



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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IV Appearances / Comparutions

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Daniel Stanton

Democracy Watch

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Nick Papageorge

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Lucy Watson

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Nando de Luca

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The Chinese Communist Party's
Human Rights Violations

Neil Chantler

Erin O'Toole

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V
Table of Content / Table des matières

	PAGE
MR. ALLEN SUTHERLAND, Sworn/Assermenté	2
Examination in-Chief by/Interrogatoire en-chef par Ms. Lynda Morgan	2
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	28
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	31
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	33
Cross-Examination by/Contre-interrogatoire par Ms. Mani Kakkar	37
Cross-Examination by/Contre-interrogatoire par Mr. Nando de Luca	41
MR. ERIC GORDON, Sworn/Assermenté	47
MS. GALLIT DOBNER, Affirmed/Sous affirmation solennelle	47
MS. TARA DENHAM, Affirmed/Sous affirmation solennelle	48
MR. LYALL KING, Affirmed/Sous affirmation solennelle	48
CSIS REPRESENTATIVE, Affirmed/Sous affirmation solennelle	49
Examination in-Chief by/Interrogatoire en-chef par Ms. Lynda Morgan	49
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	111
Cross-Examination by/Contre-interrogatoire par Ms. Mani Kakkar	118
Cross-Examination by/Contre-interrogatoire par Ms. Emily Young	127
Cross-Examination by/Contre-interrogatoire par Mr. Nando de Luca	129
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	136
Cross-Examination by/Contre-interrogatoire par Mr. Jon Doody	141
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	146
Cross-Examination by/Contre-interrogatoire par Mr. Matthew Johnson	156

VI
Table of Content / Table des matières

	PAGE
MS. GALLIT DOBNER, Resumed/Sous la même affirmation	160
MR. LYALL KING, Resumed/Sous la même affirmation	161
MS. LISA DUCHARME, Sworn/Assermentée	161
CSIS REPRESENTATIVE, Affirmed/Sous affirmation solennelle	161
Examination in-Chief by/Interrogatoire en-chef par Mr. Jean-Philippe MacKay	162
Cross-Examination by/Contre-interrogatoire par Mr. Preston Lim	210
Cross-Examination by/Contre-interrogatoire par Mr. Sujit Choudhry	218
Cross-Examination by/Contre-interrogatoire par Mr. Nando de Luca	228
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	234
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	242
Cross-Examination by/Contre-interrogatoire par Mr. Prajbot Singh	252
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	262

VII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT 40	A. Sutherland Public Summary of Classified Interview	2
CAN 10432	Briefing to political parties on Threats to Canada's electoral process - Talking points for the assistant secretary to cabinet (machinery of government and democratic institutions)	4
CAN 457	Critical Election Incident Public Protocol - the Panel	19
CAN 1082	Liberal Party Representatives SITE Briefing	42
WIT 45	L. King, T. Denham, G. Dobner, E. Gordon and CSIS Representative Public Interview Summary	49
WIT 44	SITE TF 2019 Public Summary of Classified Examination	51
CAN 8287	SITE TF - Lessons Learned Summary	53
CAN 12788	SITE TF - Partner Roles - Leading to Election 2019	56
CAN 9397	SITE TF SITREP: 09 September 2019	79
CAN 13638	Progress Update to ADMs - SITE Task Force	88
CAN 3126	Email: Response from CSIS	106
CAN 8973	SITE Task Force After Action Report - 2019 Federal Election	108
CAN.DOC.11	Institutional Report for PCO	129
CAN 13303	Briefings on Foreign Election Interference	134
CAN 2327	Political Parties Classified Briefing - 2019-10-02	135
HRC 28	The Atlantic Council's questionable relationship with Gabon's leader _ The Hill	136
WIT 47	SITE TF 2021 Public Summary of Classified Interview	162

VIII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT 46	SITE TF 2021 Public Summary of Classified Examination	163
CAN 3498	SITE TF Briefing to Secret Cleared Federal Political Parties	190
CAN 6595	GE44: Chinese Communist Party Social Media Accounts Spreading Negative Narratives about the Conservative Party of Canada	204
CAN 6748	Email thread: 04 Oct 2021	207
CAN 3590	SITE TF SITREP: 27 August 2021	211
CAN 12854	SITE TF SITREP: 13 September 2021	212

Ottawa, Ontario

--- Upon commencing on Friday, April 5, 2024 at 9:37 a.m.

L'audience débute le vendredi 5 avril 2024 à 9 h 37

THE REGISTRAR: Order, please. Ordre s'il vous plaît.

This sitting of the Foreign Interference Commission is now in session. Commissioner Hogue is presiding. Cette séance de la Commission sur l'ingérence étrangère est maintenant en cours. La Commissaire Hogue préside. The time is 9:37 a.m. Il est 9h37.

COMMISSIONER HOGUE: Alors, bonjour tout le monde. Une autre journée qui débute.

Alors, is there any housekeeping or you're ready to go?

MS. LYNDA MORGAN: No housekeeping today.

COMMISSIONER HOGUE: No housekeeping? Okay. So you can go ahead.

MS. LYNDA MORGAN: Thank you. So the first witness today is Allen Sutherland. I'd ask that he be either affirmed or sworn, please.

THE REGISTRAR: Do you prefer to be affirmed or sworn for the record?

MR. ALLEN SUTHERLAND: Sworn.

THE REGISTRAR: Okay. Could you please state your name and spell your last name for the record?

MR. ALLEN SUTHERLAND: Name is Allen Sutherland, S-U-T-H-E-R-L-A-N-D.

THE REGISTRAR: Thank you.

1 --- MR. ALLEN SUTHERLAND, Sworn/Assermenté:

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

3 MS. LYNDA MORGAN:

4 MS. LYNDA MORGAN: Mr. Sutherland, I
5 understand that you have been the Assistant Secretary to the
6 Cabinet machinery of government and Democratic Institutions
7 at the Privy Council Office since the fall of 2016. Is that
8 right?

9 MR. ALLEN SUTHERLAND: That's correct.

10 MS. LYNDA MORGAN: So short form, which I may
11 use, is PCODI. Is that right?

12 MR. ALLEN SUTHERLAND: Okay.

13 MS. LYNDA MORGAN: I'd ask that document
14 WIT 40 be put on the screen, please.

15 --- EXHIBIT No./PIÈCE No. WIT 40:

16 A. Sutherland Public Summary of
17 Classified Interview

18 MS. LYNDA MORGAN: And Mr. Sutherland, you
19 were interviewed by Commission Counsel on February 7, 2024 in
20 a classified space. Is that correct?

21 MR. ALLEN SUTHERLAND: It is.

22 MS. LYNDA MORGAN: And have you reviewed a
23 copy of the summary that is in front of you?

24 MR. ALLEN SUTHERLAND: I have.

25 MS. LYNDA MORGAN: Do you agree that the
26 summary accurately reflects the substance of your evidence
27 that can be made public?

28 MR. ALLEN SUTHERLAND: I do.

1 **MS. LYNDA MORGAN:** Any changes to be made to
2 that document?

3 **MR. ALLEN SUTHERLAND:** No.

4 **MS. LYNDA MORGAN:** And do you adopt that
5 summary as part of your evidence today before the Commission?

6 **MR. ALLEN SUTHERLAND:** I do.

7 **MS. LYNDA MORGAN:** Just as a starting point,
8 can you explain, briefly, the role of Democratic
9 Institutions?

10 **MR. ALLEN SUTHERLAND:** Sure. Democratic
11 Institutions Secretariat is a group of non-partisan
12 professional public servants who provide policy advice to the
13 Minister responsible for democratic institutions. Sometimes
14 it's formally in the title, sometimes it's not. And the
15 Secretariat also provides support to the Prime Minister on
16 issues related to democratic institutions, things like the
17 *Elections Act*, debates commission, and over recent years,
18 protecting Canada's democracy.

19 **MS. LYNDA MORGAN:** Thank you. And I
20 understand you were involved in the development of the Plan
21 to protect Canada's democracy, which was developed in 2018.
22 Is that right?

23 **MR. ALLEN SUTHERLAND:** Correct.

24 **MS. LYNDA MORGAN:** What was your role in
25 relation to the development of that Plan?

26 **MR. ALLEN SUTHERLAND:** So I provided advice
27 and support to Minister Gould, who at that time was the
28 Minister responsible for Democratic Institutions.

1 **MS. LYNDA MORGAN:** Thank you. And I will
2 move on to ask you some specific questions about the Plan
3 itself, but in terms of its development, was the Plan
4 developed in consultation with any of the other political
5 parties?

6 **MR. ALLEN SUTHERLAND:** Not to my knowledge.
7 It may well have been that there were discussions at the
8 political level, but I did not participate in any of those.

9 **MS. LYNDA MORGAN:** So I'm going to refer to
10 this as "the Plan" moving forward, being the Plan to protect
11 Canada's democracy.

12 I'd like to understand from you,
13 Ms. Sutherland, kind of what the Plan is and what it was
14 meant to accomplish. I'm going to take you to a document
15 first, just to situate that conversation.

16 Can I have CAN 10432 pulled up, please.

17 **--- EXHIBIT No./PIÈCE No. CAN 10432:**

18 Briefing to political parties on
19 Threats to Canada's electoral process
20 - Talking points for the assistant
21 secretary to cabinet (machinery of
22 government and democratic
23 institutions)

24 **MS. LYNDA MORGAN:** And so this is a Briefing
25 To Political Parties. The date is 2021. Have you seen this
26 document before?

27 **MR. ALLEN SUTHERLAND:** Yes, I have.

28 **MS. LYNDA MORGAN:** And if we can scroll down

1 on that page, just stopping there.

2 We can see Pillar 1. I'm going to ask you
3 about the pillars. Did the pillars of the Plan change from
4 2018 to 2021?

5 **MR. ALLEN SUTHERLAND:** There was a slight
6 change to Pillar 4. In 2019, Pillar 4 was -- had a
7 expectation that social media companies will respond,
8 expectations on social media companies. By 2021, it had a
9 more broader -- a broader definition that was more about
10 issues around engagement of civil society, but it did include
11 -- still included social media platforms.

12 **MS. LYNDA MORGAN:** Okay. So with that
13 qualification, if we look at -- I just want to touch briefly
14 on the four pillars of the Plan.

15 So the first pillar that you can see on the
16 screen here is Enhancing Citizen Resilience.

17 **MR. ALLEN SUTHERLAND:** Yeah.

18 **MS. LYNDA MORGAN:** And this includes
19 underneath it the Critical Election Incident Public Protocol
20 (the Protocol). What does that relate to, high level?

21 **MR. ALLEN SUTHERLAND:** The Protocol itself,
22 or the pillar?

23 **MS. LYNDA MORGAN:** The Protocol itself under
24 that pillar.

25 **MR. ALLEN SUTHERLAND:** So the Critical
26 Election Incident Public Protocol is a Cabinet directive that
27 was first developed and approved by Cabinet in 2019, in the
28 summer of 2019. And what the Protocol does is it -- what's

1 important -- there are a couple of important things to know
2 about the Protocol. One, it's a time-limited protocol. It -
3 - in 2021, it referred to the -- it was in operation during
4 the Caretaker Convention.

5 So the Caretaker Convention is from the
6 dropping of the writ, or the start of the election, to the
7 formation of a new government, usually understood to be
8 formation of a new Cabinet, but if the election result is
9 clear, the Caretaker Convention dissolves away on election
10 night if the results are known.

11 So the Panel was meant to provide a solution
12 to something that was called the Obama Dilemma inside
13 Democratic Institutions Secretariat. The Obama Dilemma
14 refers to in 2016, in the U.S. election, when the U.S.
15 understood that there had been interference in their
16 elections, but the President did not feel that he was able to
17 intervene publicly without being seen to be interfering in
18 the election itself.

19 So the intention of the Protocol is to create
20 a non-partisan way of, if there is interference in Canadian
21 elections, provides a non-partisan way for Canadians to be
22 informed of what has happened, and then also provides
23 agreement to give advice as to how Canadians can protect
24 themselves. So the Panel itself has a very -- a fine mandate
25 for a short period of time.

26 **MS. LYNDIA MORGAN:** And we see that under the
27 pillar of Enhancing Citizen Resilience. What's the kind of
28 link between the concept you've just described and the

1 pillar?

2 **MR. ALLEN SUTHERLAND:** Yeah. From the very
3 beginning, Minister Gould's vision of protecting democracy
4 was that it ought to be citizen centred. That, you know, the
5 strongest bulwark against electoral interference is a
6 critical-thinking informed citizenry. And really, the
7 Panel's authority is one of informing citizens in the event
8 of an exceptional interference in our democracy. So it --
9 it's connected to informing citizens because if the Panel is
10 required to act its job is to inform citizens.

11 **MS. LYNDA MORGAN:** Okay.

12 And I'll ask that we scroll down in this
13 document, please.

14 I'm not going to take you through every
15 bullet under this pillar. I'll keep....

16 If we can keep scrolling down.

17 The second pillar is described as Improving
18 Organizational Readiness. Can you describe kind of high
19 level what that pillar means within the concept of the Plan
20 itself?

21 **MR. ALLEN SUTHERLAND:** Sure. This reflects
22 sort of a broader view of how do you protect the system writ
23 large. We understood that a narrow vision would be just the
24 election, but a broader vision would incorporate other parts
25 of Canadian society.

26 What you see there is kind of different
27 members, if I can put, of a kind of democratic ecosystem that
28 also need to be protected. For instance, political parties

1 are vital parts of our democracy, and also vulnerable parts
2 of our democracy because they are large volunteer
3 organisations. So outreach to them to ensure that they were
4 aware of the threats facing them was an important part of the
5 Plan.

6 As well, Elections Canada. Keep in mind that
7 some of the threats that other countries had faced across the
8 OECD were direct on to the electoral event. So engagement
9 with Elections Canada was seen as crucial to protecting our
10 democratic process as a whole. And so there has been
11 substantial engagement with Elections Canada since -- in fact
12 prior to the announcement of the pillars, but it was
13 re-emphasised as part of protecting democracy plan.

14 You see other elements, engagement of
15 political parties, because what we saw in other countries,
16 such as Germany, is that there were attacks on sitting
17 parliamentarians and cyber attacks. Similarly, in Australia
18 had similar events. And we've seen as time goes on that
19 parliamentarians are a target, so part of the Plan was to
20 inform parliamentarians the threat facing them and the steps
21 they can take to protect themselves. And similarly, the
22 cyber security hotline if just one incident, if something had
23 happened, you -- parliamentarians or political parties had
24 someone they could speak with.

25 **MS. LYNDA MORGAN:** And you have described the
26 Protocol as being limited to the caretaker period.

27 **MR. ALLEN SUTHERLAND:** Correct.

28 **MS. LYNDA MORGAN:** Was -- is Pillar 2, the

1 Improving Organizational Readiness prong, time limited in the
2 same way?

3 **MR. ALLEN SUTHERLAND:** So there are different
4 elements to the Plan. Certainly, the briefing of political
5 parties, there is an aspect of that that only occurs during
6 the caretaker period. Direct briefings during the electoral
7 event with cleared staff from the different political
8 parties, but other elements would occur 24/7. As we have
9 understood the nature of the threat, it's increasingly seen
10 as one that doesn't just exist in the electoral period.

11 You know, obviously, during an electoral
12 period is a time of heightened vulnerability, but
13 increasingly, we view it as throughout the entire cycle, not
14 just the election and the election event.

15 **MS. LYNDA MORGAN:** So if we move to pillar 3,
16 which is Combatting Foreign Interference, there's reference
17 here to the security and intelligence threats to intelligence
18 task force SITE.

19 **MR. ALLEN SUTHERLAND:** Yeah.

20 **MS. LYNDA MORGAN:** What is SITE, and are you
21 able to describe, again, high level, SITE's primary purpose
22 and function?

23 **MR. ALLEN SUTHERLAND:** Yeah, happy to.

24 So -- and if you'll permit me a machinery
25 comment, when you start to develop a plan, you start with the
26 assets you have. And the assets we had were the national
27 security agencies, in particular the RCMP, the Canadian
28 Security and Intelligence Service, Canadian Security

1 Establishment and one that was created subsequently was the
2 Rapid Response Mechanism within Global Affairs Canada.

3 So you start with the assets you have and
4 what you try and do, and this is where the innovation comes
5 in, you direct them to a common issue, electoral
6 interference, and you ask them to work within their mandates,
7 so that's what was happening with the SITE Task Force. It
8 was originally set up to feed the panel with information and
9 to provide an oversight of the -- of kind of the democratic
10 ecosystem during the election time period.

11 **MS. LYNDA MORGAN:** Thank you.

12 And if we can scroll down to pillar 4, and
13 you touched upon this already, but pillar 4, Supporting a
14 Healthy Information Ecosystem formally expecting social media
15 platforms to act. And you'd already described that this
16 pillar of the plan was modified slightly between 2019 and
17 2021; right?

18 **MR. ALLEN SUTHERLAND:** Yeah.

19 So if I might -- if you'll permit me, there
20 is a comment that I didn't see on -- as you were scrolling
21 about the Rapid Response Mechanism.

22 I think that that's a very important part of
23 combatting foreign interference. It's a Canadian innovation
24 that arises from the Charlevoix Summit of 2018, and what it
25 does is it empowers Global Affairs Canada to take a view of
26 open source online disinformation that emanates from foreign
27 sources.

