that, and the Commission can follow up on that.

26 So I just want to go to the fact that last
27 September most Canadians publicly learned, and this is
28 unclassified public information, that India is willing to go

1 to the extent of murdering Sikh activists in Canada. Is that
2 something that you can say, Mr. Vigneault?

3 **MR. DAVID VIGNEAULT:** Yes. You refer to the
4 Prime Minister's statements in the House of Commons about the
5 assassination of Mr. Nijjar.

6 **MR. PRABJOT SINGH:** Thank you. And I'm going
7 to suggest to you that CSIS knew about an active threat to
8 the lives of at least five Sikh community leaders, including
9 Bhai Hardeep Singh, as early as July 2022, when members of an
10 integrated national security enforcement team visited their
11 homes to deliver a warning. Is that something that you're
12 able to confirm in public or is that something that is not
13 able to be shared in public?

14 **MR. DAVID VIGNEAULT:** Madam Commissioner, I'm
15 not sure about the source of that information. I am aware
16 and we have said that -- it has been said publicly that it
17 has been said publicly there has been a number of exercises
18 by the police on duty to warn about you know, a potential
19 threat to individuals. That information may have been, you
20 know, been available to police through their own means or
21 through CSIS. But the specifics of these five individuals, I
22 do not have any specific information to share.

23 **MR. PRABJOT SINGH:** A number of Sikh
24 activists in Canada continue to face threats emanating from
25 India to this day. Is that correct?

26 **MR. DAVID VIGNEAULT:** The activities that
27 we've described in our -- the documents that have been made
28 public speak to a focus of the Government of India and some

1 of their proxies against dissidents in Canada, yes.

2 **MR. PRABJOT SINGH:** So I'm going to suggest
3 that despite numerous warnings prior to June 2023 about the
4 threat to lives, the lives of several activists, CSIS did not
5 engage in threat reduction measures, specifically countering
6 India's operational capacity in this regard, or otherwise
7 ensure the physical safety and security of those targeted
8 individuals. Those individuals who received duties to warn
9 are essentially at their own devices to protect themselves or
10 avoid harm. Is that correct?

11 **MR. DAVID VIGNEAULT:** I would not accept the
12 premise of that question, no.

13 **MR. PRABJOT SINGH:** So looking forward, given
14 the failure of Canada's security and intelligence community
15 to detect and deter this shocking act of foreign interference
16 and transnational repression, which resulted in the murder of
17 a citizen despite prior knowledge, are you able to share any
18 insight where Canada may have failed in this case? Was it a
19 lack of skills and competency? Was it a lack of resources?
20 A gap in legislation? Or a lack of political will in this
21 case?

22 We're looking for some insight and perhaps
23 where this is general terms forward looking, about what went
24 wrong in this case that allowed a foreign state to murder a
25 Canadian citizen?

26 **MR. BARNEY BRUCKER:** Commissioner. Counsel
27 has made very loaded statements in this, his last question,
28 the last round. I think there has been -- there is an

1 ongoing criminal proceedings in the matter. The Prime
2 Minister spoke about the intelligence he has received from
3 CSIS about this, and some of the actions that have taken
4 place. And I will say that, you know, this is the process
5 that will take place, and we'll look forward to the results
6 of the criminal proceedings.

7 **MR. PRABJOT SINGH:** So Madam Commissioner, my
8 final question, and I'll try to elevate it into more general
9 terms, in a case where a foreign state is able to murder a
10 Canadian citizen, I'm wondering what insight or lessons that
11 yourself or any other witnesses on the panel might be able to
12 glean from that -- this kind of experience, and provide some
13 kind of advice or recommendations about how something like
14 this can be avoided in the future.

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, we
16 have -- comme on l'a mentionné souvent, le travail qui a été
17 fait par les organismes pour comprendre certains évènements
18 incluent des pratiques de leçons apprises, *lessons learned*.
19 Il y a beaucoup de travail qui a été fait non seulement par
20 le gouvernement canadien, les agences de renseignement de
21 sécurité, mais également avec nos partenaires internationaux.

22 C'est une... la menace continue d'évoluer et on
23 continue d'apprendre des techniques des... et également des
24 limites que certains pays se mettent sur l'utilisation de
25 certaines techniques pour avancer leurs intérêts. Et donc,
26 je peux... ce que je peux partager avec la Commission, c'est
27 que, oui, il y a beaucoup de travail qui a été fait et qui
28 continue d'être fait pour mieux comprendre et mieux défendre

1 les Canadiens.

2 COMMISSIONER HOGUE: Thank you.

3 MR. PRABJOT SINGH: Thank you, Commissioner,
4 those are my questions.

5 COMMISSIONER HOGUE: Counsel for the Concern
6 Group?

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

8 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./PIÈCE 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 IA 2023-24/24

2 **MR. GUILLAUME SIROIS:** While it's being
3 brought up, this is an intelligence assessment for 2023, 2024
4 from the Service titled, Must Cause War in Ukraine,
5 Implications for Russian Foreign Interference Activities in
6 Canada.

7 Est-ce que vous reconnaissez ce document? Il
8 est daté de mai... 19 mai 2023. Est-ce que vous reconnaissez
9 ce document?

10 **M. DAVID VIGNEAULT:** Je reconnais que c'est
11 un document qui, oui...

12 **Me GUILLAUME SIROIS:** Préparé par...

13 **M. DAVID VIGNEAULT:** ... provient du Service,
14 oui. Absolument. Oui.

15 **Me GUILLAUME SIROIS:** Super. Merci. À la
16 page 2, j'aimerais voir les *key assessments*. Il y en a cinq.
17 On peut voir le troisième qui dit :

18 "Disinformation and FI foreign
19 interference activities in Canada
20 will continue in an effort to
21 discredit the Government of Canada's
22 policy on Ukraine, smear Ukrainian
23 diaspora and their organizations in
24 Canada, and spread Russian
25 disinformation regarding the conflict
26 in Ukraine."

27 Je veux aussi attirer votre attention sur le
28 quatrième point, la dernière phrase.

1 "As a result, the Russian Government
2 will continue its attempts to
3 influence and control the Russian
4 diaspora in Canada."

5 La guerre en Ukraine continue encore
6 aujourd'hui, malheureusement. Est-ce que c'est des
7 conclusions... des *assessments* qui sont toujours valides
8 aujourd'hui?

9 **Mme VANESSA LLOYD:** Oui.

10 **Me GUILLAUME SIROIS:** OK. J'aimerais qu'on
11 montre maintenant WIT 134 s'il vous plait au paragraphe 16.
12 Avez-vous autre chose à ajouter par rapport à ces
13 conclusions-là ou... en attendant que le document arrive.

14 **MS. VANESSA LLOYD:** I would say I think it's
15 consistent with my comments, this morning's testimony about
16 the nature of the threats of foreign interference from
17 Russia. We talked this morning about how one of the
18 objectives of the Russian Government in this space is to be
19 able to influence the policy and positions as it relates to
20 conflicts, for example, like Ukraine.

21 **MR. GUILLAUME SIROIS:** Okay. That's good.
22 Can we please pull up WIT134, please? I understand it
23 challenging to add comments to such assessments that -- and I
24 would like to see paragraph 16, please. This is your in-
25 camera examination summary at paragraph 16. We see
26 Ms. Tessier described Russia's covert operations in their
27 information space as a psychological war. I'm wondering if
28 the covert operations described in the CSIS assessments which

1 is discussed is included in this psychological war that's
2 described here.

3 **Mme MICHELLE TESSIER:** Je pense que
4 l'information à laquelle je faisais référence, c'est quand on
5 regarde désinformation surtout - de la désinformation, pas
6 les informations mais la désinformation - qu'on sait que
7 c'est important pour la Russie de tenter de miner la
8 crédibilité de gouvernements occidentaux. Donc, je pense que
9 c'est de ça à lequel je faisais référence. Alors, c'est
10 vraiment pour tenter de créer des divisions et créer
11 l'incertitude dans les populations envers les autorités et
12 envers leur style de gouvernance.

13 **Me GUILLAUME SIROIS:** OK. Donc, ça a pas
14 nécessairement rapport avec la guerre en Ukraine, c'est plus
15 en lien avec la division de la société, c'est ça?

16 **Mme MICHELLE TESSIER:** Dans ce cas-ci, c'est...
17 je pense pas. Je parlais de l'Ukraine spécifiquement. Mais
18 je pense c'est plutôt... le but, vraiment, au niveau du
19 gouvernement de la Russie, c'est de créer ce manque de
20 confiance dans... parmi les gouvernements occidentaux, que ce
21 soit l'Ukraine ou autre chose. Ça fait partie de leur façon
22 de tenter d'agir... leur *modus operandi*, en bon français, au
23 niveau de tenter de créer ce manque de confiance.