28 It's a Canadian innovation. It is used by

1 the G7 and it is also -- a number of countries have adopted
2 observer status to be part of it. It's a sharing of best
3 practices, and it's a way of kind of providing a defence
4 system, an early warning system against foreign interference
5 that might come through social media, which became a growing
6 concern as time has gone on.

7 On pillar 4, the Canadian Declaration of
8 Electoral Integrity Online, this was a voluntary agreement
9 the Government of Canada signed with social media companies.
10 In 2019, there were four social media companies that were
11 participants, Microsoft, Twitter, Facebook and Google. And
12 what it did was it set out expectations for the social media
13 companies to do their part in enforcing their community
14 standards. It created an information link, an information
15 sharing between the two parties.

16 And as -- in practice, it has been something
17 where we have had better engagement with the social media
18 companies as a result of the declaration because it basically
19 put it on the radar of very big multinational corporations
20 that there's an election in Canada, there are expectations
21 that are -- have been registered. They were reinforced by
22 Minister Gould in particular in 2019, expectations that the
23 social media platforms would do their part to ensure the
24 integrity of the election.

25 **MS. LYNDA MORGAN:** And I understand that
26 Minister Gould attended multiple briefings ---

27 **MR. ALLEN SUTHERLAND:** Yes.

28 **MS. LYNDA MORGAN:** --- in 2018-2019. Did you

1 attend at those briefings with the Minister?

2 **MR. ALLEN SUTHERLAND:** With the social media
3 companies, you mean?

4 **MS. LYNDA MORGAN:** Just in -- starting just
5 generally, did you typically attend briefings with the
6 Minister?

7 **MR. ALLEN SUTHERLAND:** I attended many of the
8 briefings she had, yes.

9 **MS. LYNDA MORGAN:** And in -- what was your
10 understanding of the purpose of those various briefings?

11 **MR. ALLEN SUTHERLAND:** Well, early on, they
12 were briefings with different social media companies to get
13 their agreement to the protocol. There was also a trip that
14 occurred to Microsoft headquarters which proved to be very
15 important because it really helped open our eyes as to kind
16 of the nature of the evolving threat.

17 Now, of course, Minister Gould attends lots
18 of briefings, and I'm not in every briefing that she has.

19 **MS. LYNDA MORGAN:** Did you attend
20 intelligence briefings with Minister Gould?

21 **MR. ALLEN SUTHERLAND:** No. I'm not a regular
22 consumer of national security intelligence and most of the
23 briefings that she had with different parts of the national
24 security community, she attended without me.

25 **MS. LYNDA MORGAN:** Okay. So I'd like to ask
26 you some further questions about the Panel of Five.

27 **MR. ALLEN SUTHERLAND:** Sure.

28 **MS. LYNDA MORGAN:** Was this a concept that

1 existed in another country that was looked to as an example
2 or was this a kind of Canadian concept?

3 **MR. ALLEN SUTHERLAND:** This is a made in
4 Canada protocol. It draws on the Caretaker Convention.

5 The Caretaker Convention is a protocol that
6 exists in Westminster countries. It was first made public by
7 Prime Minister Harper in 2015, I believe, and was
8 subsequently updated and made public by Prime Minister
9 Trudeau prior to the last two elections.

10 What it does is -- you know, the essential
11 problem during an election is that there's -- Parliament is
12 dissolved, and when Parliament is dissolved there's no one to
13 hold the government to account and so -- and the government
14 can't assume that it will have the confidence of the House
15 that emerges after the election. So as a result of that,
16 during the Caretaker period government is asked to act with
17 restraint, limit its activities to routine business or things
18 that are urgent and in national interest. And a common part
19 of that is the delegation of Ministerial authorities to the
20 public service.

21 And so the Critical Election Incident Public
22 Protocol draws on the Caretaker Convention that's well
23 established. It's established for a very good purpose of
24 ensuring democratic continuity from one government to
25 another, and that was kind of the basis of the Cabinet
26 directive and subsequent panel.

27 **MS. LYNDIA MORGAN:** And were you involved in
28 determining the identity or the composition of the panel

1 members?

2 **MR. ALLEN SUTHERLAND:** Well, I was one of the
3 advisors in that space, yes.

4 **MS. LYNDY MORGAN:** And so how would you
5 describe the composition that was eventually -- that was
6 settled upon for the purpose of the plan?

7 **MR. ALLEN SUTHERLAND:** So I would say that --
8 so it's a panel of five members. The members are the Clerk
9 of the Privy Council, the National Security and Intelligence
10 Advisor to the Prime Minister, the Deputy of Public Safety,
11 the Deputy of Foreign Affairs, or GAC, and the Deputy
12 Attorney General and Deputy Minister of Justice, so some of
13 Canada's most accomplished, seasoned and experienced public
14 servants.

15 Why did we choose them? Well, they had
16 actually complementary experiences that we thought in the
17 development of the panel -- we thought and the Minister
18 thought would be important.

19 One, an understanding of national security,
20 including the limits of national security intelligence. They
21 knew to ask the right questions. As is very apparent,
22 national security intelligence is not always clear. There
23 are ambiguities. Its authenticity is not always obvious.
24 This panel and members of this panel had the background to
25 understand national security intelligence.

26 They also had an understanding, deep
27 understanding in the form of the Clerk of the public service
28 and also -- including its democratic institutions. So

1 there's an understanding of democratic institutions as well.

2 In the person of the Deputy Minister of
3 Foreign Affairs, there's a deep understanding of
4 international relations, diplomacy and the issues surrounding
5 them.

6 And then kind of the very interesting element
7 of protocol is drawing a Deputy who's not normally seen to be
8 part of the national security community, the Deputy Attorney
9 General, but someone who is versed in Canada's democratic
10 rights and freedoms, *Charter* rights, including democratic
11 rights. So it was important to have that aspect in the
12 panel.

13 I'd further say that panel members are --
14 they're our most accomplished, non-partisan professional
15 public servants. They are experienced in nuanced judgement,
16 judgement under uncertainty, and judgement under pressure.
17 So it's thought it's a difficult task that was given to them,
18 it would require nuanced judgement, and it was thought that
19 this Panel of Five was appropriate to that task.

20 **MS. LYNDA MORGAN:** And did the plan
21 developers consider any different types of panel
22 constitution? For instance, using a group of retired judges?

23 **MR. ALLEN SUTHERLAND:** Yes. Different
24 configurations as we were brainstorming were considered,
25 including retired judges.

26 You know, one of the issues that -- I think
27 the benefit you get from the Panel of Five is you have people
28 who are current in National Security, deeply versed in it,

1 and who also command their organizations. They can get
2 information sources from their own organizations that could
3 inform their deliberations. So it was thought, you know,
4 retired judges are some of our most accomplished Canadians.
5 It was a serious investigation of that, that we felt that
6 particularly if you consider the Panel's remit of the
7 Caretaker Convention, the use of Canada's top public servants
8 in this capacity was the appropriate one and was ultimately
9 agreed to by Cabinet.

10 **MS. LYNDA MORGAN:** And in terms of kind of
11 debating the possible forms or composition of the Panel, was
12 there any outrage to other political parties?

13 **MR. ALLEN SUTHERLAND:** Not to my knowledge.

14 **MS. LYNDA MORGAN:** Did PCO -- so if we go
15 into how the Panel operates during the writ period, ---

16 **MR. ALLEN SUTHERLAND:** Yeah.

17 **MS. LYNDA MORGAN:** --- did PCO DI have a role
18 on the Panel? Did PCO DI participate in the panel at all?

19 **MR. ALLEN SUTHERLAND:** So I had a secretariat
20 function as Co-Secretariat of Meetings. I didn't participate
21 in Panel meetings, but I did prepare the agenda and I did
22 provide support to the Panel of Five throughout both
23 elections.

24 **MS. LYNDA MORGAN:** And the Panel, they had
25 kind of different tasks, but one of their primary tasks, if I
26 can put it this way, was to determine whether a threat rose
27 to the level of impacting the integrity of the election, such
28 that a public announcement might be warranted?

1 **MR. ALLEN SUTHERLAND:** That's correct.

2 **MS. LYNDA MORGAN:** So and that's what's
3 described as the threshold; right?

4 **MR. ALLEN SUTHERLAND:** Yes.

5 **MS. LYNDA MORGAN:** Did you participate in any
6 discussions with the Panel about what that threshold meant in
7 practice?

8 **MR. ALLEN SUTHERLAND:** So I'm not a member of
9 the Panel, but I was at the discussions of kind of examining
10 what the threshold would mean.

11 It was understood from the very beginning
12 that this would require nuanced judgement on the part of the
13 Panel. And so one of the tasks that I certainly felt as
14 Secretary to the Meetings of the Panel was to help the Panel
15 think through what might be an event that might reach the
16 threshold? Like, how -- what are the considerations they
17 might have? What are the challenges they might face, given
18 that it's likely that there's incomplete information?

19 So I did try and help the Panel with the task
20 of exercising their judgement as to whether a threshold event
21 had occurred.

22 **MS. LYNDA MORGAN:** And I understand that
23 ultimately, I mean, the threshold is interpreted to be quite
24 high? Is that right?

25 **MR. ALLEN SUTHERLAND:** Yes. And has been
26 since the beginning.

27 **MS. LYNDA MORGAN:** When that threshold was
28 developed and the plan was developed, was there any

1 particular type of event that was envisioned? Like, was this
2 designed to respond to a particular predicted or possible
3 event?

4 **MR. ALLEN SUTHERLAND:** Yeah, so certainly in
5 the run up to the development of the plan, there had been, as
6 I mentioned, these events across OECD countries, or
7 democratic countries. At the time, we're talking about 2018,
8 it was understood that about half of OECD countries had had
9 some form of known electoral interference in their systems.
10 The ones that really stuck out though were the American 2016
11 Election, the Brexit Election of 2016, and the 2017 Macron
12 leaks. And so those really helped inform them.

13 Typically in the first instance in 2019, it
14 was seen to be kind of Russian cyber interference. It was
15 seen to be in the electoral event and with a view to
16 determining -- trying to determine the winner of an election.

17 **MS. LYNDA MORGAN:** And was the threshold
18 designed to consider impact on electoral integrity at a
19 riding level or at the national level?

20 **MR. ALLEN SUTHERLAND:** So this was an issue
21 that was discussed by both panels. You know, what is the
22 nature of something that would cause a threshold event? Does
23 it have to be national in scope? Can it be more localized?
24 And they had many discussions on this point. And ultimately,
25 I think they were looking at the -- so we started with, you
26 know, in the development of the threshold and understanding
27 of Russian cyber interference, I would say that that quickly
28 evolved as kind of the nature of the threat was more broadly

1 known. And so the Panel had many discussions about, kind of,
2 is it one riding? Could it be two ridings? Or does it have
3 to be national? How deep is the impact? There are all sorts
4 of considerations, very context specific, and the Panel did
5 have those discussions.

6 **MS. LYNDA MORGAN:** Okay. And in the design
7 as well, was it envisioned that a nomination process would
8 fall under the Panel's mandate?

9 **MR. ALLEN SUTHERLAND:** In the original
10 development?

11 **MS. LYNDA MORGAN:** Yes.

12 **MR. ALLEN SUTHERLAND:** The Panel's remit is,
13 you know, the election period in 2019 or the caretaker period
14 in 2021. The difference is the two weeks, or two or three
15 weeks from the election day to formation of the Cabinet.

16 Most nomination contests fall before then,
17 but it is something that is sort of adjacent to the electoral
18 process. And it was an issue that -- it was discussed by the
19 Panel.

20 **MS. LYNDA MORGAN:** I'm going to show you a
21 document, CAN 457.

22 **--- EXHIBIT No./PIECE No. CAN 457:**

23 Critical Election Incident Public
24 Protocol - the Panel

25 **MS. LYNDA MORGAN:** So the title at the top is
26 *Critical Election Incident Public Protocol - the Panel*. Do
27 you recognize this document?

28 **MR. ALLEN SUTHERLAND:** I sure do. Yes.

1 **MS. LYNDA MORGAN:** And you seem quite
2 familiar with it?

3 **MR. ALLEN SUTHERLAND:** Yes.

4 **MS. LYNDA MORGAN:** How are you familiar with
5 this document?

6 **MR. ALLEN SUTHERLAND:** So it was a Democratic
7 Institution Secretariat that created this. We created it to
8 try and help the Panel understand its responsibilities. It's
9 the Panel that's responsible for the determination of the
10 threshold. As I think I've tried to explain, that is
11 something that requires nuanced judgement. This was an
12 attempt to try and help them think through different
13 dimensions of it.

14 So if we look at it, you know, on the left-
15 hand side you have kind of different types of incidents that
16 might be contemplated, from disinformation and deepfakes, to
17 cyber attacks, to person-to-person espionage, something that
18 David Vigneault made clear, I think at one of the first two
19 meetings of the Panel, that this was something that he
20 thought was particularly important.

21 When you look at the middle category, here's
22 where we're trying to help the Panel think through that if
23 something hits them, and it will hit them in real time, how
24 might they consider whether or not it is something that
25 breaches the threshold?

26 So if I just take you through the kind of
27 left-hand side of that, you know, the issues that might be
28 considered are well, is it something that is a really small

1 event? Or does it become viral? Does it -- is it something
2 that quickly comes out of control?

3 One of the features in our social media era
4 is that seemingly small bits of information can explode on to
5 the scene very quickly. So understanding that was a
6 consideration the Panel would have to make.

7 As you suggested earlier, the scale of it.
8 Is it localized or is it a national event is a consideration
9 for the Panel. The source. Is this something that is
10 domestic or foreign?

11 And the reason that's important is while it's
12 ultimately the interference that matters, there's less scope
13 given to foreign interference. Like, there's more leeway as
14 part of our democratic system, is that if it's kind of
15 domestic information, sometimes that's just democracy. And
16 democracy is messy. And it was understood from the very
17 beginning, and it's in the Cabinet Directive itself that, you
18 know, Canada's best served by robust discussion. And there's
19 no sense in which the Panel would be arbitrating the truth.
20 That is not their responsibility.

21 Issues around the credibility of the
22 information. Someone can say something that's wrong, but if
23 no one believes it, it doesn't impact the electoral event.
24 So that's a consideration as well.

25 Whether it's relevant to elections or not is
26 something that is also important. Considerations of the
27 lifespan. We know that in our 24/7 news cycle that events
28 can seem important and disappear very quickly, and by

1 election day are not on anyone's radar. And similarly -- and
2 this is really the -- a very important one because I think it
3 underpins the protecting democracy plan, is the idea of self-
4 correction. The democratic ecosystem in Canada has people,
5 whether it's the media, whether it's some of our think tanks
6 or academics, whether it's the political parties themselves
7 who can call out misinformation. That's part of the
8 democratic debate. And we have seen instances where the
9 debunking of false information has been essential. And if
10 the ecosystem can cleanse itself in that way, that really is
11 the best outcome. The best outcome is that there's no
12 interference and the Panel doesn't have to happen. And so
13 that's a consideration as well.

14 On the right-hand side, you just see kind of
15 the range of types of announcements, so we're trying to help
16 the Panel think through, okay, if there is an announcement,
17 is it necessarily a Panel announcement, or is it some other
18 communications device, like, one of -- or communications
19 product. You know, one of the things that's very important
20 to understand is that all the national security agencies
21 still have all their existing authorities. So they can act
22 independent of the Panel. Too much focus -- it's easy to put
23 too much focus on the Panel. It's actually quite a specific
24 and limited tool.

25 **MS. LYNDA MORGAN:** Thank you. I'm going to
26 move onto one last topic with you, which relates to briefing
27 to political parties. We've spoken about that a bit earlier
28 today. And in your witness summary as well you discussed the

1 importance of briefings to the political parties during
2 elections.

3 **MR. ALLEN SUTHERLAND:** Yeah.

4 **MS. LYNDIA MORGAN:** Were you involved in
5 coordinating or scheduling any of those briefings?

6 **MR. ALLEN SUTHERLAND:** Yes, I was.

7 **MS. LYNDIA MORGAN:** And can you comment on the
8 circumstances in which those briefings would be organized?
9 Like, was there -- would they need to be precipitated by a
10 certain event? Were they regularly scheduled?

11 **MR. ALLEN SUTHERLAND:** So they could be
12 precipitated by a specific event. It's probably worth
13 knowing that these were people that were parts of the
14 national election campaigns typically who were cleared at the
15 secret level. So the parties were asked to nominate people.
16 They received security clearances, so they could get secret
17 level briefings. The meetings were generally weekly
18 throughout the campaign. And generally, I'd say, they lasted
19 about two hours each.

20 **MS. LYNDIA MORGAN:** Did you attend? Did you
21 generally attend those briefings?

22 **MR. ALLEN SUTHERLAND:** I did. I was kind of
23 a host, co-chair of the meetings. And in terms of, you know,
24 kind of what was discussed, we were trying to do a couple of
25 things. One is we were trying to explain the Panel and the
26 connection to the political parties. Because in the event
27 that there is a Panel announcement that would take place,
28 each of the parties gets contacted, and so that they know

1 that -- and they would simply be informed that this is --
2 that the threshold had been breached and there will be an
3 announcement. This includes the Prime Minister in his
4 capacity as leader, but the briefing that he would receive is
5 the same as that would be given to either the political party
6 heads of the other parties or their kind of nominated cleared
7 participant. So explaining the Panel was important.