24 **Me GUILLAUME SIROIS:** Et ça, on parle du
25 Canada ici aussi? Incluant le Canada, évidemment?

26 **Mme MICHELLE TESSIER:** Ça peut arriver au
27 Canada, oui, tout à fait.

28 **Me GUILLAUME SIROIS:** Est-ce que c'est arrivé

1 au Canada? Est-ce que la Russie essaie de, comme c'est écrit
2 ici là, « undermine Western governments... Canadian
3 government's credibility » au Canada aussi ou c'est juste
4 ailleurs?

5 **Mme MICHELLE TESSIER:** Ça peut arriver au
6 Canada, tout à fait, oui.

7 **Me GUILLAUME SIROIS:** OK. Ma question, c'est
8 pas est-ce que ça peut, c'est est-ce que c'est arrivé?

9 **Mme MICHELLE TESSIER:** Je sais pas s'il y a
10 des exemples plus récents, mais...

11 **Me GUILLAUME SIROIS:** S'il y a pas d'exemples
12 qui viennent en tête, je vous demande est-ce que...

13 **M. DAVID VIGNEAULT:** Oui. Ben, je peux vous
14 dire, monsieur Sirois, je serais d'accord à dire que oui,
15 c'est... les activités de la Russie ont eu lieu au Canada,
16 continuent d'avoir lieu au Canada. Pis je pense qu'il est
17 important de comprendre, c'est que c'est pas nécessairement
18 besoin d'être seulement dirigé spécifiquement au Canada pour
19 avoir un impact au Canada.

20 Le but de... un des objectifs du régime de
21 Vladimir Putin, c'est de changer l'ordre international.
22 Donc, l'ordre international, après la Deuxième Guerre
23 mondiale, qui a fait en sorte que les institutions qui ont
24 dominé tout ça - qui ont créé l'OTAN, qui ont créé le système
25 monétaire international, les institutions financières - on
26 voit qu'un des objectifs spécifiques de Putin, c'est de
27 mettre à mal ces institutions-là.

28 C'est pour ça qu'ils ont créé le BRICS, donc,

1 avec d'autres pays pour trouver des façons de gouverner
2 différentes pour ne pas donner autant d'importance aux États-
3 Unis spécifiquement, mais à tous les autres états
4 démocratiques de l'Ouest.

5 Donc, des fois, ça peut être dirigé
6 directement contre le Canada, mais généralement, même si
7 c'est dirigé de façon plus globale à l'ordre établi, a un
8 impact ici au Canada également.

9 **Mme MICHELLE TESSIER:** Je peux... ma mémoire
10 revient.

11 **Me GUILLAUME SIROIS:** C'est beau.

12 **Mme MICHELLE TESSIER:** Je peux confirmer au
13 moins un exemple - je ne rentrerai pas dans les détails -
14 visant le gouvernement... du moins, un représentant ou une
15 représentante du Gouvernement du Canada.

16 **Me GUILLAUME SIROIS:** OK. Et juste pour... *for*
17 *the record*... vous pouvez pas entrer dans les détails en raison
18 de la confidentialité de sécurité nationale?

19 **Mme MICHELLE TESSIER:** C'est parce que je
20 sais pas ce qui est en public, parce qu'il y a de
21 l'information qu'on a divulguée en public, une information
22 qui demeure classifiée. Je suis pas en mesure de savoir,
23 donc, j'aime mieux...

24 **Me GUILLAUME SIROIS:** Je comprends ça. Aucun
25 problème. J'aimerais juste revenir un peu à la question de
26 la guerre en Ukraine et les stratégies de désinformation et
27 d'influence de la Russie en lien avec la guerre en Ukraine.
28 J'aimerais qu'on montre, s'il vous plait, RCD 52.

1 --- EXHIBIT No./PIÈCE No. RCD0000052:

2 Canadian Vulnerability to Russian
3 Narratives About Ukraine

4 **Me GUILLAUME SIROIS:** Pendant que le document
5 arrive, c'est une analyse de Marcus Kolga et de Christopher
6 Ross, deux membres de *Disinfo Watch*, daté du 8 juillet 2024.
7 On peut descendre pour voir le titre, s'il vous plait. C'est
8 à la page 2, je crois, ou 4... ou 3... 2 ou 3. Les captures
9 d'écran en ligne, c'est jamais parfait.