8 It was also important, because it's
9 understood that parties, as I think I mentioned, are large,
10 voluntary organisations. They ramp up really quickly. And
11 from a security perspective, that does present risks. And so
12 informing them of the risks -- cybersecurity isn't going to
13 be the top thing on political party's agenda. They have a
14 purpose and that is to be in power. Part of what we were
15 trying to do is explain that, you know, issues around
16 cybersecurity were important, they needed to be attended to,
17 and that's one reason why some of the parties I believe had
18 their IT person participate in the meetings.

19 **MS. LYNDIA MORGAN:** And were specific
20 recommendations provided in relation to the cybersecurity ---

21 **MR. ALLEN SUTHERLAND:** I'm sure they were.
22 For instance, you know, as most of us know, issues around
23 two-factor authentication, I believe that topic came up. So
24 there was advice given and there was the offer of additional
25 help too. Another important part of it was SITE briefings at
26 the secret level.

27 **MS. LYNDIA MORGAN:** Okay. I have a couple
28 more questions for you. I know we're running short on time,

1 so I will just ask you, in 2019 we know there was a briefing
2 that involved just the Liberal Party representative. Are you
3 able to shed some light on the basis on which a decision
4 might be made to brief a particular party rather than
5 briefing the group?

6 **MR. ALLEN SUTHERLAND:** It was on invitation.
7 If they felt they wanted a specialized briefing, then one was
8 provided. Everyone understood that -- and, by the way, I
9 would say that all of our political party representatives
10 came to the table, came to our meetings as democrats. And so
11 there was this understanding that, you know, it was a
12 democratic service they were providing. That said, they're
13 also partisans, and there would be some things that they
14 might want to do in private, and we understood that and tried
15 to be responsive to it.

16 **MS. LYNDA MORGAN:** And in your witness
17 summary, you describe attending one meeting with Mr. Walled
18 Soliman, the chair of the Conservative Party after the 2021
19 election. Do you remember when that meeting took place in
20 relation to the election?

21 **MR. ALLEN SUTHERLAND:** So it took place a
22 couple days after, so September 24th, and I believe the
23 election was September 21st. So it was a couple days after
24 the election.

25 **MS. LYNDA MORGAN:** And do you recall being
26 involved in any discussions about the WeChat misinformation -
27 --

28 **MR. ALLEN SUTHERLAND:** At ---

1 **MS. LYNDA MORGAN:** --- issue?

2 **MR. ALLEN SUTHERLAND:** --- at that phone
3 call?

4 **MS. LYNDA MORGAN:** At that meeting?

5 **MR. ALLEN SUTHERLAND:** He did explain that he
6 felt that there had been some issues that had arisen during
7 the election in relation to WeChat. It's obviously a very
8 sensitive topic. He promised to provide more information.
9 He didn't have the information with him. I believe there was
10 another person at the meeting as well from the Conservative
11 Party. He didn't have information with him, and he promised
12 to get back to us. I would simply anticipate some of your
13 questions, follow-up questions, just this was clearly a
14 national security intelligence area, so while I attended the
15 first meeting, I didn't attend the subsequent two.

16 **MS. LYNDA MORGAN:** Thank you.

17 **COMMISSIONER HOGUE:** I had a question for you
18 ---

19 **MR. ALLEN SUTHERLAND:** Sure.

20 **COMMISSIONER HOGUE:** --- Mr. Sutherland. At
21 the time that the Panel of Five was created or designed,
22 let's say designed ---

23 **MR. ALLEN SUTHERLAND:** Yeah.

24 **COMMISSIONER HOGUE:** --- did you look at the
25 possibility of creating this body through a statute rather
26 than through a directive, or through amendments to a natural
27 statute?

28 **MR. ALLEN SUTHERLAND:** It was probably

1 considered early on. We -- I think it was felt that the
2 Cabinet directive model was an appropriate one. It's not a
3 model that's used very often. There are about six Cabinet
4 directives in existence, but they tend to focus on
5 enterprise-wide things, like, regulations or law making or
6 modern treaty. So they tend to encompass the entire public
7 service. So we thought it was actually a very good tool to
8 be using to basically send a signal to the entire public
9 service of a direction by Cabinet that the Panel would be in
10 operation and had some responsibilities and to set them out
11 clearly.

12 **COMMISSIONER HOGUE:** And did you also look at
13 the possibility of having a permanent body instead of the
14 Panel of Five, with people that will be chosen by and agreed
15 upon by all the political parties? Was it something that was
16 contemplated at the time?

17 **MR. ALLEN SUTHERLAND:** So the idea of a
18 permanent body was something that was contemplated. I guess
19 what I'd say to that is you need to look at what happens
20 outside the caretaker period, which is it's ministerial
21 authorities. And so Ministers have responsibility outside
22 the caretaker period. And that was understood that they
23 could handle issues for that other period. It was only
24 during the caretaker period where Ministers, by virtue of the
25 election, were not appropriate for that task.

26 So while it was contemplated, it was -- like,
27 for especially such a short and specific period of time the
28 idea of creating a permanent body was seen as less optimal.

1 **COMMISSIONER HOGUE:** Thank you.

2 So cross-examinations. The first cross will
3 be conducted by RCDA.

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

5 **MR. GUILLAUME SIROIS:**

6 **MR. GUILLAUME SIROIS:** Good morning.

7 **Mr. ALLEN SUTHERLAND:** Good morning.

8 **MR. GUILLAUME SIROIS:** I'm Guillaume Sirois
9 from the RCDA, the Russian Canadian Democratic Alliance.

10 Was it a significant investment of time and
11 resources to create the plan to protect Canada's democracy,
12 the Critical Election Incident Public Protocol and the SITE
13 Task Force?

14 **MR. ALLEN SUTHERLAND:** It involves
15 significant resources, but the actual creation of the plan
16 was primarily done, you know, for the Minister by her public
17 -- her non-partisan professional public servants, and the
18 Democratic Institution Secretariat is about between 10 and 20
19 people, depending on the timeframe we're talking about.

20 We did, of course, engage across government
21 for good ideas because the plan to protect democracy wasn't
22 just a democratic institutions -- it wasn't just within the
23 authorities of democratic institutions, it involved kind of
24 different parts of government. So that would have involved
25 some of their time to bring forward their ideas on how they
26 can provide support.

27 **MR. GUILLAUME SIROIS:** I just want to know
28 that creating those structures; like, those structures

1 require a lot of investment from government, or significant
2 investment from government, right?

3 **MR. ALLEN SUTHERLAND:** Yes, I -- yes, I would
4 agree with that.

5 **MR. GUILLAUME SIROIS:** Okay.

6 **MR. ALLEN SUTHERLAND:** But not compared to
7 many policies, I would argue.

8 **MR. GUILLAUME SIROIS:** Okay, thank you.
9 Yeah, it's just my introduction to the following questions.

10 **MR. ALLEN SUTHERLAND:** Sure. Sorry.

11 **MR. GUILLAUME SIROIS:** I just want to know
12 that -- in your witness summary you say that this creation of
13 these institutions, these plans, this group, was made in
14 anticipation of a repeat of the Russian interference, similar
15 to what occurred during the 2016 US presidential election,
16 but in Canada.

17 **MR. ALLEN SUTHERLAND:** That was one of the
18 factors, right. So the system was designed with that in
19 mind, but not only that in mind. And that is quickly -- can
20 quickly be seen by the deliberations of the Panel were
21 broader than Russia; they involved electoral interference,
22 both foreign and in the domestic space.

23 **MR. GUILLAUME SIROIS:** But initially the
24 government was worried that Russia might interfere in the '19
25 elections.

26 **MR. ALLEN SUTHERLAND:** Correct.

27 **MR. GUILLAUME SIROIS:** Okay. And why Canada?

28 **MR. ALLEN SUTHERLAND:** Well, Canada's a G7

1 country of significant size, and it is also a democratic
2 country who has understood that Russia had a geopolitical
3 desire to unsettle democracies.

4 It was originally understood that Russia
5 focused on the electoral event and would try to pick a
6 winner. We've subsequently -- or increasingly of the view
7 that in fact they have -- it's more of a destabilized
8 democracies, and less about a particular winner.

9 **MR. GUILLAUME SIROIS:** And this goal of
10 destabilizing democracies, when would it be the more
11 efficient or effective; would it be during election period or
12 at any other time?

13 **MR. ALLEN SUTHERLAND:** I think that it was
14 generally viewed that the electoral time period was a time
15 period of particular vulnerability.

16 **MR. GUILLAUME SIROIS:** For Russian
17 interference.

18 **MR. ALLEN SUTHERLAND:** For interference,
19 period, including Russian interference, sure.

20 **MR. GUILLAUME SIROIS:** And so that's why the
21 government was worried and created these structures because
22 it was worried of destabilization during the election period?

23 **MR. ALLEN SUTHERLAND:** Correct.

24 **MR. GUILLAUME SIROIS:** Okay. And these
25 reasons for potential Russian interference remain true for
26 2019 and 2021 elections?

27 **MR. ALLEN SUTHERLAND:** In broad strokes, yes.

28 **MR. GUILLAUME SIROIS:** Okay. So can we say

1 that Russia had -- possibly had the intention of interfering
2 in the 2019 and 2021 elections?

3 **MR. ALLEN SUTHERLAND:** So that's probably a
4 question better asked of the National Security intelligence
5 folks from the National Security community. There was
6 nothing viewed by the panel that broke the threshold
7 emanating from Russia.

8 **MR. GUILLAUME SIROIS:** Okay, and that would
9 be my last question. From a policy perspective, you
10 mentioned that Canada was a democratic nation; that it was
11 part of the G7.

12 **MR. ALLEN SUTHERLAND:** Yeah.

13 **MR. GUILLAUME SIROIS:** I'm putting to you
14 it's common knowledge that it's part of NATO.

15 **MR. ALLEN SUTHERLAND:** Yeah.

16 **MR. GUILLAUME SIROIS:** It's also part of the
17 Five Eyes, so those are all good reasons to destabilize
18 Canadian democracy.

19 **MR. ALLEN SUTHERLAND:** I would agree.

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

21 **COMMISSIONER HOGUE:** Thank you.

22 Next one is counsel for Human Rights
23 Coalition.

24 **(SHORT PAUSE/COURTE PAUSE)**

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

26 **MS. SARAH TEICH:**

27 **MS. SARAH TEICH:** Good morning, Mr.
28 Sutherland.

1 **MR. ALLEN SUTHERLAND:** Good morning.

2 **MS. SARAH TEICH:** You talked about briefing
3 the panel on different types of incidents that they might
4 encounter in the run-up to the general election. Did you
5 consider a scenario in which members of targeted diaspora are
6 pressured to vote a certain way or refrain from voting?

7 **MR. ALLEN SUTHERLAND:** Certainly there were
8 scenarios developed that engaged issues around diaspora
9 groups. I can't, off the top of my head, recall whether one
10 was specifically developed on the issue you stated, but that
11 is the sort of thing that would be the subject of a scenario.

12 **MS. SARAH TEICH:** Do you recall the results
13 of that render? If you can share the results with me of
14 course.

15 **MR. ALLEN SUTHERLAND:** No, I don't. It's --
16 what's important to understand about the scenarios is it
17 allowed the Panel to think through the implications of
18 different things. So it would be very context-specific. So
19 taking your scenario, you know, the issues of the certainty
20 of the National Security intelligence might be quite
21 prominent, or what is the scale of it; you know, what riding
22 did it happen in. Those sorts of things would be, you know,
23 what additional questions might the Panel ask if, given this
24 original kind of inject of intel, is there something else
25 that they would need to know, and who would they get the
26 information from in order to make a timely decision. That
27 was -- the scenario was a chance for them to kind of try out
28 a situation that they might actually face in real life.

1 **MS. SARAH TEICH:** All right, thank you.

2 Yesterday we heard from Mr. Vigneault, and he
3 explained that the process for determining Canada's
4 intelligence priorities is coordinated by the Privy Council
5 office; is that correct?

6 **MR. ALLEN SUTHERLAND:** If he said that it is,
7 yeah.

8 **MS. SARAH TEICH:** What does coordination
9 involve?

10 **MR. ALLEN SUTHERLAND:** So there is a National
11 Security and Intelligence Advisor, is one of our most senior
12 public servants, is the current NSIA, is also the Deputy
13 Clerk; her name is Nathalie Drouin.

14 So when the priorities are set, and let's say
15 -- and David may have mentioned this, but maybe they're set
16 on an annual or 18-month basis, I don't know. It would be
17 done in discussion with the NSIA. So, you know, different --
18 I would assume different National Security agencies would
19 come forward with their priorities, and there would be a
20 discussion and conclusions would be reached and priorities
21 would be developed.

22 **MS. SARAH TEICH:** All right. No further
23 questions. Thank you.

24 **COMMISSIONER HOGUE:** Thank you.
25 Counsel for Michael Chong.

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

27 **MR. GIB van ERT:**

28 **MR. GIB van ERT:** I'll ask the Court Operator

1 to put up Witness 040, please. And if you go to the bottom
2 of page 6 to start, please.

3 Mr. Sutherland, I'm interested in the
4 comments at the bottom of this paragraph, starting about -- I
5 guess it's four lines from -- five lines from the bottom. It
6 says:

7 "Mr. Sutherland opined that the Panel
8 had to be cautious in setting the
9 threshold too low because doing so
10 could play into the objectives of
11 adversaries attempting to sow doubt
12 about Canadian democracy. If the
13 Panel intervened too often, the
14 public would stop listening..."

15 My question for you is, did the Panel
16 intervene at all? Was there -- were there any interventions?

17 **MR. ALLEN SUTHERLAND:** There were no public
18 interventions in either 2019 or 2021.

19 **MR. GIB van ERT:** Thank you. Do I understand
20 you to be saying there were no public interventions; there
21 may have been others but you're not at liberty to speak to
22 those?

23 **MR. ALLEN SUTHERLAND:** That's correct.

24 **MR. GIB van ERT:** Thank you. And if you go
25 -- I'll ask the Court Operator, please, to go to page 9 the
26 bottom of the page, the last paragraph. And just before I
27 take you to this, you mentioned in your evidence in-chief
28 that you had -- you were an observer to the panel.

1 **MR. ALLEN SUTHERLAND:** Correct.

2 **MR. GIB van ERT:** Did you observe any Chinese
3 language ability amongst the members of the panel?

4 **MR. ALLEN SUTHERLAND:** Not that I know of. I
5 would say, though, that they received briefings from SITE
6 Task Force and certainly they would draw on people who had
7 capacity in Mandarin.

8 **MR. GIB van ERT:** Right. And so if there was
9 a need to bring to the panel's attention misinformation that
10 was in Mandarin, it would have to be translated to be
11 presented to the panel? Am I understanding that right?

12 **MR. ALLEN SUTHERLAND:** That sounds right.

13 **MR. GIB van ERT:** Thank you.

14 And so coming to this passage, you're
15 explaining here a difference in approach between a story that
16 appeared in the Buffalo Chronicle about the Prime Minister --
17 which I'm assuming was in English, by the way.

18 **MR. ALLEN SUTHERLAND:** Correct.

19 **MR. GIB van ERT:** Thank you.

20 And a different kind of misinformation on
21 WeChat. And the part that I'm interested in is, you've said
22 that there were two differences, the nature of the
23 misinformation and, secondly, the fact that it was written in
24 Mandarin meant that the content would likely only reach
25 Chinese diaspora readers. Do you see that?

26 **MR. ALLEN SUTHERLAND:** I do.

27 **MR. GIB van ERT:** Is that to say that -- I'm
28 not sure if you're speaking for PCO or the panel here, but

1 there was less concern about misinformation targeted at the
2 Chinese diaspora than the English-speaking public?

3 **MR. ALLEN SUTHERLAND:** So I just simply draw
4 you to the last sentence, which is, the latter situation --
5 these factors do not mean that the latter situation was less
6 important, only that it had different features.

7 The context of this part of the interview was
8 kind of how does the democratic ecosystem cleanse itself.
9 And so I was trying to show that different types of potential
10 misinformation had different features to them and so I talked
11 about the Buffalo Chronicle article as being something that
12 was highly inflammatory and was seen that it might go viral
13 and become a national event.

14 I was simply observing that in the case of
15 WeChat, the ability of that to go viral in a national scale
16 is different. It doesn't mean -- I do not want to leave you
17 with the impression that it was treated with any less
18 seriousness. I'm only observing that it had different
19 qualities.

20 **MR. GIB van ERT:** Right. It's less likely to
21 go national. It can have impacts in ridings with large
22 Mandarin language populations, but it's less likely to go
23 national.

24 **MR. ALLEN SUTHERLAND:** Yes, generally
25 speaking.

26 **MR. GIB van ERT:** Thank you. That's very
27 helpful.

28 **COMMISSIONER HOGUE:** Thank you.

1 Next one is counsel for Jenny Kwan.

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

3 MS. MANI KAKKAR:

4 MS. MANI KAKKAR: Good morning, Mr.
5 Sutherland.

6 MR. ALLEN SUTHERLAND: Good morning.

7 MS. MANI KAKKAR: My name is Mani Kakkar.
8 I've just got a couple of questions for you on a single
9 point.

10 And please let me know if I misunderstood
11 your testimony, but I understand you to be saying that for
12 the Critical Election Incident Public Protocol, the threshold
13 is quite high.