10 "Canadian Vulnerability to Russian
11 Narratives about Ukraine", 8 juillet 2024. On peut descendre,
12 s'il vous plaît. Je vais vous montrer les principales... les
13 principaux... les principales conclusions de cette analyse-là.
14 Donc, les trois points qu'on voit ici, je vais vous dire les
15 premières phrases clés. Les trois premiers *bullet points*,
16 s'il vous plait. Oui, merci.

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 Deuxième point :

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 Je veux pas politiser du tout, du tout, du
10 tout cette question-là, mais je me demande si vous avez des
11 raisons de douter des conclusions qu'on trouve ici dans le
12 rapport? Est-ce que c'est quelque chose qui est évalué,
13 mesuré par les services, ou est-ce que vous avez des
14 commentaires à ajouter sur ces trois conclusions-là qu'on
15 voit ici?

16 **MS. VANESSA LLOYD:** Madam Commissioner, I
17 think it would be difficult to speculate, not understanding
18 the nature of the data that was collected in this particular
19 case, to be able to assert whether our intelligence would
20 entirely line up with what is here.

21 I think that the important piece that we
22 would take away here is that this is certainly a tool, as we
23 spoke about this morning, that Russia has used, in particular
24 as it relates to foreign interference in electoral processes.
25 And as I mentioned in my testimony this morning that there
26 has been analysis done on this with regards to a number of
27 electoral processes around the world so far this year.

28 **MR. GUILLAUME SIROIS:** Okay. We can pull the

1 document down. Thank you for the clarifications. We've seen
2 that the amount of Canadians that say that Canada is
3 supporting Ukraine too much has increased significantly since
4 the start of the war. Considering the exposure of Canadians
5 to Russian narratives and Russia's intent to undermine
6 support for the Ukraine war, would you say that Russia's
7 strategies to influence Canadians are having some effect that
8 Russia maybe intended?

9 **M. DAVID VIGNEAULT:** Monsieur Sirois, Madame
10 la Commissaire, ce matin, j'ai témoigné sur la réponse à la
11 question de madame Chaudhury sur le *cognitive warfare*. Je
12 pense que ce qu'on voit ici, sans avoir fait une enquête
13 aussi approfondie peut-être que *Disinfo Watch*, je crois que
14 c'est crédible de croire que, oui, il y a un impact de ces
15 stratégies-là de la Russie.

16 Les... je parlais ce matin de *psychological*
17 *warfare*. Ma collègue en parlait également. Le *establishment*
18 russe est très, très fort dans ces approches-là et certaines
19 des techniques qui ont été utilisées dans le passé et encore
20 maintenant ont été développées par les services de
21 renseignement et de sécurité russes. Donc, oui, je crois que
22 c'est une affirmation qui peut être faite et qui, oui, il y a
23 un impact ici au Canada.

24 **Me GUILLAUME SIROIS:** Merci. J'apprécie
25 beaucoup vos clarifications.

26 J'aimerais maintenant parler d'un autre... d'un
27 sujet qui est lié, selon moi. Vous avez probablement entendu
28 parler des événements de *Tenet Media*, je me... pour commencer,

1 je veux juste savoir, est-ce que vous pouvez commenter
2 davantage à savoir quand vous avez été au courant ou comment
3 vous avez été mis au courant de ces informations-là,
4 quelconque commentaire qui n'est pas déjà public en lien avec
5 les allégations qui sont trouvées dans l'acte d'accusation
6 américain concernant *Tenet Media*.

7 **MS. VANESSA LLOYD:** Madam Commissioner, what
8 counsel is referring to is something that I mentioned this
9 morning, a recent indictment that was released in the United
10 States. So what I can say in response to the counsel's point
11 is that we are aware of the indictment and the ongoing
12 investigations in this regard and I'll stop there.

13 **COMMISSIONER HOGUE:** That's about it.

14 **DR. NICOLE GILES:** I think it's also the
15 opportunity to place that within the broader landscape of
16 Russia's global mis- and disinformation efforts, and what
17 we're seeing is the borderless nature of how those efforts
18 are undertaken, is that when we see those efforts undertaken
19 in other NATO countries, we see that naturally amplified in
20 Canada as well. So that's something that we're also aware
21 of, is that we're not alone in experiencing this threat that
22 we're expecting within that broader threat landscape.

23 **MR. GUILLAUME SIROIS:** Interesting. Thank
24 you. So I don't -- I won't get into the details of it, but
25 to bring it back to the effects of these campaigns, you might
26 be aware that multiple videos that were published -- or
27 produced by Tenet Media concerned Canadian political issues,
28 and most -- a lot of them, at least, attacked directly the

1 Prime Minister, Justin Trudeau.

2 I'm wondering if this -- in your assessment,
3 if this plays into Russia's attempt to undermine the support
4 in Ukraine, as we all know the Prime Minister has been a
5 staunch supporter of the Ukrainian war effort?

6 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
7 I can, I would say that it's very hard to distinguish,
8 because this accusation has been made, and assuming that, you
9 know, some of the activities that, you know, have been
10 alleged, you know, have taken place, part of the problem then
11 becomes to distinguish what has been maybe part of the
12 network's, you know, own editorial approach versus vis a vie
13 what has been influenced directly or indirectly by Russia.
14 And so that essentially taints everything else.

15 So I think it would be very hard to
16 distinguish between, you know, is something, you know,
17 against a politician at the behest directly or indirectly by
18 Russia or just, you know, an editorial position that, you
19 know, that organization has taken?

20 So I think it's -- it will be very, very
21 difficult to determine that.

22 You can see, however, there is a thread line
23 that, you know, someone can see in terms of a narrative that
24 exists and a narrative that has been pushed covertly by
25 Russia.

26 **Me GUILLAUME SIROIS:** Est-ce qu'on peut dire
27 qu'il est un peu trop de confirmer avec certitude que cette
28 information-là a été influencée par la Russie?

1 Indirectement, mais quand même, de discréditer Justin Trudeau
2 spécifiquement, ça peut avoir des effets bénéfiques pour les
3 intérêts de la Russie?

4 **M. DAVID VIGNEAULT:** Je pense, Madame la
5 Commissaire, que ce qu'on peut dire, c'est que... pour en
6 revenir au point qu'on faisait plus tôt, c'est que c'est une
7 bonne journée pour le Kremlin lorsque les états démocratiques
8 se chicanent, sont en train de faire certaines choses. Donc,
9 oui, il y a un effet.

10 **Me GUILLAUME SIROIS:** J'ai peut-être deux
11 petites dernières questions, si...

12 **COMMISSAIRE HOGUE:** Courtes, oui.

13 **Me GUILLAUME SIROIS:** Très courtes. On a vu
14 des campagnes de désinformation relativement petites, que
15 soit ont pas été détectés ou soit qu'ils ont été détectés,
16 mais ils ont été mis... classifiés comme étant pas
17 significatives. Mais ça, ça se produit à travers plusieurs
18 années. Pis ça se produit aussi dans d'autres pays à travers
19 le monde, surtout les États-Unis là qui sont nos voisins. Je
20 me demande comment le Service peut faire pour mieux adresser
21 l'effet cumulatif de ces campagnes de désinformation-là sur
22 la confiance... par rapport à la confiance du public envers nos
23 institutions ou envers la guerre en Ukraine, par exemple.

24 **MR. BO BASLER:** I'll just jump in on that.
25 It's -- when we're talking about mis- and disinformation, in
26 particular in these cases disinformation campaigns, that are
27 happening around the world perpetrated by foreign state
28 actors who have the intent of disrupting our democratic

1 systems and processes here or in allied countries, it is very
2 much a responsibility of a whole of government and a whole of
3 society approach to combat that.

4 There's been, you know, a lot of noting about
5 the effect of disinformation and how it can tear at the
6 society of -- the fabric of a society, how it can erode trust
7 in institutions or in governments, but the solutions require
8 a whole of society approach to be able to counter that
9 through better education, through more information being put
10 out, and the Service, for its part in this, tries to put the
11 information out into the public domain, work with partners'
12 support. You know, the report you mentioned earlier was by a
13 civil society organization. They do incredible work around
14 the world. Civil society organizations are a key part of
15 countering mis- and disinformation as it spreads around the
16 world.

17 I think as a government, there's been a
18 number of initiatives that have supported that. We heard
19 witness testimony, two days I believe, in this vein.

20 But it's -- you know, from the Service's
21 perspective, we certainly have a role in understanding a
22 threat and investigating the threat and the threat actors,
23 advising government, and then allowing and helping
24 facilitating that whole of government and then whole of
25 society approach to countering it.

26 **DR. NICOLE GILES:** Just briefly, to amplify
27 that, that's also part of the reason why we've been using our
28 own social media tools to also inform Canadians. And we've

1 had a number of very successful campaigns about exactly this.
2 Raising awareness on how to identify mis- and disinformation
3 so that Canadians can better understand what it is that
4 they're consuming when they do look at social media.