14 MR. ALLEN SUTHERLAND: Correct.

15 MS. MANI KAKKAR: And that was purposefully
16 done.

17 MR. ALLEN SUTHERLAND: Correct.

18 MS. MANI KAKKAR: And so far in this Inquiry,
19 we've heard about instances of election interference that may
20 seem somewhat small, perhaps. Maybe it is a WeChat post,
21 maybe it is a campaign event.

22 Would you agree that instances like that may
23 not meet the very high threshold that the protocol has set?

24 MR. ALLEN SUTHERLAND: Yeah, in principle,
25 yes. If something is -- has very little impact and very
26 little scope, it would not meet the threshold.

27 MS. MANI KAKKAR: Okay. And so that
28 potentially means that the threshold could either over or

1 under-react to situations and, in comparison to other
2 contexts in which, in Canada or other OECD countries, there's
3 more of a sliding scale. And so ones that I'm thinking of
4 sort of on the top of my head are national terrorism threat
5 levels. There's sort of a very low, low, medium, high,
6 critical or ones that we probably know from media like the
7 DEFCOM, the defence readiness conditions. There's levels 1
8 to 5.

9 Is there a reason why -- well, let's start
10 with, were there discussions of having the threshold be more
11 of a sliding scale as opposed to just a single threshold?

12 **MR. ALLEN SUTHERLAND:** So discussions that
13 were had kind of focused on just how significant an
14 intervention panel announcement might be, and so it was
15 understood that it would only be done as kind of a last
16 resort when the democratic ecosystem didn't cleanse itself,
17 that there wasn't someone debunking the information, that it
18 was persistent and that it was believed that it would have
19 impact on people's electoral decisions.

20 The reason for that is -- and it was alluded
21 to in my testimony, is too frequent interventions in itself
22 would kind of create -- it was worried that it would create
23 an impression that Canada's democratic institutions lack
24 integrity. In fact, we have seen instances where foreign
25 adversaries have simulated a hack. It hasn't actually
26 happened, and they're trying to destabilize us by saying that
27 something's been done in the hopes that we will overreact to
28 it.

1 And so that sort of situation was
2 anticipated, and so it was believed that our democracy is
3 robust, it needs robust discussion, and so an announcement by
4 the panel was really seen as kind of the last resort and not
5 a first resort.

6 **MS. MANI KAKKAR:** Okay. And so just to
7 solidify that understanding, and if it's possible to pull up
8 CAN 457. This was put to you during your examination by
9 Commission counsel.

10 I see what looks sort of like a wrench on the
11 far right of ---

12 **MR. ALLEN SUTHERLAND:** Yeah.

13 **MS. MANI KAKKAR:** --- the screen.

14 **MR. ALLEN SUTHERLAND:** Yeah.

15 **MS. MANI KAKKAR:** And so it sort of discusses
16 the varying degrees of messaging that could come depending on
17 if the threshold is trigger.

18 **MR. ALLEN SUTHERLAND:** Yeah.

19 **MS. MANI KAKKAR:** Do I understand that
20 correctly?

21 **MR. ALLEN SUTHERLAND:** Yeah, it's a good
22 interpretation of it, so that's nice that it's clear.

23 One thing I would say just in response, and
24 perhaps it reflects on your earlier question, the panel isn't
25 the only game in town. The national security agencies are
26 operating under their existing authorities and are able to
27 take action as well.

28 And I just want to make that clear, that it -

1 - the panel's threshold event, yes, the threshold's high, but
2 it's not the only way in which these issues can be addressed.

3 **MS. MANI KAKKAR:** I certainly appreciate
4 that.

5 During the course of the testimony that we've
6 heard in this Inquiry, there have been instances where some
7 of those other measures may have fallen through, and so I
8 appreciate that there are other possible measures for sure.
9 But what I would like to understand is, in your view, if
10 there's sort of a sliding scale of the kind of responses that
11 could take place, would it be appropriate to then also have a
12 sliding scale of thresholds that could mirror when a certain
13 lower response is required versus perhaps something higher up
14 on the wrench that would be workable or helpful given the
15 nature of foreign interference?

16 **MR. ALLEN SUTHERLAND:** So it's a very
17 interesting point, and it's one that came out of the
18 Rosenberg recommendations following the 2021 election where
19 he said that it should be -- that there should be
20 contemplation as to whether it is appropriate to have
21 government announcements of some sort that might be below the
22 threshold. So I would say that that is something that
23 certainly, in his opinion, merits further consideration.

24 **MS. MANI KAKKAR:** I note that my time is up,
25 and I appreciate the answers you've given me today. Thank
26 you very much for your time.

27 **MR. ALLEN SUTHERLAND:** Thank you.

28 **COMMISSIONER HOGUE:** Thank you.

1 So next one is counsel for the Conservative
2 Party, Me De Luca. He's probably on Zoom.

3 **MR. NANDO de LUCA:** Yes, thank you,
4 Commissioner. Can you hear me?

5 **COMMISSIONER HOGUE:** Yes.

6 **MR. NANDO de LUCA:** Thank you.
7 Can you see me as well?

8 **COMMISSIONER HOGUE:** Just a moment. I think
9 the ---

10 **MR. ALLEN SUTHERLAND:** Oh, there you are.

11 **COMMISSIONER HOGUE:** Yes. You see him?

12 **MR. ALLEN SUTHERLAND:** Yes.

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

14 **MR. NANDO de LUCA:**

15 **MR. NANDO de LUCA:** Thank you.

16 Mr. Sutherland, a few questions. I'm going
17 to start with, at the end of your testimony with Ms. Morgan,
18 did I hear you correctly indicate -- she was asking you in
19 what circumstances SITE or the security agencies -- I think
20 it was SITE -- might brief a political party on a one-on-one
21 basis. Do you recall that question? And I think ---

22 **MR. ALLEN SUTHERLAND:** Yes. Yes.

23 **MR. NANDO de LUCA:** And I -- was your
24 evidence that it would be at the invitation of the political
25 party?

26 **MR. ALLEN SUTHERLAND:** That would be one way
27 it could happen. Certainly as part of the political
28 briefings, parties were invited that if they had questions

1 that they would like to take offline and didn't want to have
2 in forum, they could speak directly with us.

3 Now, of course, working within their
4 established mandates, national security agencies could
5 contact political parties as well.

6 **MR. NANDO de LUCA:** Okay. And I believe
7 Ms. Morgan referenced one particular briefing with the
8 Liberal Party. And was your evidence that, that that
9 briefing was at the invitation of the Liberal Party?

10 **MR. ALLEN SUTHERLAND:** I have no knowledge of
11 that briefing. I did not participate in it. It would make
12 sense to me, however, that it was done at the Liberal's
13 request, but I don't know that for sure.

14 **MR. NANDO de LUCA:** Were you present at that
15 briefing?

16 **MR. ALLEN SUTHERLAND:** I was not.

17 **MR. NANDO de LUCA:** Okay.

18 Can I ask you -- can I ask the registrar, or
19 whoever is taking care of the documents, to call up CAN 1082.

20 **--- EXHIBIT No./PIÈCE No. CAN 1082:**

21 Liberal Party Representatives SITE
22 Briefing

23 **MR. NANDO de LUCA:** Now, this is a document.
24 Is this the briefing that you understood, or was this one of
25 the same briefing that you were discussing with Ms. Morgan?

26 **MR. ALLEN SUTHERLAND:** I -- I'm not sure,
27 sir.

28 **MR. NANDO de LUCA:** Okay. And can you

1 comment on -- this is a document that's been provided by, I
2 believe, CSIS, and it indicates it's a summary of -- it's a
3 redacted summary of a briefing that was provided.

4 **MR. ALLEN SUTHERLAND:** Yeah.

5 **MR. NANDO de LUCA:** Can you comment on the
6 contents of this document? Because here, it suggested it was
7 at the request of CSIS and not at the request of the Liberal
8 Party.

9 **MR. ALLEN SUTHERLAND:** I have no information
10 to give you. And as you can see from the document, it
11 doesn't tell you very much either, so it's hard to divine
12 anything from it.

13 **MR. NANDO de LUCA:** Well, what we're both
14 looking at now, it says Liberal Party. Under the heading, it
15 does say:

16 "We have asked to meet with you
17 today..."

18 **MR. ALLEN SUTHERLAND:** Yeah.

19 **MR. NANDO de LUCA:** And this is a CSIS
20 document.

21 **MR. ALLEN SUTHERLAND:** Yeah.

22 **MR. NANDO de LUCA:** That certainly suggests
23 that this was at CSIS's request.

24 **MR. ALLEN SUTHERLAND:** It would make sense.

25 **MR. NANDO de LUCA:** Okay. Can I ask you -- I
26 believe you confirmed with my friend earlier that the Panel
27 of Five never actually made an announcement for either the
28 2019 or 2021 election; correct?

1 **MR. ALLEN SUTHERLAND:** Correct.

2 **MR. NANDO de LUCA:** And I take it it's
3 because in the deliberations in connection with both of those
4 elections it wasn't believed, on a collective basis at least,
5 that the threshold had been met?

6 **MR. ALLEN SUTHERLAND:** Correct.

7 **MR. NANDO de LUCA:** Okay. And can you review
8 for us again, generally, what the threshold that they were
9 considering was?

10 **MR. ALLEN SUTHERLAND:** So it's as per the
11 Cabinet directive, and you know, speaking colloquially about
12 it, it's whether an incident or incidents create -- threaten
13 the ability of Canadians to have a free and fair election.

14 **MR. NANDO de LUCA:** Okay. In its
15 implementation, the implementation of that threshold, at
16 least, for those two elections, was that -- was the election
17 or -- that was being considered the election writ large at a
18 national level or at a local level?

19 **MR. ALLEN SUTHERLAND:** So the Panel gave that
20 considerable thought throughout its deliberations. It looked
21 at issues that would hit at the riding level, and it also
22 looked at issues that were at a broader level.

23 **MR. NANDO de LUCA:** So if it -- is it fair to
24 assume that if no announcements were made in connection with
25 either election on a collective basis, the Panel didn't think
26 that in either election the integrity of the elections at
27 either the national or at a riding level warranted the -- or
28 warranted the issuance of an announcement?

1 **MR. ALLEN SUTHERLAND:** I think that's
2 generally fair. They would have considered -- you know, they
3 would have considered what information they received. They
4 were considering small, if I can use the term, localised
5 examples of potential mis and disinformation, but they were
6 also considering ones that had a broader scope to them. And
7 since they didn't act, in their view, there was no breaching
8 of the threshold.

9 **MR. NANDO de LUCA:** Thank you. Those are my
10 questions.

11 **COMMISSIONER HOGUE:** Thank you.
12 Counsel for Han Dong.

13 **MS. EMILY YOUNG:** Good morning,
14 Madam Commissioner. I'm on Zoom, but we have no questions.

15 **COMMISSIONER HOGUE:** No, we don't hear you.
16 Okay. Can you just speak louder?

17 **MS. EMILY YOUNG:** Certainly. We have no
18 questions for this witness.

19 **COMMISSIONER HOGUE:** No questions.

20 **MS. EMILY YOUNG:** Thank you.

21 **COMMISSIONER HOGUE:** AG?

22 **MR. BARNEY BRUCKER:** We have no questions for
23 this witness.

24 **COMMISSIONER HOGUE:** Re-examination?

25 **MS. LYNDA MORGAN:** Just a moment,
26 Commissioner.

27 **COMMISSIONER HOGUE:** Sure.

28 **MS. LYNDA MORGAN:** No. Thank you.

1 **COMMISSIONER HOGUE:** Thank you.

2 Mr. Sutherland, so you are ---

3 **MR. ALLEN SUTHERLAND:** Thank you.

4 **COMMISSIONER HOGUE:** --- free to go.

5 **MR. ALLEN SUTHERLAND:** Okay. Thanks very
6 much.

7 **(WITNESS IS EXCUSED/ TÉMOIN EST EXCUSÉ)**

8 **COMMISSIONER HOGUE:** Before we -- because
9 we'll have to organise the next panel, I just want to let all
10 of you know that a represent of the RCRS will take part on
11 the next two panels, and their identity will be protected.
12 But I want to emphasise that I know who they are, so I'm in
13 the position to make any kind of evaluation that I may see
14 fit.

15 So we'll take a break for five minutes; five
16 or maybe ten, depending.

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

19 This hearing is in recess until 10:50. La
20 séance est en pause jusqu'à 10h50.

21 --- Upon recessing at 10:44 a.m./

22 --- La séance est suspendue à 10h44

23 --- Upon resuming at 10:57 a.m./

24 --- La séance est reprise à 10 h 57

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

27 This sitting of the Foreign Interference
28 Commission is back in session. Cette séance de la Commission

1 sur l'ingérence étrangère a reprise.

2 **COMMISSIONER HOGUE:** Good morning.

3 **MS. LYNDA MORGAN:** Good morning,
4 Commissioner.

5 **COMMISSIONER HOGUE:** Good morning.

6 **MS. LYNDA MORGAN:** So we have five witnesses
7 on this panel. Four in person and one remotely. I'd ask
8 first that we affirm or swear the witnesses who are SITE 2019
9 members. If we swear or affirm those witnesses first,
10 please?

11 **THE REGISTRAR:** I'll start with you, Mr.
12 Gordon. Would you prefer to be affirmed or sworn?

13 **MR. ERIC GORDON:** I'll swear.

14 **THE REGISTRAR:** Swear okay. Can you please
15 state your name and spell your last name for the record?

16 **MR. ERIC GORDON:** My name is Eric Gordon. G-
17 O-R-D-O-N.

18 **--- MR. ERIC GORDON, Sworn/Assertmenté:**

19 **THE REGISTRAR:** Thank you.

20 Ms. Dobner, I'll start with you. Would you
21 prefer to be sworn or affirmed?

22 **MS. GALLIT DOBNER:** Affirmed, please.

23 **THE REGISTRAR:** Okay. Could you please state
24 your name and spell your last name for the record?

25 **MS. GALLIT DOBNER:** Sure. Gallit Dobner. D-
26 O-B-N-E-R.

27 **--- MS. GALLIT DOBNER, Affirmed/Sous affirmation solennelle:**

28 **THE REGISTRAR:** Thank you very much.

1 And for yourself, please Denham. Could you
2 please state your name and your spell your last name for the
3 record?

4 **MS. TARA DENHAM:** Tara Denham. Spelled D-E-
5 N-H-A-M.

6 **THE REGISTRAR:** Thank you. And do you want
7 to be ---

8 **MS. TARA DENHAM:** Affirmed.

9 **THE REGISTRAR:** Affirmed. Okay.

10 **--- MS. TARA DENHAM, Affirmed/Sous affirmation solennelle:**

11 **THE REGISTRAR:** Thank you very much.

12 And Mr. King.

13 **MR. LYALL KING:** Good morning.

14 **THE REGISTRAR:** Would you like to be affirmed
15 or sworn?

16 **MR. LYALL KING:** Affirmed, please.

17 **THE REGISTRAR:** Okay. Could you please state
18 your name and spell your last name for the record?

19 **MR. LYALL KING:** Lyall King. K-I-N-G.

20 **--- MR. LYALL KING, Affirmed/Sous affirmation solennelle:**

21 **THE REGISTRAR:** Thank you very much.

22 Counsel, you may proceed.

23 **MS. LYNDA MORGAN:** Thank you.

24 And Commissioner, I understand we have
25 counsel, Justin Roy, I believe, he's present to confirm the
26 affirmation or swearing of the other witness who is appearing
27 remotely.

28 **CSIS REPRESENTATIVE:** Yes. Hello. Can you

1 hear me?

2 MS. LYNDA MORGAN: Yes, we can hear you.

3 CSIS REPRESENTATIVE: Excellent. So I'm
4 Justin Roy. Called to the Bar of Ontario in 2020 and I'm a
5 Commissioner of Oaths. I confirm that I verified the
6 witness' identity and I've administered the affirmation.

7 The witness has affirmed and is now prepared
8 to testify before you.

9 I'll confirm the identity of the witness in
10 confidence in due course.

11 **--- CSIS REPRESENTATIVE, Affirmed/Sous affirmation**
12 **solennelle :**

13 COMMISSIONER HOGUE: Thank you.

14 MS. LYNDA MORGAN: Thank you.

15 COMMISSIONER HOGUE: We can proceed.

16 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**
17 **LYNDA MORGAN:**

18 MS. LYNDA MORGAN: Thank you. So I'm just
19 going to start with some preliminary housekeeping matters,
20 which I'll try to run through quickly.

21 If we could pull up WIT 45, please?

22 **--- EXHIBIT No./PIÈCE No. WIT 45:**

23 L. King, T. Denham, G. Dobner, E.
24 Gordon and CSIS Representative Public
25 Interview Summary

26 MS. LYNDA MORGAN: And I'll ask you each
27 collectively the same question. You were interviewed in a
28 panel format by Commission counsel on February 12th, 2024 in

1 a classified space. I think one of you can answer the lead
2 up questions, and then I'll eventually ask whether each of
3 you are prepared to adopt the summary.

4 So Mr. King, perhaps you can ---

5 **MR. LYALL KING:** Yes.

6 **MS. LYNDA MORGAN:** --- confirm that first
7 statement?

8 **MR. LYALL KING:** I confirm that. Yes.

9 **MS. LYNDA MORGAN:** And I understand that each
10 of the panel members has had an opportunity to review the
11 publicly disclosable version of that evidence? Is that
12 right?

13 **MR. LYALL KING:** That is correct.

14 **MS. LYNDA MORGAN:** And can I confirm whether
15 anyone has changes that need to be made to this document?

16 **MR. LYALL KING:** I do not.

17 **MS. TARA DENHAM:** I do not.

18 **MS. GALLIT DOBNER:** I do not.

19 **MR. ERIC GORDON:** I do not.

20 **CSIS REPRESENTATIVE:** I do not.

21 **MS. LYNDA MORGAN:** Thank you. And do you
22 each agree that the summary accurately reflects the substance
23 of your evidence that can be made public and are you prepared
24 to adopt that summary as part of your evidence before the
25 Commission today?

26 **MR. LYALL KING:** I do agree and I do adopt
27 it.

28 **MS. TARA DENHAM:** I agree and adopt.

1 MS. GALLIT DOBNER: Agree and adopt.

2 MR. ERIC GORDON: I agree and adopt.

3 CSIS REPRESENTATIVE: Agree and adopt.

4 MS. LYNDA MORGAN: Thank you. And I'll do
5 this with one more document, WIT 44, please.

6 --- EXHIBIT No./PIÈCE No. WIT 44:

7 SITE TF 2019 Public Summary of
8 Classified Examination

9 MS. LYNDA MORGAN: And for this summary, Ms.
10 Dobner was not present. For the remaining members of the
11 panel, can you confirm that you were examined by Commission
12 counsel in a panel format during an in-camera hearing on
13 March 1st, 2024? Is that correct?

14 MR. LYALL KING: That is correct. Yes.

15 MS. LYNDA MORGAN: And the document that
16 appears on the screen is a publicly disclosable version of
17 that classified transcript. Do you each agree that the
18 summary accurately reflects the substance of your evidence
19 that could be made public and are you prepared to adopt the
20 summary as part of your evidence before the Commission today?

21 MR. LYALL KING: Yes, I agree. And I adopt.

22 MS. TARA DENHAM: Agree and adopt.

23 MR. ERIC GORDON: I agree and adopt.

24 CSIS REPRESENTATIVE: Agree and adopt.

25 MS. LYNDA MORGAN: And I will note one
26 correction. It's just a date on the second line. It
27 indicates that the examination occurred on March 1st, 2023.
28 I think we can agree the examination occurred on March 1st,

1 2024. Is that right?

2 **MR. LYALL KING:** Yes. Absolutely correct.

3 Yes.

4 **MS. LYNDA MORGAN:** And sorry, one more
5 document to pull up is WIT37. And this is a GAC, or Global
6 Affairs, public summary of a classified interview. This
7 question is for Ms. Dobner and Ms. Denham. Again, you were
8 interviewed in a panel format with others on February 9th,
9 2024 in a classified space? Is that correct?

10 **MS. TARA DENHAM:** Yes.

11 **MS. LYNDA MORGAN:** And the document in front
12 of you is a publicly disclosable version of that classified
13 summary. Have you both had an opportunity to review that
14 summary?

15 **MS. TARA DENHAM:** Yes, we did.

16 **MS. LYNDA MORGAN:** Yeah. Okay. Any changes
17 to be made?

18 **MS. TARA DENHAM:** No changes.

19 **MS. GALLIT DOBNER:** No changes.

20 **MS. LYNDA MORGAN:** Okay. And are you both
21 prepared to accept that summary as part of your evidence
22 before the Commission?

23 **MS. TARA DENHAM:** Yes. Happy to do that.

24 **MS. GALLIT DOBNER:** Yes.

25 **MS. LYNDA MORGAN:** Okay. Thank you. Now we
26 will get into the substance of what I'm going to ask you
27 about today.

28 So the five of you were, at various times,

1 representatives on the 2019 SITE Taskforce in the leadup to
2 or during GE 43. The acronym SITE stands for the Security
3 and Intelligence Threats to Elections Taskforce. And I'll be
4 referring to that as either SITE or SITE TF as we move
5 through today's examination.

6 And SITE is made up of four members, CSE,
7 CSIS, GAC, and RCMP? Is that correct?

8 **MR. LYALL KING:** That is correct. Yes.

9 **MS. LYNDA MORGAN:** And Mr. King, are you able
10 to describe the primary purpose or purposes of SITE TF?

11 **MR. LYALL KING:** Yes, absolutely. We do have
12 a terms of reference document that might be useful to refer
13 to. It outlines specifically the intent and purpose of the
14 SITE Taskforce. But generally speaking, ---

15 **MS. LYNDA MORGAN:** Would you like me to pull
16 it up now?

17 **MR. LYALL KING:** It might be helpful, just
18 for people to see.

19 **MS. LYNDA MORGAN:** Can we have CAN 8287,
20 please?

21 **--- EXHIBIT No./PIÈCE NO. CAN 8287:**

22 SITE TF - Lessons Learned Summary

23 **MR. LYALL KING:** But generally speaking, I
24 would just basically describe SITE Taskforce as an
25 information sharing and coordination group, effectively,
26 which combine those four members, as you stated.

27 **MS. LYNDA MORGAN:** Okay. Thank you. And if
28 we scroll down on this page, is this the document you were

1 thinking of?

2 **MR. LYALL KING:** That is correct. I mean,
3 could you scroll up, just -- please. Sorry, the four --
4 there's a paragraph, the second one, the four pillars of
5 SITE's mandate. There's a helpful description of the types
6 of activities that we engaged in and why we were created.
7 Ultimately, as it states to:

8 "Provide government partners engaged
9 in elections-related work with a
10 clear point of engagement..."

11 The reason why is because in 2018, you know,
12 it was not long after the U.S. 2016 Election, there had been
13 instance of foreign interference there, incidents of foreign
14 interference in Europe, Germany and France specifically. And
15 so a lot of discussion. And there was the U.S. 2018 midterms
16 that were approaching. So a lot of conversation in and
17 around what foreign interference was and what was happening
18 in various groups and committees within the Government of
19 Canada.

20 So one principal reason for creating SITE was
21 to kind of pull that dispersed conversation into a more
22 coordinated single space and have a smaller collective of
23 security and intelligence professionals looking at that
24 particular issue. So really to coordinate and be a central
25 point of contact. Equally to review what our collection was?
26 What did we know? Do we need to adjust that? Improve
27 collection to better understand foreign interference
28 activities. As part of information sharing, to inform others

1 so it wasn't just us talking amongst ourselves, but very much
2 so informing other partners within government and outside of
3 government. And finally, to promote the use of intelligence.
4 So we didn't want to be seen as just looking at an issue, but
5 when we had an ability to be able to take an action, we
6 wanted to be able to do so.

7 I'll maybe just briefly underline maybe a
8 misconception about SITE as well. SITE in and of itself does
9 not have any sort of authority or separate sort of structure
10 like that. We get our authorities to act from the member
11 parties.

12 So to be very clear, SITE might discuss an
13 issue if CSE, for example, thought we might be able to take
14 an action, for example, a cyber operation, I wouldn't be
15 going to SITE to ask permission to do that. CSE would act
16 under its own mandates and authorities to take that action.
17 Likewise for the other parties: CSIS, Global Affairs, and
18 RCMP. So SITE, in and of itself, didn't have any special
19 authorities or mandate in that sort of sense. It's very much
20 a discussion space, coordination space, information sharing
21 space.

22 **COMMISSIONER HOGUE:** And SITE will not
23 participate to the action taken by CSE or by ---

24 **MR. LYALL KING:** Not necessarily.

25 **COMMISSIONER HOGUE:** --- another
26 organization?

27 **MR. LYALL KING:** There may be, certainly, a
28 need to coordinate potentially between one or two partners.

1 For example, on a cyber operation, we would naturally be
2 consulting with as part of the process Global Affairs Canada.
3 We, sorry, CSE, excuse me, would be coordinating with Global
4 Affairs. So there is a need to highlight, share and
5 deconflict at times in that sense.

6 **MS. LYNDIA MORGAN:** Okay. And before we take
7 this document down, in terms of the four pillars of SITE's
8 mandate, do you have any other comments on kind of the
9 mandate itself?

10 **MR. LYALL KING:** I think, generally speaking,
11 it was a -- you know, it was a unique construct, not
12 something that we had done before; that is to say, in terms
13 of coordinating across different agencies that have different
14 capabilities. It was over and above existing relationships
15 between our organizations. So, for example, CSIS and the
16 RCMP have longstanding engagements and relationships. CSE
17 does as well with CSIS, and Global Affairs likewise. So SITE
18 wasn't intended to take over those existing channels or
19 relationships, it was meant to add an extra layer on top of
20 that, looking thematically at foreign interference to give us
21 a broad view of the issue. So instead of CSE just talking to
22 CSIS maybe about actor X or actor Y, this was for all of us
23 to see the full range of actors, what they were doing and
24 understanding in that space. It was intended to broaden out
25 our understanding in that sense.

26 **MS. LYNDIA MORGAN:** So I'd like to pull up CAN
27 12788, please.

28 **--- EXHIBIT No./PIÈCE No. CAN 12788:**

1 SITE TF - Partner Roles - Leading to
2 Election 2019

3 **MS. LYNDA MORGAN:** So this is a -- if there's
4 a way to make that whole page visible on the screen, it'd be
5 helpful, unless it becomes too small. But this is a kind of
6 one-page chart outlining the partner roles on SITE. So I'd
7 like to ask you each individually with reference to this
8 table what your specific role was on SITE. And, again, we're
9 just focussing on the timeframe in 2019, what was your role
10 and who were you representing on the SITE Task Force. And
11 I'll start with you, Mr. King.

12 **MR. LYALL KING:** Certainly. So I had two
13 functions, effectively, on the SITE Task Force. I was the
14 chair of the SITE Task Force from 2018 up until 2022. That
15 role really was me managing the group administrating -- or
16 administering our activities, making sure that we were
17 prepared for an election from an operational perspective,
18 from a communications perspective, establishing a work plan,
19 follow throughs, keeping records of discussion, et cetera, so
20 that administrative function I served. I was also the
21 principal CSE representative to SITE. At that time, I was a
22 Director within the Directorate General of Intelligence at
23 CSE, so I had broad view of the intelligence that we were
24 producing. And as you can see on that particular chart that
25 we are looking at, we would bring to that table -- I would
26 bring to the SITE table information related to our foreign
27 intelligence collection, our signals intelligence mandate,
28 that is. I would bring information related to our cyber

1 security or information insurance activities as well to that
2 table. There's a third component there listed, which is
3 CSE's support to federal security and intelligence partners.
4 That's just a way for us to assist in a technical means if
5 RCMP, for example, or CSIS needed our support. So I could
6 help broker that, but there are existing processes for that
7 relationship.

8 **MS. LYNDA MORGAN:** Thank you. And, Ms.
9 Denham, are you able to explain your role on SITE 2019?

10 **MS. TARA DENHAM:** Yes, so at the time, I was
11 the Director of the Centre for International Digital Policy
12 at Global Affairs Canada, and that's the team that houses the
13 G7 Rapid Response Mechanism, as you see there often referred
14 as the RRM. So it was a -- within the Rapid Response
15 Mechanism, this was a new function within Global Affairs, so
16 there had been -- there's many existing relationships within
17 Global Affairs and the various entities as part of SITE, but
18 the RRM is specifically focussed on the social media
19 environment and disinformation. So the role was as the
20 representative of GAC and as the lead for the RRM. We were
21 able to bring information not only from our G7 partners on
22 threats or tactics that we were seeing, but also, we would
23 monitor the social media environment. And at that time
24 period, I was -- I actually was in that role from 2016 to
25 August 2019, so I helped set up the RRM and helped set up the
26 SITE Task Force and then changed positions in August 2019.

27 **MS. LYNDA MORGAN:** Thank you. And I will
28 have some further questions for you specific to RRM, but I'll

1 continue just for now with Ms. Dobner in relation to your
2 role.

3 **MS. GALLIT DOBNER:** Great, thanks. So I
4 replaced Tara Denham as Director of the Centre for
5 International and Digital Policy at the end of August, so I
6 became the Global Affairs Canada representative on SITE. And
7 so as Ms. Denham said, we would have -- I led the Rapid
8 Response Mechanism Canada team, and we would have brought
9 with us perspectives from G7 and other foreign government
10 partners. And I would just add that we also had a rich
11 network of relationships with civil society, academia and
12 industry as well that helped us to better understand the
13 online ecosystem. So we would have brought that breadth of
14 knowledge to the SITE table.

15 **MS. LYNDA MORGAN:** Thank you. And, Mr.
16 Gordon?

17 **MR. ERIC GORDON:** Good morning. In 2019, I
18 was a Director of Federal Policing National Intelligence. I
19 was tasked with participating on the Task SITE Force. As
20 described in the document there, I think it pretty clearly
21 explains the breadth of the RCMP's responsibilities as the
22 principal investigating agency for criminal threats to
23 national security in Canada across a broad number of domains,
24 whether that's cyber, counterterrorism, threats to democratic
25 institutions, and also, in some cases, economic integrity.
26 We are also responsible for a significant protective role,
27 particularly during the writ period, and that's the physical
28 personal protection of party leaders, and also, certain

1 designated individuals. So that's a role that we have, as
2 well as a role through a memorandum of understanding with the
3 COCC with the Commissioner of Elections Canada to provide
4 technical and specialist investigative assistance on an ad
5 hoc basis. So my role within the SITE Task Force was to help
6 coordinate information sharing between the security
7 intelligence partners and the RCMP using and leveraging
8 existing mechanisms to share that information between the
9 agencies.

10 **MS. LYNDA MORGAN:** Thank you. And I'll ask
11 the same question of CSIS representative 2019 as well.

12 **CSIS REPRESENTATIVE:** Hi. In 2019, I was the
13 principal representative on SITE for CSIS. What CSIS's role
14 that they brought to SITE was our ability to collect, assess
15 and advise on threats to national security, and where
16 appropriate, reduce those threats. Internally here, we had a
17 working group on FI that would have brought forward all of
18 our relevant intelligence on foreign interference.

19 **COMMISSIONER HOGUE:** We are losing ---

20 **MS. LYNDA MORGAN:** Can I stop you for one
21 moment? With two comments, one, the audio was starting to
22 get quite low, but also, if you're able to slow down in your
23 response a bit as well, I think that would help.

24 **CSIS REPRESENTATIVE:** Yes, are you able to
25 hear me now?

26 **MS. ERIN DANN:** Could I just have a moment,
27 Commissioner?

28 **COMMISSIONER HOGUE:** Yeah, sure.

1 **MS. ERIN DANN:** I think we should -- we can
2 try again. I think the issue has been resolved.

3 **COMMISSIONER HOGUE:** Okay. Can you speak?

4 **CSIS REPRESENTATIVE:** Hi, are you able to
5 hear me now?

6 **COMMISSIONER HOGUE:** Yes, thank you.

7 **CSIS REPRESENTATIVE:** Okay. Sorry, I can
8 start again. So I was the principal representative on SITE
9 for CSIS. What that involved was working with the internal
10 foreign interference working group within CSIS to ensure that
11 all of the relevant intelligence and pieces of information
12 were coming forward to the SITE table. I would have brought
13 those to the SITE table, in addition to bringing forward any
14 of the activities the service would have been undertaking
15 during that timeframe.

16 **MS. LYNDY MORGAN:** Thank you. So before we
17 get into some of the day-to-day functioning of SITE, I also
18 just want to get a broader understanding of RRM, which you've
19 started to discuss in some detail.

20 So are you able to describe what role RRM
21 played in relation to monitoring the online environment?

22 **MS. TARA DENHAM:** Sure. So perhaps I'll
23 first start by giving context into the creation of the RRM.
24 So the Rapid Response Mechanism, the RRM, was created in
25 2018. So this was one of Canada's flagship initiatives
26 during our G7 presidency.

27 And it's been mentioned a few times, but at
28 that time there was a lot of international concern and across

1 G7 members about threats to democracy, what we were seeing.
2 And again to the context, we had seen the U.S. elections, we
3 had seen interference in France and Germany. So within the
4 G7, there was a lot of interest to understand what those
5 threats looked like, and a particular interest in the
6 disinformation landscape that was becoming a new phenomena,
7 just the volumes that we were seeing, you know, millions of
8 hits and information being spread through different campaigns
9 that had been researched.

10 So when the RRM was announced, there was an
11 agreement across the G7 that they -- we wanted to be able to
12 share information, share information quickly across the RRM
13 members, across the G7 members, about that threat landscape,
14 and at that time, a particular focus on disinformation.

15 In order to share information quickly, we
16 also focussed on open source information. So any of the
17 information that we were researching was always publicly
18 available. Anyone with access to the internet would be able
19 to find that same information and openly available tools, and
20 that is what enabled us to be able to share quickly. And of
21 course, in a social media environment anyone can see it,
22 what's happened.

23 So within the context of SITE, the RRM was a
24 new mechanism. It was a new capability within Government of
25 Canada, it was a new capability within Global Affairs. But
26 our focus was then to begin to understand the tactics behind
27 disinformation, in particular, and disinformation by foreign
28 actors.