5 **MS. MICHELLE TESSIER:** If I can -- sorry, we
6 do this a lot. If I can add to my colleagues' comments, I
7 think -- and not that I want to speak for the Service today,
8 because I'm the Service in the past, but the whole of society
9 efforts -- quand qu'on regarde l'intelligence artificielle,
10 par exemple, et les risques, on voit qu'il y a beaucoup de
11 discussion au niveau de les risques de la désinformation et
12 les risques de l'utilisation... la mauvaise utilisation de
13 l'intelligence artificielle, les fameux *deepfakes* au niveau
14 des vidéos. Donc, je dirais que pour les services de
15 renseignement et la société en général, c'est une discussion
16 importante à avoir, finalement.

17 **Me GUILLAUME SIROIS:** Je vais conclure là-
18 dessus. Je suis désolé d'avoir pris un peu plus de temps
19 cette fois-ci.

20 **COMMISSAIRE HOGUE:** C'est pas vous, c'est les
21 témoins qui...

22 **(LAUGHTER / RIRES)**

23 **Me GUILLAUME SIROIS:** C'est vrai, c'est de
24 leur faute.

25 **COMMISSAIRE HOGUE:** On les blâmera pas, par
26 ailleurs.

27 **Me GUILLAUME SIROIS:** Bien sûr que non.
28 Donc, oui, donc l'ingérence russe, mais aussi

1 de d'autres pays, mais particulièrement l'ingérence russe
2 depuis 2016, les campagnes de désinformation étaient un enjeu
3 depuis assez longtemps, depuis justement au moins 2016, la
4 campagne présidentielle américaine. Des allégations comme
5 *Tenet Media*, pourquoi ça se produit encore en 2024?

6 **M. DAVID VIGNEAULT:** Parce que ça fonctionne.

7 (RIRES / LAUGHTER)

8 **M. DAVID VIGNEAULT:** Ben, en fait, je
9 répons... je veux pas répondre de façon... mais c'est ça, c'est
10 que ça fonctionne. Les techniques s'améliorent. La
11 compréhension, comme je mentionnais plus tôt ce matin, la
12 compréhension comment les avancées en psychologie, en
13 neuroscience, comment est-ce qu'on est capable d'arriver et
14 de... d'utiliser ces moyens-là pour avoir un impact sur les
15 populations.

16 La technologie, ma collègue vient de parler
17 d'intelligence artificielle, il y a des cas qui ont été
18 mentionnés publiquement. En Slovaquie récemment, il y a eu
19 des... de l'interférence étrangère utilisant des moyens plus
20 avancés de la part de la Russie. Et ça fonctionne et c'est
21 dur à détecter et c'est dur à contrer et c'est... souvent,
22 c'est peu couteux pour les... ce que ça peut rapporter en
23 termes d'impact. Donc, oui, c'est... je pense que c'est la
24 façon la plus simple que je pourrais le résumer.

25 **COMMISSAIRE HOGUE:** Merci.

26 **Me GUILLAUME SIROIS:** C'est tout. Merci
27 beaucoup. Bonne journée.

28 **COMMISSIONER HOGUE:** So next one ---

1 **MS. ERIN DANN:** I'm very sorry, Commissioner,
2 to interrupt, I'm just asking on behalf of the -- our court
3 staff, whether we could have a very short health break.

4 **COMMISSIONER HOGUE:** Yes, sure.

5 **MS. ERIN DANN:** I know we're anxious to
6 finish today, but I just think even a five-minute break would
7 be appreciated.

8 **COMMISSIONER HOGUE:** Five minutes is enough,
9 or do we need 10 minutes? We'll take 10 minutes.

10 **MS. ERIN DANN:** I think probably 10. Thank
11 you.

12 **COMMISSIONER HOGUE:** So we'll come back at
13 5:15.

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

16 The sitting of the Commission is now in
17 recess until 5:15 p.m. Cette séance de la Commission est
18 maintenant suspendue jusqu'à 17 h 15

19 --- Upon recessing at 5:05 p.m./

20 --- La séance est suspendue à 17 h 05

21 --- Upon resuming at 5:18 p.m./

22 --- La audience est reprise à 17 h 18

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

25 This sitting of the Foreign Interference
26 Commission is now back in session. Cette séance de la
27 Commission sur l'ingérence étrangère est de retour en
28 session. The time is 5:18 p.m. Il est 17 h 18.

1 --- MS. CHERIE LYNN HENDERSON, Resumed/Sous la même
2 affirmation:

3 -- MS. MICHELLE TESSIER, Resumed/Sous la même affirmation:

4 --- MR. DAVID VIGNEAULT, Resumed/Sous la même affirmation:

5 --- MS. VANESSA LLOYD, Resumed/Sous la même affirmation:

6 --- DR. NICOLE GILES, Resumed/Sous la même affirmation:

7 --- MR. BO BASLER, Resumed/Sous la même affirmation:

8 COMMISSIONER HOGUE: So next one is Counsel
9 for Han Dong. Mr. Wang? On Team I think, Team or Zoom, I'm
10 not sure.

11 MR. JEFFREY WANG: Yes, we're on Zoom.

12 COMMISSIONER HOGUE: On Zoom.

13 MR. JEFFREY WANG: No questions from us.

14 COMMISSIONER HOGUE: No questions.

15 AG?

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

17 MR. BARNEY BRUCKER:

18 MR. BARNEY BRUCKER: I wonder -- let me ask
19 the current leadership, Ms. Lloyd and Ms. Giles, direct this
20 to you. We've heard much about foreign interference and
21 while this inquiry has been called with respect to federal
22 electoral processes and democratic institutions, some of the
23 evidence we've heard, or a lot of the evidence we've heard
24 suggests it's a much broader issue than that.

25 So I'm asking you what perspective do we need
26 to bring to bear to combat and deal with this issue of
27 foreign interference. How would you -- ho do you see that
28 unfolding?

1 **MS. VANESSA LLOYD:** Perhaps I can start.
2 Madam Commissioner, I think what we've talked about over the
3 course of the day is the importance of leveraging a long
4 history in the service of investigating threats from foreign
5 interference, body of intelligence that we glean from
6 information sharing with our partners, and that includes
7 learning from their experiences about the intent and tactics
8 of threat actors. We have also talked about the range of
9 tools that have been utilized over time, and that have
10 evolved over time.

11 And in some of the recent discussions we've
12 had this afternoon we've also talked about the importance of
13 bringing a whole of society approach to countering the
14 threat, and that is in my mind on two fronts. One in terms
15 of involving civil society, from the points that I'm sure Dr.
16 Giles will speak to in terms of the transparency, and
17 dialogue, and disclosure of information about the threats to
18 a wider range of stakeholders, partners, and civil society.
19 And also, at the level of a community approach within the
20 Government of Canada.

21 And so, when we are talking about how we
22 respond to those threats, the importance of that being an
23 effort to bring to bear all of the tools within the national
24 security community and beyond, in order to be able to advance
25 our common goal of making sure that Canada is safe and secure
26 from a range of threats. And that the people of Canada feel
27 confident that those agencies that are contributing to their
28 safety are doing so in a coordinated manner, and an informed

1 and purposeful manner.

2 **DR. NICOLE GILES:** I think I'd just briefly
3 add two thoughts.

4 So first of all, I think it is important to
5 sometimes step back a little bit and think about how the
6 foreign interference threat is situated within the broader
7 threat landscape that we're operating in right now. There is
8 a very high NGO, political and strategic context that we're
9 operating in. We're not only seeing an increase in the
10 complexity and intensity of the foreign interference threat,
11 but also violent extremism and the range of that, whether
12 it's religiously motivated, ideologically motivated. We've
13 named several and been part with RCMP partners of some very
14 important arrests in that space in the last year in
15 particular. And of course espionage continues, and just to
16 recognize that the foreign interference threat in Canada is
17 not in isolation to the broader geopolitical context that
18 we're operating in, and within those priorities as well in
19 terms of the incredible work that our employees do with
20 colleagues across government to keep Canadians safe every
21 day.

22 And within that, as well, is that it's not
23 just Canada experiencing the foreign interference and other
24 threats, it's our partners. And that's part of the
25 adversary's goal is to go after democracies. But the good
26 news is that that's also part of our superpower, is those
27 long-term meaningful partnerships that are not just
28 transactional. And so just stepping back and reflecting on

1 what those partnerships give us, in terms of our defence
2 mechanisms, and that we're not alone in countering these.

3 **MR. BARNEY BRUCKER:** You spoke, Ms. Giles
4 about -- to some degree about Bill C-70 and the additional
5 tools that that gave you, insofar as amendments to the *CSIS*
6 *Act*, and is that in keeping with the broader information-
7 sharing, broader -- bringing a message to the public that's
8 going to reach more people than before?