1 Perhaps I'll just remind on the distinction
2 between mis and disinformation. The misinformation being,
3 you know, unintentional. It could be not factual but it's
4 unintentional. I think all of us may have experienced
5 believing something that we see online and forwarding it, but
6 we don't know that it's inaccurate.

7 Disinformation is deliberately inaccurate or
8 non-factual information, but with a malign intent, an intent
9 to do harm, and disinformation in that social media
10 environment, a number of actors could be conducting this.
11 You know, foreign actors, but also Canadians, different
12 groups, anyone who sort of participates in the social media
13 environment.

14 So I want to be clear that our mandate was,
15 as a grouping, to look for disinformation, so malign,
16 inaccurate information, with indicators that it was being
17 directed or linked to a foreign state. We were not mandated
18 to look at the whole information environment, and if we were
19 ever -- if we were not able to make that link to foreign
20 entities, we would stop looking, i.e. that is, conversations
21 in an online space, which can be messy, but it could be -- it
22 is unable to -- with a foreign link, you don't want to
23 impinge on Canadians or others' freedom of expression, so you
24 stop.

25 **MS. LYNDA MORGAN:** And so what options are
26 available if the information RRM identified kind of met the
27 criteria you have just outlined?

28 **MS. TARA DENHAM:** So within the SITE Task

1 Force or outside?

2 **MS. LYNDA MORGAN:** Let's start just with RRM.

3 **MS. TARA DENHAM:** Sure. So within the RRM,
4 again what we're really trying to research and share across
5 the members is the tactics that we're seeing. So we're not
6 there to sort of say whether something is truth or factual,
7 we're trying to identify the content and then look behind it
8 to see if there's indicators of potential foreign
9 interference.

10 So I can walk-through some of the indicators
11 if you'd like, but what we're able to do over time is by that
12 sharing with other G7 members we're all increasing our
13 understanding collectively of what disinformation by foreign
14 actors starts to look like in a very complicated social media
15 environment. And so that's what we're aiming to build over
16 time, is those -- the tactics is what you're looking for.
17 These are -- we're not aiming, we're not after -- the intent
18 is not to decide what is true or not true, we're trying to
19 see if there are actors that are using those types of
20 tactics, and specifically foreign actors.

21 If you walk-through and you see a number of
22 the indicators, then within the RRM, obviously an option is
23 to share that. We -- as Gallit mentioned, the RRM actually
24 has a wide network, so there's obviously the G7 members, but
25 we also have a wide network of academics. Every member of
26 the G7 would have networks with academics and researchers.
27 The whole intent is to increase the collective understanding
28 so we can share that information. And we're sharing that

1 back and forth.

2 In some instances, again I'm not speaking
3 during a writ period, but we have also published reports. So
4 we can publish reports domestically, within Canada. France
5 has also published reports on what they saw after the Macron
6 leaks in 2017. The U.S. has published reports on what they
7 saw after 2016, again, after two years of research. So you
8 can publish domestically to shine a light on that, and then
9 we can agree, in some instances, to agree on public
10 statements.

11 And then that, I would say an example would
12 be RRM reports, G7 RRM reports. The first one was the 2022
13 report, and that represents the collective of the G7 members
14 who have shared information about the tactics they're seeing.
15 We bring it together, we agree that we have seen or we
16 understand those tactics to be happening, and we all publish
17 it as a collective, which is a powerful statement for the
18 RRM, for the G7 to agree and publish a report. I think all
19 of those reports are available online.

20 **MS. LYNDA MORGAN:** And what's the purpose of
21 sharing the information? Like to what end?

22 **MS. TARA DENHAM:** The purpose is to shine
23 light on the tactics. That would be one, first and foremost;
24 right? So as we are all learning about it, not just as
25 governments, but as a whole society, everyone acknowledges
26 that it's not just governments that can address
27 disinformation, you need a whole of a society approach, and
28 that means everyone's increasing their understanding. So by

1 publishing and making -- by publishing information, first and
2 foremost, you're exposing it. You're shining light, you're
3 educating populations, you're educating everyone.

4 Secondly, it's a strong statement by a
5 grouping of governments to name countries and call out that
6 behaviour. So there's multiple impacts, but I would say
7 those would be two of the main purposes of publishing
8 information.

9 **MS. LYNDA MORGAN:** And I'll ask you one RRM
10 specific related question. But kind of within the RRM
11 mandate, is there any type of activity that requires action
12 or that is actionable?

13 **MS. TARA DENHAM:** I'm not sure I understand
14 the question.

15 **MS. LYNDA MORGAN:** Like if within ---

16 **MS. TARA DENHAM:** Like if we see something
17 can we take action?

18 **MS. LYNDA MORGAN:** Yes.

19 **MS. TARA DENHAM:** Okay. Yeah, so if we're
20 looking at the disinformation environment, and we work
21 through the various indicators, and we can see certain
22 activities that meet multiple of the indicators. So you --
23 it's not just one, it's not just what the content is, but you
24 have to actually see do we have indicators of where it's
25 coming from or any links to a foreign state, do we have
26 volume, do we have -- you know, who is being targeted. If
27 you see multiple of those, and you can validate with a higher
28 level of confidence, then you can call out that; right?

1 **MS. LYNDA MORGAN:** And in terms of the GAC
2 kind of RRM relationship with SITE ---

3 **MS. TARA DENHAM:** M'hm.

4 **MS. LYNDA MORGAN:** --- specifically, can you
5 describe high level what type of RRM information was shared
6 with the Panel?

7 **MS. TARA DENHAM:** High level. So we were in
8 SITE from the beginning. So we did participate in the
9 sharing and learning about each others' mandates, but we were
10 also doing a baseline for the year in advance to study the
11 Canadian ecosystem in the information environment so that we
12 would understand what "normal" looks like, specifically on
13 topics of political relevance. Again, we're not scanning all
14 of social media, but you're creating a baseline.

15 So we helped contribute to an understanding
16 of what the baseline environment looks like in Canada from a
17 disinformation landscape. And then as you move -- so we
18 would share reports, we would share *ad hoc* reports, we would
19 -- our technical analysts would engage with other technical
20 analysts so that we could understand each others' language
21 and what we're seeing.

22 As you're then moving closer to the election
23 period, and Ms. Dobner can share further, but at a high-level
24 we would be contributing to the daily and weekly SITE sitreps
25 reflecting and sharing any information that we were seeing in
26 the social media landscape. And perhaps here I would say
27 because it's the social media landscape and you may not
28 always know, it takes -- we may not always know if there's a

1 foreign link or if it's disinformation.

2 We would -- you have to sort of cast your net
3 a little wider, so we may report and look at something for a
4 day or two, but until -- as -- if there's a point that you
5 can't make a link to a foreign entity, you will see in some
6 of the reports that we weren't able to make that and we would
7 stop looking and we would stop reporting. But at a high
8 level, we would contribute to the daily and weekly report.

9 **MS. LYNDA MORGAN:** Thank you.

10 And so you -- oh, sorry.

11 **COMMISSIONER HOGUE:** Just one question.

12 When you see this information or
13 misinformation on social media, is it always possible to find
14 who is the originator?

15 **MS. TARA DENHAM:** Excellent question. No.

16 Social media is a very difficult environment
17 and I would say it's become more and more difficult. So I
18 think that's why it's really important and that we stress
19 that you have to look at many indicators so that you can
20 increase your level of confidence, but there will be times
21 where we're just not able to.

22 Some accounts -- as many people may know,
23 some accounts may be online but you can't -- there's ways to
24 disguise it as to where that account is actually located,
25 right. So you may not know which country it's coming from,
26 you may not know who's behind that account or you may see
27 many, many accounts. So it's really difficult, so we do our
28 best to use those indicators to build that confidence, and I

1 would say confidence also has increased over time.

2 There's more academics and other researchers,
3 not just within the RRM, that are also understanding those
4 tactics and that's where the information sharing is so
5 crucial because if we see similar tactics -- if we see
6 tactics, other countries are seeing similar tactics and it's
7 been validated perhaps by an expert, an outside expert or an
8 academic that's seen similar tactics, you can see how your
9 confidence would increase, but it's -- you have to balance
10 all of this before and as you're increasing your level of
11 confidence. It's very difficult environment to work in.

12 **COMMISSIONER HOGUE:** Thank you.

13 **MS. LYNDA MORGAN:** Thank you.

14 And so you'd referenced building up this
15 baseline in advance of the election. So just to confirm,
16 SITE was up and operational more than a year before the 2019
17 election. Is that correct?

18 **MR. LYALL KING:** That's correct, yes.

19 **MS. LYNDA MORGAN:** And so unlike the Panel of
20 Five who's kind of -- its focus, its functioning comes within
21 the writ period, SITE TF is operational outside of that
22 timeframe. Is that right?

23 **MR. LYALL KING:** That's correct. We -- to be
24 very specific, we began in August 2018, have continued
25 throughout, so we don't stop looking at the issues. The
26 frequency and pace of meetings might change depending on if
27 we're in a writ period or not, but there's regular and
28 continuous engagement.

1 **MS. LYNDA MORGAN:** And I understand that you
2 met roughly weekly in the lead-up to the writ period. Does
3 that sound right?

4 **MR. LYALL KING:** That's correct, yes.

5 **MS. LYNDA MORGAN:** And what, typically, in
6 that kind of year leading up to the election -- what was the
7 purpose or the content of those regular meetings?

8 **MR. LYALL KING:** Sure.

9 I would describe generally that the first few
10 months of SITE's existence was really us trying to understand
11 one another, understand what foreign interference was. I
12 mean, we all come to it with different kind of views, so have
13 a consolidated view and definition of that, creating
14 foundational documents, as I mentioned, the Terms of
15 Reference to guide our activities, a work plan to delineate
16 what we were going to try to achieve over an arc of time to
17 include things like engagement through RRM or through our
18 individual contacts with allies to learn from their
19 experiences, building a baseline from intelligence of what
20 the foreign threat looked like as well. Again, just to have
21 an understanding of the type of activity we see on a
22 persistent basis.

23 So there was a lot of organization in the
24 first few months.

25 Every SITE meeting would typically have, for
26 example, an update from each of the partners on what they
27 might be observing from their own collection or partner
28 spaces when it came to foreign intelligence so that we had a

1 constant update of information from different sources. And
2 then, really, follow-on and discussion about what we needed
3 to achieve, so following up on actions, establishing and
4 talking about visiting our U.S. partners, for example, to
5 discuss foreign interference. So it was a very -- that's the
6 sort of nature on a weekly basis that we discussed.

7 And yeah, again, I think the first phase was
8 very much learning and educating as well within the
9 Government of Canada, so we began with, I believe, monthly
10 briefings initially focused towards the Minister of
11 Democratic Institutions, Karina Gould, at the time, to at
12 least highlight what we were doing, what our plans were and
13 what the general threat environment looked like.

14 So there was quite a significant amount of
15 work that happened in the lead-up to the election.

16 **COMMISSIONER HOGUE:** I have another question.

17 **MR. LYALL KING:** Yes.

18 **COMMISSIONER HOGUE:** Was it within SITE's
19 mandate to brief the political parties and/or the
20 politicians?

21 **MR. LYALL KING:** So referring back to that
22 Terms of Reference, we had in mind a view to at least educate
23 and share broadly. I wouldn't say at the outset that we were
24 specifically thinking of briefings to political parties, but
25 as we went along that route, that was certainly something
26 that came up.

27 I will just underline that Privy Council
28 Office played a crucial role in terms of being a point and

1 coordinating those political party briefings. It was not
2 something that SITE, our member departments, did
3 independently. That was always done through Privy Council
4 Office.

5 So the intent was to share with whom we
6 needed to share, but there was no explicit, I think, thought
7 at the outset that we need to brief political parties, but we
8 did, in fact, go down that route.

9 **COMMISSIONER HOGUE:** Thank you.

10 **MS. LYNDIA MORGAN:** Thank you.

11 And Commissioner, I'm going to move into kind
12 of information flow. I'm not sure if now is a good time to
13 take the break.

14 **COMMISSIONER HOGUE:** Time for the break.

15 Yes.

16 We'll take the morning break and we'll come
17 back at 11:50, 55.

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

20 This hearing is in recess until 11:55. La
21 séance est en pause jusqu'à 11 h 55.

22 --- Upon recessing at 11:36 a.m./

23 --- La séance est suspendue à 11 h 36

24 --- Upon resuming at 11:56 a.m./

25 --- La séance est reprise à 11 h 56

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

28 This sitting of the Foreign Interference

1 Commission is back in session. Cette séance de la Commission
2 sur l'ingérence étrangère a reprise.

3 **MR. ERIC GORDON, Resumed/Sous le même serment:**

4 **MS. GALLIT DOBNER, Resumed/Sous la même affirmation:**

5 **MS. TARA DENHAM, Resumed/Sous la même affirmation:**

6 **MR. LYALL KING, Resumed/Sous la même affirmation:**

7 **CSIS REPRESENTATIVE, Resumed/Sous la même affirmation:**

8 **COMMISSIONER HOGUE:** Good. Go on.

9 **MS. LYNDA MORGAN:** Thank you.

10 Can I just confirm our remote witness is back
11 as well?

12 **CSIS REPRESENTATIVE:** Yes, I'm here.

13 **MS. LYNDA MORGAN:** Thank you. And I'll just
14 ask the Registrar to run a -- continue running the timer as
15 well. Thank you.

16 **--- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.**

17 **LYNDA MORGAN (cont'd/suite):**

18 **MS. LYNDA MORGAN:** So I'd like to start kind
19 of at a concept level, and then we'll move into some of the
20 specifics from 2019. But if we picture SITE as this
21 information-sharing group, which is how it's been described;
22 first, how does information and from where does information
23 make its way into SITE -- and I'll ask this first during the
24 writ period -- and where can information go out of SITE, and
25 what are those different information flow routes available?

26 **MR. LYALL KING:** Sure, I can begin.

27 Generally speaking, information coming into
28 SITE comes from its constituent members. So as we described

1 before the break, I, as the CSE rep, would bring to the table
2 information from our CSE's intelligence collection, whether
3 that was from the signals' intelligence perspective, or maybe
4 cyber security threats, and likewise the other members would
5 contribute in that fashion.

6 We did have engagements with other partners;
7 I've already mentioned with the US, I believe. So we could
8 get information flow coming through that type of engagement.

9 That is on top of what would be existing
10 regular channels for intelligence sharing that already
11 exists. So we can talk more about that if you like, but
12 there's existing channels for sharing intelligence. Then the
13 SITE meetings we would bring and highlight specific pieces to
14 one another through that mechanism.

15 Generally speaking, in terms of the
16 information flow outwards, we shared what we had. I've
17 already talked about creating a baseline threat assessment
18 and describing our activities for the Minister of Democratic
19 Institutions. We had a lot of briefings in that first year
20 to senior government officials to describe that. So we would
21 provide briefings in that sense. That could be to one
22 Minister; that could be to committees, such as the Election
23 Security Coordination Committee, the ESCC, or other parties.

24 And then more formally we would write
25 documentation and pull our information together in documents
26 to be shared, either through the general threat summaries, or
27 during the writ period we talk about SITREPs, those are
28 situational reports; that's what SITREP means. That was a

1 mechanism for sharing.

2 **MS. LYNDA MORGAN:** And when you speak about
3 briefings, you touched on briefings to the Minister of
4 Democratic Institutions.

5 **MR. LYALL KING:** Yes.

6 **MS. LYNDA MORGAN:** What other -- who else did
7 you provide briefings to?

8 **MR. LYALL KING:** So I recall specifically
9 briefing the Minister of Democratic Institutions. I think
10 certainly twice. I briefed my Minister, the Minister of
11 National Defence. I won't speak on behalf of my colleagues,
12 but I believe they would have provided briefings upwards
13 through their own organizations to their Deputy Ministers or
14 Ministers as well. We briefed Deputy Minister committees.

15 We certainly worked with Privy Council Office
16 as well, before, and as the Panel started to be set up, to
17 combine not just SITE information but information from other
18 sources; for example, Privy Council Office, Democratic
19 Institutions, to Allen Sutherland's space. That information
20 was collated by PCO to brief up to the Panel later on. So
21 there's a lot of opportunities for briefings.

22 **MS. LYNDA MORGAN:** And are you able to
23 describe in any detail what type of information you were
24 receiving from PCO, DI?

25 **MR. LYALL KING:** What type of information I
26 was receiving?

27 **MS. LYNDA MORGAN:** Or what type -- sorry;
28 what type of information was -- what you've just described,

1 information incoming into SITE, as I understand it.

2 **MR. LYALL KING:** Sure. What I was just
3 referring to, just to clarify, that was a mechanism for
4 briefing. We started briefing the Minister of Democratic
5 Institutions on what SITE was doing. Privy Council Office
6 wanted to make sure that -- there was other activities
7 happening across government and they wanted to make sure that
8 was getting folded into those discussions, those Privy
9 Council Office pulling broader information from, for example,
10 PCO and DNI and perhaps their engagements, for example, with
11 social media companies and the like. So that was being
12 pulled together to brief up to the Panel.

13 So we did, by nature, I suppose, see that
14 information as well but that wasn't necessarily intended as
15 an inflow specifically to SITE. I hope that's clear; sorry.

16 **MS. LYNDA MORGAN:** And in terms of
17 information flow into SITE, ---

18 **MR. LYALL KING:** Yes.

19 **MS. LYNDA MORGAN:** --- was there a direct
20 information pathway from Elections Canada or OCCE?