9 **DR. NICOLE GILES:** Certainly our intention is
10 to use those authorities to leverage and to lean in even
11 further, in terms of the amount of information that we're
12 able to share. We previously were in a bit of a grey zone,
13 and at times a little uncomfortable in terms of the
14 parameters that we were pushing. Now we can go into that
15 information-sharing with a lot more confidence, in terms of
16 our ability to ensure that Canadians are getting the
17 information they need to build their resilience.

18 **MR. BARNEY BRUCKER:** Now, you can only do
19 what your legislation authorizes you to do or within the
20 scope of that legislation. And one thing you didn't speak
21 about was a five-year review of the *CSIS Act*. How is that
22 going to help, or is it going to?

23 **DR. NICOLE GILES:** Well, one of the things
24 that we heard very clearly during the consultations that we
25 did during the *CSIS Act* changes; there were over 360 online
26 submissions provided over 55 roundtables, in addition to
27 numerous informal interactions, and one of the things that
28 clearly came out was that the sense that we needed to make

1 sure that it wasn't another 40 years before we re-examined
2 CSIS's legislation, given how rapidly the threat context is
3 evolving, and also the technology.

4 So we were not able to completely futureproof
5 the *CSIS Act* with the changes that went through in June, so
6 the five-year review will enable us to have that sober
7 reflection on whether we continue to have the tools and the
8 authorities. And by having it be a statutory review, one of
9 the things we did learn from our, in particular, UK and
10 Australian colleagues, is that that also allowed for that
11 examination to be somewhat depoliticized, if it was
12 statutorily required. So we're really looking forward to, in
13 four and a half years, seeing what the review will lead us
14 to.

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, if
16 I can add very briefly?

17 I think there is -- we testified to this
18 today and before, we did not -- we do not have a very strong
19 culture of national security in Canada. And my colleague,
20 madame Tessier, spoke to that at some length. And -- but the
21 threat the Canadians are facing is increasing, in terms of
22 complexity and intensity. The world that has made Canada
23 safe, prosperous, is changing around us, not just because of
24 hostile actors, but also because of climate issues and so on.
25 And that requires a much more mature discussion amongst all
26 of us Canadians. And in the past it was too much,
27 unfortunately, what we would say a zero-sum equation; it's
28 either if you're for more powers for the intelligence

1 service, you know, you're for Big Brother, of you're for
2 civil liberties. And I think it's not fair for Canadians to
3 reduce the debate to these two opposite sides. I think
4 Canadians are very mature, and I think through the work of
5 your Commission, Madam Commissioner, they understand better
6 with the environment they're in today and tomorrow.

7 And so I hope that there will be the debate
8 that will allow for an ability to modernize, when it's
9 required, tools for CSIS or for others, or to adapt, you
10 know, our approaches on a more ongoing basis and not wait for
11 five years, necessarily, or for something dramatic to happen.
12 I have faith in Canadians that, you know, we have the
13 maturity to have the ability to do this work.

14 **MR. BARNEY BRUCKER:** All right.

15 I don't have any more questions. Thank you.

16 **COMMISSIONER HOGUE:** Thankyou.

17 Any re-examination?

18 **MS. SHANTONA CHAUDHURY:** None.

19 **COMMISSIONER HOGUE:** So I think it's over for
20 you. I don't know if I should say I'm pleased to tell you
21 that it was probably your last appearance, but it was
22 probably your last appearance because I recognize some faces,
23 I must say.

24 So thank you for your time, it has been very
25 useful, and I wish you a good weekend.

26 Bonne fin de semaine tout le monde. On se
27 voit mardi. Don't forget Monday is a holiday. So we'll be
28 back, same place at 9:30. Thank you.

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

3 This sitting of the Foreign Interference
4 Commission is adjourned until Tuesday the 1st of October at
5 9:30 a.m. C'est séance de la Commission sur l'ingérence
6 étrangère est suspendue jusqu'à mardi le 1^{er} octobre à
7 9 h 30.

8 -- Upon adjourning at 5:28 p.m./

9 --- L'audience est suspendue à 17 h 28

10

11 **C E R T I F I C A T I O N**

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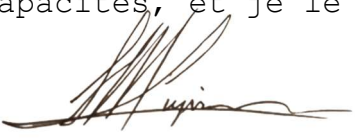
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