21 **MS. LYNDA MORGAN:** So we did have a couple of
22 engagements as a group, SITE, with Elections Canada and OCCE,
23 just to share, again, awareness of what we were doing and
24 create a communications path. But there were already
25 preexisting linkages between Elections Canada, OCCE, and for
26 example, CSIS and the RCMP. But I would defer to my
27 colleagues to describe the nature of that engagement.

28 **MS. LYNDA MORGAN:** Okay. So perhaps I'll

1 follow up with you, Mr. Gordon, on that point specifically?

2 **MR. ERIC GORDON:** Yeah, so in the lead up to
3 the 2019 election, we did have specific meetings and
4 engagements, briefings, together with Elections Canada, their
5 security teams, and the OCCE to get to know each other's
6 mandates, capabilities, make those connections on how we
7 could communicate in the event that we needed to contact each
8 other and share information.

9 And again, with the OCCE we did have that
10 underpinning memorandum of understanding, which outlines what
11 the mutual responsibilities are in the event that a formal
12 request is received to assist on an investigation.

13 **MS. LYNDA MORGAN:** And, CSIS Representative
14 2019, are you able to provide a response as well?

15 **CSIS REPRESENTATIVE:** Yes. So we worked with
16 -- prior to the writ period, we had brought both the Chief
17 Electoral Officer and the Commissioner of Canada Elections in
18 to provide them foreign interference briefings to sensitize
19 and educate them to the broader threat landscape we were
20 seeing.

21 Above and beyond that, our intelligence
22 reports, as they related to FI in a broad array of the
23 democratic institution space, so again, not just at the
24 federal electoral space, but we wanted them to see the types
25 of intelligence reporting we were seeing in, you know,
26 provincial level or municipal level politics as well so that
27 they could get an understanding of the trade, craft, and
28 methodologies of the different threat actors. So we would

1 bring them in for reading sessions and they would read, you
2 know, chunks of intelligence reports at a time. Both -- we
3 did that both for Elections Canada and the OCCE. And we
4 certainly had direct engagement with them if they had
5 questions back or if they wanted to bring an issue to us, or
6 we wanted to bring an issue to them, we had some formal
7 sharing arrangements with them.

8 **MS. LYNDA MORGAN:** Thank you. So we talked
9 about the inflow of information to SITE. If we look first at
10 the writ period, from SITE, if we're kind of looking at the
11 concept of pushing information upwards, where could and did
12 information get shared?

13 **MR. LYALL KING:** So principally, during the
14 writ, we created an established basically a daily situation
15 report, knowing that we wanted to have something quick,
16 tactical, brief, and rapid, and up to date, as soon as
17 possible, getting up to the panel. So that was the principal
18 purpose for the SITREP, was to provide the Panel of Five with
19 collective inputs from SITE.

20 So my job as the Chair of SITE was to collate
21 those inputs into the SITREPs, not to edit them, not to
22 reassess what was provided. The demand was for each of the
23 partners to provide whatever input they had to me by a
24 certain point in time, in the morning, I believe it was 10:00
25 a.m. We would collate that, CSE would collate that into the
26 document and send that -- and disseminate that over email
27 through secure networks, and also through the use of client
28 relations officers to deliver those to individuals that did

1 not necessarily have access to the secure networks.

2 **MS. LYNDA MORGAN:** Okay. I'm going to pull
3 up one of the SITREPS ---

4 **MR. LYALL KING:** Sure.

5 **MS. LYNDA MORGAN:** --- so we can take a look
6 at it.

7 So CAN 9397, please.

8 **--- EXHIBIT No./PIÈCE No. CAN 9397:**

9 SITE TF SITREP: 09 September 2019

10 **MS. LYNDA MORGAN:** So is this the standard
11 form of a SITREP that you have described?

12 **MR. LYALL KING:** Yes. Correct. Yes.

13 **MS. LYNDA MORGAN:** And this one is two days
14 before the writ period, or before the writ dropped.

15 **MR. LYALL KING:** Okay.

16 **MS. LYNDA MORGAN:** And but let me just walk
17 you through kind of the contents of each of these SITREPs.

18 And first, I understand these are produced
19 daily, but not on the weekends, during the writ period?

20 **MR. LYALL KING:** That's correct. Yes.

21 **MS. LYNDA MORGAN:** And so we can see the date
22 at the top, obviously, ---

23 **MR. LYALL KING:** Yes.

24 **MS. LYNDA MORGAN:** --- quite visibly. And
25 below that, you can see "2019 Federal Election - Threat
26 Trend: STABLE".

27 **MR. LYALL KING:** Yes.

28 **MS. LYNDA MORGAN:** What is the kind of

1 purpose and meaning of that threat trend?

2 **MR. LYALL KING:** Yes, that was something we
3 wanted to try to be able to flag if we felt there was a
4 significant shift in the broad activity that we were seeing.

5 I've described earlier that we already
6 created a threat baseline. Ms. Denham describes doing the
7 same for the online information space so that we could get a
8 sense of what appeared to be quote unquote normal levels of
9 observable foreign interference.

10 So the notion here was, well, we might need
11 an indicator if we feel like it's getting much, much worse.

12 So it was really intended to capture in the
13 broad range over an arc of time if we were starting to see
14 something really shift during the election period. That was
15 the intent.

16 **MS. LYNDA MORGAN:** And shift specific to --
17 just to make sure we've covered this, all of the information
18 intelligence that ---

19 **MR. LYALL KING:** Right.

20 **MS. LYNDA MORGAN:** --- SITE is dealing with
21 relates specifically to what type of information?

22 **MR. LYALL KING:** Really to foreign
23 interference as it pertains to the Federal Election. Now,
24 foreign interference is a broad category. And I can
25 describe, if you'd like, but we had broken that out into
26 different categories of foreign intelligence -- sorry,
27 foreign interference, excuse me.

28 **MS. LYNDA MORGAN:** I will -- I will take you

1 ---

2 **MR. LYALL KING:** Okay.

3 **MS. LYNDA MORGAN:** --- through a document ---

4 **MR. LYALL KING:** Okay.

5 **MS. LYNDA MORGAN:** --- that goes through the
6 breakdown with you. But let's finish with the SITREP first.

7 So in terms of applying, though, the "Threat
8 Trend: STABLE", ---

9 **MR. LYALL KING:** Yes.

10 **MS. LYNDA MORGAN:** --- what were some of the
11 other threat trend options available?

12 **MR. LYALL KING:** Yeah, this is one where I
13 look back and think, "Huh," you know, I'm not sure I would do
14 it the same way.

15 To be honest, we didn't really spend an awful
16 lot of time. I'm trying to think of -- I don't recall the
17 different grades, if we had "stable", "severe", I really
18 genuinely don't recall. It was intended to be a bit of a
19 general sense, a bit of a quote thumb in the air sense of
20 what was happening. So there was no hard science behind it.
21 it would have really been when we kind of feel it and know
22 it, then we would really recognize it, in that sense.

23 So there was no -- I do not remember, at this
24 point in time, what the different options and words we would
25 have used outside of "stable".

26 **MS. LYNDA MORGAN:** Okay. And then we look
27 just below the threat trend. There's the dissemination list,
28 which indicates here:

1 "Please share with members of: SITE
2 TF ADMs; SITE TF DMs; [and] Panel of
3 5".

4 Can you just kind of describe in lay terms
5 who was on the dissemination list and, two, did the
6 dissemination list generally remain the same for the daily
7 SITREPs?

8 **MR. LYALL KING:** Yes. I think in terms of
9 the Assistant Deputy Ministers and Deputy Ministers, that was
10 really intended for the core SITEs group, but there are
11 others, certainly, that would be interested in that space. I
12 can't think off the top of my head. I'm sure we have
13 documentation as well that shows the specific dissemination,
14 the specific individuals that would have received those.

15 But really, it was for that core group within
16 the SNI community that had that responsibility, all the way
17 from our level and below, up to the Deputy Ministers, and
18 then of course the Panel of Five.

19 There would certainly be other individuals on
20 the recipient list, and as I described, those were generally
21 included to help facilitate the delivery of the SITREP. So a
22 chief of staff, an executive assistant, or a client relations
23 officer, for example. But it was fairly stable throughout.

24 **MS. LYNDIA MORGAN:** Thank you. And if you
25 look down the page, there's a category of "Threat Updates"
26 and then a category of "Operational Responses and Updates"
27 with a series of bullets.

28 I understand, Mr. King, you were the one

1 physically responsible for assembling the SITREPs?

2 **MR. LYALL KING:** Yes. I had a team of
3 people. So I would partake in that. But yes.

4 **MS. LYNDA MORGAN:** You would oversee the ---

5 **MR. LYALL KING:** Yes.

6 **MS. LYNDA MORGAN:** --- preparation of ---

7 **MR. LYALL KING:** Yes.

8 **MS. LYNDA MORGAN:** --- SITREPs? And ---

9 **MR. LYALL KING:** Correct.

10 **MS. LYNDA MORGAN:** --- was there any
11 filtering of information that you received from partners
12 before it ended up on a SITREP?

13 **MR. LYALL KING:** We, CSE, would not filter
14 anything. As I've noted, the expectation was to ensure that
15 we had a quick turnaround that, for example, RCMP or Global
16 Affairs, if they had an input, they would provide us the
17 exact form of words, and under which category that would
18 fall. So threat updates being really about what we're seeing
19 in terms of adversary or potentially adversary behaviours,
20 and operational responses and updates being, well, is there
21 an action or something we can do about that? And what is
22 that?

23 So it was really entirely up to the
24 constituent members to provide in the form, from their own
25 approvals, what they wanted to be reflected in there. For
26 me, it was simply take it, put it in, offer my staff to take
27 it, put it in, and then send it out the door.

28 **MS. LYNDA MORGAN:** And I understand there was

1 some information that might be too sensitive to include in a
2 SITREP, and if that was the case, how was particularly
3 sensitive information disseminated beyond use of a clients
4 relation officer (sic), which you've described?

5 **MR. LYALL KING:** Certainly. I think I can
6 speak very generally, and then I would refer to the CSIS
7 Representative to perhaps speak because largely it fell in
8 that space.

9 If information was too sensitive to put in
10 there, it might be noted as, for example, a serial number for
11 a report, with maybe a very general descriptor of what that
12 serial -- what that piece of intelligence might be about,
13 just to ensure that -- because again, there is individuals on
14 that recipients' list, like client relations officers and
15 others, that may not have a real need to know of that
16 information. So it would be acknowledged, generally
17 speaking, in some way, with a flag to a report, and then
18 delivered through a regular mechanism slot.

19 But I would defer to my CSIS colleague for
20 any further information on it.

21 **MS. LYNDY MORGAN:** Right.

22 And CSIS Representative, do you have any
23 additional information on this point?

24 **CSIS REPRESENTATIVE:** So generally speaking,
25 any of the items we were adding to a SITREP would have had an
26 accompanying intelligence report of some kind with it. And
27 if we had deemed that even giving in the SITREP any
28 information about that report, even just the title of the

1 report was too sensitive, we would reference a report number,
2 rather than any other information.

3 And that report would have been disseminated
4 for our normal dissemination practises, which during the writ
5 period, and even before that, was all of the five deputy
6 ministers who sat on the Panel of Five received that
7 information directly, electronically. Again, it might have
8 been to a chief of staff or an executive assistant, but they
9 were directed to them, those reports, or through a client
10 relations officer that we would have asked for it to be
11 disseminated that way.

12 So there was no chance that information on a
13 SITREP that said this item's too sensitive wouldn't have also
14 reached individuals who needed to see it by other means.

15 **MS. LYNDA MORGAN:** And can I make sure I
16 understand your evidence on the issue of dissemination of the
17 underlying reports. Were intelligence reports also regularly
18 sent directly to Panel members?

19 **CSIS REPRESENTATIVE:** Yes. So once the Panel
20 was established, and membership of it was known, which I
21 think was at some point after January of 2019, if I recall
22 correctly, we added all of our foreign interference
23 Democratic Institution reporting with a fairly low bar for
24 relevance to -- we added the Panel members themselves to our
25 dissemination list.

26 In some cases, they might have already been
27 regular recipients of our intelligence, but in others, it was
28 unlikely that they would have been receiving our

1 intelligence, would have -- they likely wouldn't have been a
2 client normally. And so we made certain that they were
3 receiving that intelligence regularly.

4 **MS. LYNDA MORGAN:** And that started in
5 January of 2019 or just in the writ period?

6 **CSIS REPRESENTATIVE:** No. I think that
7 started -- it started as soon as the Panel membership was
8 established, which I believe was January of 2019.

9 **MS. LYNDA MORGAN:** Okay, thank you.

10 And so apart from SITREPs and circulating
11 intelligence reports electronically, I understand there was
12 also some direct briefings to the Panel. Is that correct?

13 **MR. LYALL KING:** Yes, that is correct; yes.

14 **MS. LYNDA MORGAN:** And are you able to
15 describe mechanically who conducted those briefings, what the
16 purpose was, and how regularly those briefings occurred?

17 **MR. LYALL KING:** Yes. I mean, I would first
18 state that I didn't always participate in those briefings,
19 though I was aware of them and be -- often contributed
20 material to them. There were a number of briefings designed
21 to bring the SITE, or sorry, excuse me, the Panel of Five up
22 to speed on a range of issues, including what SITE's
23 activities were, including what the overall threat nature
24 looked like.

25 So we, SITE, would certainly combine our
26 information to share upwards to be delivered to the Panel.
27 Typically, that was delivered at the deputy minister level.
28 So representing SITE broadly speaking in 2019, that would

1 have been Shelly Bruce, the Chief of CSE, and David
2 Vigneault, the Director of CSIS, who delivered those
3 briefings verbally to the Panel based on material that SITE
4 would have prepared related to the threat of foreign
5 interference.

6 **MS. LYNDA MORGAN:** And who initiated those
7 briefings?

8 **MR. LYALL KING:** In terms of initiation, the
9 Privy Council Office was really the anchor there in terms of
10 coordination, agenda setting, and the like.

11 **MS. LYNDA MORGAN:** Was -- like so were the
12 in-person briefings linked specifically, though, to a
13 particular piece of intelligence, or were they more of a kind
14 of diarised regular activity?

15 **MR. LYALL KING:** I see. Those -- and I'll
16 draw a distinction, perhaps. I know we are doing 2021 later,
17 but there was a bit of a difference I think in the frequency
18 of briefings to the Panel between 2019 and 2021.

19 As I recall in 2019, these were kind of the
20 monthly briefings in the lead up to the election for the
21 Panel, and then we shifted to daily SITREPs. I cannot
22 recall, and you'll have to excuse me because it's getting on
23 five years, if there were any other additional weekly types
24 of briefings to the Panel. I know that certainly happened in
25 2021. I'm not entirely sure -- actually, forgive me. I'm
26 sure we have records of the timings and dates.

27 **MS. LYNDA MORGAN:** But -- so just to be clear
28 what the answer is. It's more based on regularly scheduled

1 briefings, rather than a particular urgency with a piece of
2 intelligence, for instance?

3 **MR. LYALL KING:** Generally speaking, yes. In
4 the lead up to the writ period, they were more like a monthly
5 briefing so the Panel could understand, get together, discuss
6 their own business, and a portion of that included threats.
7 So that was around structured, set Panel briefings, rather
8 than at the -- for one particular piece of intelligence.
9 Though, again, I will defer to any of my colleagues if they
10 have a better recollection than mine for 2019.

11 **MS. LYNDA MORGAN:** So I'll ask if anyone does
12 before I move on to the next topic. Okay.

13 So can I pull up CAN 13638, please.

14 **--- EXHIBIT No./PIÈCE No. CAN 13638:**

15 Progress Update to ADMS - SITE Task
16 Force

17 **MS. LYNDA MORGAN:** And down to page 5,
18 please. Down one more page as well, and another. Okay, so
19 if you can stop there.

20 This slide shows a document that's described
21 as SITE Response Matrix. Is that document familiar?

22 **MR. LYALL KING:** Yes, it is.

23 **MS. LYNDA MORGAN:** And it says "Draft" at the
24 top, but is this -- does this appear to be a relatively
25 complete version?

26 **MR. LYALL KING:** I believe so, yes. That
27 looks like a later or possibly the last draft version.

28 **MS. LYNDA MORGAN:** And can you describe,

1 briefly, because we have time limits on us ---

2 **MR. LYALL KING:** Understood.

3 **MS. LYNDA MORGAN:** --- but can you describe,
4 briefly, what this document is, what it means in terms of
5 SITE's mandate?

6 **MR. LYALL KING:** Understood. It served a
7 couple of purposes. It really was for to educate ourselves.
8 At the end of day foreign interference, or excuse me, that's
9 parlance we use a lot at the CSE. Foreign interference has a
10 range of different activities. We wanted to try to be able
11 to capture and understand what those could be.

12 Across the top, you will see numbers 1 to 5
13 from left to right. Those are different categories or types
14 of foreign interference that we felt we might see from the
15 very specific cyber attacks targeting electoral
16 infrastructure all the way to covert public interference, and
17 then outside of that space, not interference but overt
18 influence.

19 So you have to look at the full range of
20 activities to see sort of where something might sit. We
21 wanted to understand how to, when information was coming in,
22 quickly identify it, what it might be, and who might have the
23 responsibility or a leading role in either responding to it
24 or sharing information.

25 So the rest of that document underneath those
26 categories tries to identify the types of activities that
27 SITE might be engaged in relative to a category. So under
28 cybersecurity threats, we have monitor, defend, disrupt, then

1 expose. Those are potential tools we could use if we had
2 enough of a threshold of information to be able to, for
3 example, attribute to a specific state actor that wasn't too
4 sensitive either. It was intended as a guide to say what
5 type of activity we might conduct and who might be a leading
6 partner in taking that activity. This was constructed and
7 based on tabletop exercises that we had conducted as a group,
8 as SITE, earlier in 2019, I believe, where we ran through
9 different scenarios like what might happen if there is a
10 cyber attack, for example, what would our responses be, what
11 would our relative authorities be? That was the intention.
12 Walk through tabletop exercises, talk through scenarios, and
13 this is a distillation of that into one chart. I'll be very
14 clear, it's not, like, a hundred per cent capture of maybe
15 all the options or all the things we might do. It's intended
16 as a general guide -- it was intended as a general guide for
17 the SITE Task Force and our operations.

18 **MS. LYNDA MORGAN:** And just to be clear on
19 the meaning of kind of "disrupt", for instance ---

20 **MR. LYALL KING:** Correct, yeah.

21 **MS. LYNDA MORGAN:** --- you're not suggesting
22 that SITE would instruct one of the members to disrupt, for
23 instance; right?

24 **MR. LYALL KING:** That's correct. So if we
25 look at that category of disrupt on the far left that has CSE
26 and RCMP, that is really specific to what our authorities and
27 mandates might be, and the leaders of those individual
28 organizations might be able to bring to bear to address the

1 issues, so not SITE, which might be confusing because it's
2 called a SITE response matrix, so I understand maybe there's
3 some confusion there. This is for SITE to understand that
4 world, but really, it refers to an individual authority, one
5 of the constituent members to be able to take an action.

6 **MS. LYNDIA MORGAN:** And to take that action,
7 would the member need to take the information back to their
8 body or is SITE the one that can say here's what I need you
9 to do RCMP?

10 **MR. LYALL KING:** Right. No, SITE would not
11 approve. It would be likely an instance in a cyber attack
12 where I would bring the information to the SITE table, I
13 would describe what it was, and I might say we are going to -
14 - we, CSE, is going to take a cyber operation to disrupt this
15 activity. It was not to seek authority, not to seek
16 approval. It was for sharing and coordinating if we needed
17 to. I believe I described earlier that in a cyber operation
18 there would be some joint discussions between the CSE and
19 Global Affairs. It would be able to trigger that sort of
20 awareness and then coordination where required.

21 **MS. LYNDIA MORGAN:** So I'd like to take you
22 now to some specific intelligence flow during the 2019
23 election. And just to be clear, I'm basing these on the
24 topical summaries, which I understand the SITE members have
25 had an opportunity to review and may have in front of you.
26 Although I'll start first with one that is not in those,
27 which is the Buffalo Chronicle. So I understand that there
28 was an issue relating to the Buffalo Chronicle that was

1 identified by the RRM in 2019; is that correct?

2 **MS. GALLIT DOBNER:** Yes, that's correct.

3 **MS. LYNDIA MORGAN:** And are you able to
4 explain the issue and who, if anyone, that information was
5 shared with?

6 **MS. GALLIT DOBNER:** Sure, yeah, I'm happy to
7 do that. So I think it's important to begin by saying that
8 we didn't observe any evidence of foreign state sponsored
9 disinformation vis-à-vis the Buffalo Chronicle. I think
10 that's important to put out there. The Buffalo Chronicle was
11 a US-based news website that posted all sorts of content.
12 And it really hit RM Canada's radar a few days before the
13 election in 2019 when we saw media reports from the Toronto
14 Star and BuzzFeed indicating that 8 out of 10 of the most
15 popular articles posted on the Buffalo Chronicle included
16 salacious content, or rumours, or presumed disinformation
17 targeting political leaders in Canada, particularly, the
18 Prime Minister. There was also another organization that
19 posted online a petition calling on the RCMP to investigate.

20 So my team at that point looked into the
21 Buffalo Chronicle to see if we could confirm some of these
22 news reports. And what the team found is that, yes, 8 out of
23 10 of the news stories in the Buffalo Chronicle were indeed
24 about Canadian politics and included what seemed to be a
25 number of false narratives. What we also saw was that the
26 Buffalo Chronicle was using a number of very poor
27 journalistic practices, so no bylines, anonymous sources, and
28 the folks that they listed on their website as contributing

1 authors in no way affiliated themselves with the newspaper.

2 Another thing that we noted was that the
3 website was not for commercial gain. So when I say that,
4 what we would usually see in instances like this is click
5 bait. So you would go on a news site because they had some
6 kind of salacious content, you would click, and the news site
7 would gather funds from the advertisers on the website. In
8 this instance, some of the advertising didn't go anywhere, it
9 didn't link to anything else, and businesses that were
10 advertised didn't seem to even be aware that they were being
11 advertised on the website. So there were some of these
12 indicators.

13 However, when we looked at the amplification
14 of these stories on Facebook principally, we did not see any
15 evidence of foreign state sponsored accounts amplifying the
16 stories. So there was no evidence to suggest that there was
17 a foreign state that was behind the stories. So at that
18 point, of course, we reported on it. It was in our daily
19 sitrep. We also did a little bit of a deep dive report, so
20 that we could discuss it with colleagues at the SITE table,
21 but that was where we stopped since, as Ms. Denham said
22 earlier, when we do not see any suggestion of foreign state
23 sponsored activity, it's no longer our mandate.

24 **MS. LYNDA MORGAN:** Thank you. And it's in a
25 sitrep, so it was -- am I right it was shared with the Panel
26 of Five?

27 **MS. GALLIT DOBNER:** That's correct.

28 **MS. LYNDA MORGAN:** Okay. I'm going to ask

1 you now very high level about some other groups of
2 intelligence, so that we can move on to two other topics that
3 I want to cover with SITE. So I understand that SITE
4 received intelligence on alleged foreign interference in a
5 Don Valley North nomination contest that took place during
6 the 2019 federal election; is that accurate?

7 **MR. LYALL KING:** Yes.

8 **MS. LYNDA MORGAN:** And is that information
9 that was shared with the Panel of Five?

10 **MR. LYALL KING:** Yes.

11 **MS. LYNDA MORGAN:** Did SITE TF receive any
12 intelligence concerning the PRC favouring particular
13 political candidates in Greater Vancouver?

14 **MR. LYALL KING:** Yes.

15 **MS. LYNDA MORGAN:** And was that information
16 shared with the Panel of Five?

17 **MR. LYALL KING:** Yes, it was.

18 **MS. LYNDA MORGAN:** Was SITE TF made aware of
19 a threat reduction measure conducted before GE 43 to reduce
20 the foreign interference threat posed by government?

21 **MR. LYALL KING:** Yes, it was.

22 **MS. LYNDA MORGAN:** And was that information
23 shared with the Panel of Five?

24 **MR. LYALL KING:** Yes.

25 **MS. LYNDA MORGAN:** And was SITE made aware of
26 allegations relating to the transfer of roughly \$250,000 from
27 PRC officials in Canada, possibly for FI related purposes?

28 **MR. LYALL KING:** Yes.

1 **MS. LYNDA MORGAN:** And was that information
2 shared with the Panel of Five?

3 **MR. LYALL KING:** Yes.

4 **MS. LYNDA MORGAN:** I'd like to move on to the
5 topic of political party briefings. So and I understand that
6 SITE gave secret level briefings to cleared members of
7 political parties during the 2019 election; is that accurate?

8 **MR. LYALL KING:** That's correct, yes.

9 **MS. LYNDA MORGAN:** And I think you told the
10 Commissioner earlier this morning that those briefings were
11 facilitated through PCO?

12 **MR. LYALL KING:** Yes.

13 **MS. LYNDA MORGAN:** What was the desired
14 outcome or purpose of those briefings?

15 **MR. LYALL KING:** Certainly the desired
16 outcome was to really educate, I think, the baseline to say
17 provide a little bit more information than what might be
18 found in open sources because what we did share was at the
19 secret level; therefore, based on classified information, but
20 it was really intended to inform political parties and
21 specifically the -- many of the individuals who were involved
22 in the campaigns about the tactics and the techniques used by
23 foreign adversaries in the course of engaging in foreign
24 interference activities, so that they could have a better
25 understanding, raise their own awareness, much as Tara
26 describes RM activity, sharing that with other partners, so
27 they might be able to identify in their own spaces as well
28 where this could be happening. The other reason for the

1 engagement was to open up, you know, the two-way
2 communication with those parties, so not just intended for us
3 to be downloading information on to them, but open up a path
4 where if they had a concern or felt there was an issue, that
5 they could relay that information back through to us as well.

6 **MS. LYNDIA MORGAN:** And when sharing
7 information at the secret level, are there limitations on
8 what type or kinds of information can be shared?

9 **MR. LYALL KING:** Yes, there absolutely is.
10 There are different levels of classification based on the
11 respective level of injury that might be caused if such
12 information gets out into a public space. So there's
13 naturally the lower of classification you go to, the less
14 specificity you might find in the information in and of
15 itself. So at the secret level, we are able to speak about
16 not just trends, but a bit more specific about tactics and
17 techniques used, but we may not refer to the specific source
18 of the intelligence, we may not refer to specific
19 individuals, for example, we may have to generalize to an
20 extent.

21 **MS. LYNDIA MORGAN:** And in terms of the --
22 like, physically how these briefings occurred, how was the
23 information conveyed to the cleared political party
24 representatives?

25 **MR. LYALL KING:** The information that SITE
26 Taskforce presented, which would have been a combination of
27 secret information, some unclassified, if it related to the
28 online information space, this was briefed verbally to

1 political parties.

2 **MS. LYNDA MORGAN:** And were the parties able
3 to take notes?

4 **MR. LYALL KING:** No, we had a discussion, or
5 PCO led a discussion in and around how to manage the
6 information, in a sense. They could not take notes. It was
7 really there for them to listen and to try to understand,
8 rather than taking specific information back on a piece of
9 paper.

10 **MS. LYNDA MORGAN:** And to the extent that
11 representatives received classified information, what, if
12 anything, were they permitted to do with that information?

13 **MR. LYALL KING:** Again, that was to make them
14 aware. So to contextualize, maybe in greater detail, what
15 foreign interference was, how it was conducted, and in what
16 spaces it was being conducted, so that they would be able to
17 look in their own campaigns and their own spaces to try to
18 see if they could potentially identify activities of that
19 kind. So it was really an education and awareness
20 perspective. That's what we were trying to get across.

21 **MS. LYNDA MORGAN:** And did SITE provide any
22 advice or guidance to the parties about what they could do
23 with the information? How they could action it, for
24 instance?

25 **MR. LYALL KING:** We did. I think we -- going
26 back and thinking, again, we weren't providing them with a
27 level of information that was so specific as to take an
28 immediate action; right? It was really, "This is for your

1 awareness. This is for you to understand at a deeper level
2 what foreign interference is. This is for you to understand
3 how it happens. And for ultimately to help you try to
4 identify that in your own spaces." And therefore, if they
5 did see something, or potentially had a concern, to come back
6 and talk to the governments -- to SITE and PCO about that.

7 **MS. LYNDA MORGAN:** There's one briefing in
8 2019 on September 28th, 2019 which was a briefing to the
9 secret-cleared Liberal Party member only. And that was a
10 specific issue briefing not shared with any of the other
11 political party representatives. Is that right?

12 **MR. LYALL KING:** Yes.

13 **MS. LYNDA MORGAN:** Do you know, do any of the
14 members know who made the decision to brief the Liberal Party
15 Representative?

16 **MR. LYALL KING:** So I will defer to our CSIS
17 representative to answer that question.

18 **CSIS REPRESENTATIVE:** So from my
19 recollection, this was -- there was some information that had
20 come to us that we recognized needed to be shared both with
21 the panel, with our SITE colleagues. I'm not sure I
22 recollect the exact decision point. I believe seniors had
23 discussions, meaning at a Deputy Minister level, the Director
24 and others would have had discussions about what to do with
25 the information.

26 At some point, CSIS -- there was a decision
27 made that CSIS would brief the Liberal Party, alongside PCO,
28 separate and apart from the other political parties, in order

1 to give them some of this intelligence that we thought it was
2 important was shared.

3 **MS. LYNDIA MORGAN:** And are you able to shed
4 any further light on who made that decision?

5 **CSIS REPRESENTATIVE:** No, I'm sorry, I don't
6 recollect exactly how the decision was made. I think there
7 was probably some combination of internally in our
8 organization, but probably with consultation with panel
9 members as well.

10 **MS. LYNDIA MORGAN:** Thank you. And the
11 Commission has heard evidence of concerns that some of the
12 information shared by SITE with political party
13 representatives was generic, difficult to action, for
14 instance. Do you have any responses or comments on those
15 criticisms?

16 **MR. LYALL KING:** Yeah, I can begin. And I
17 can understand, certainly, to an extent, where some of that
18 sentiment comes from. This was a new thing for us, to be
19 quite frank, for SITE to be briefing political parties. It
20 was new for us to be clearing individuals in that space, to a
21 secret level, and new for us to be sharing classified
22 information with them. So there's a learning processes on
23 both sides.

24 As I've described, by nature, when you -- and
25 some of our intelligence does come from highly classified
26 sources, so to be able to downgrade it to a level to be able
27 to share, we'd naturally have to obfuscate certain
28 information, remove certain specificities so it can be become

1 generalized in that sense.

2 So that's where I think the common of the
3 generalization is.

4 Equally, it was never intended as a way for
5 us to share, like, "Here's, like, a list of 50 names of
6 individuals for you to go talk to." That's not the space
7 that we were in. We didn't necessarily have information to
8 that level of specificity either, to be quite clear. It was
9 to really educate.

10 So I can understand, in a sense, where some
11 of the concern over generalized statements are.

12 Equally, I think we would just flag that what
13 is known now in 2024 and what was known publicly back in 2019
14 are quite different things. So there is a lot more awareness
15 now of what foreign interference is. In part from the public
16 documents that have been shared by both CSE and CSIS in terms
17 of what foreign interference is and the activities that
18 happen. It's -- there's a greater awareness now.

19 So what we would have deemed secret back in
20 2019 may in fact be much more common knowledge and out in the
21 open now. So I think in recollecting and looking back, I can
22 equally understand how one could see that and say, "Well,
23 this is known now, so this wasn't really secret." Well, to
24 us it still was.

25 I will underline one last thing briefly if
26 you'll permit me, is that sometimes there is information in
27 opensource, in the news, or from other sources, that is out
28 there and people can access, but equally, if the message is

1 coming from a security or intelligence agency and it is
2 derived from classified information, it's still classified.
3 It might be out in a public domain from a different source,
4 but the fact that we might know of or be looking at something
5 can still be classified, even though it might be mirrored to
6 a certain extent in the public domain.

7 **MS. LYNDA MORGAN:** Thank you. Now, we've
8 spoken about information flow high level. I want to take you
9 just to one specific example of concerns around information
10 flow.

11 So can I pull up CAN3128, please?

12 Mr. King, these questions will be for you.

13 **MR. LYALL KING:** Yes.

14 **MS. LYNDA MORGAN:** This is an email chain
15 ranging from October 29th to November 1st, 2019. So that's
16 about a week after the election. Do you recognize this email
17 chain?

18 **MR. LYALL KING:** I do, yes.

19 **MS. LYNDA MORGAN:** Okay. And you were one of
20 the participants in this email chain?

21 **MR. LYALL KING:** I certainly was.

22 **MS. LYNDA MORGAN:** Okay. So if we start on -
23 - if you can scroll down a bit, please? If we stop there?

24 This is a discussion, you can see in the
25 subject line, about a CNSB. Can you just -- what's the
26 acronym, CNSB?

27 **MR. LYALL KING:** That would be a CSIS
28 national security brief, I believe. It's a CSIS product.

1 **MS. LYNDA MORGAN:** So it discusses the
2 receipt of that particular product with a date of
3 October 29th, 2019.

4 **MR. LYALL KING:** Yes.

5 **MS. LYNDA MORGAN:** And if we look at your
6 email, you note that you were surprised to receive it, and
7 you write that, quote:

8 "The document is massively
9 problematic from my perspective."

10 **MR. LYALL KING:** Correct; yes.

11 **MS. LYNDA MORGAN:** The Commission heard
12 evidence yesterday from Cherie Henderson, who was shown this
13 email, and who described the referenced report as
14 "identifying potential FI by a politically connected
15 Canadian. That person had not previously been identified as
16 acting on behalf of a foreign state, but appeared to have
17 been doing so in the period leading up to the 2019 election."

18 And the report initially assessed it likely
19 that the actor, quote:

20 "...has already had an impact on the
21 2019 federal election, and will
22 remain a foreign interference threat
23 after the election." (As read)

24 End quote.

25 Would you agree that what I read to you is an
26 accurate summary of a document that we are not going to be
27 getting into?

28 **MR. LYALL KING:** Yes.

1 **MS. LYNDA MORGAN:** And in the first bullet
2 point on page 1, you also note that:

3 "SITE had no visibility of this
4 reporting."

5 And that, quote:

6 "It is possible some components of
7 the story were passed, but they were
8 not clearly linked into a coherent
9 narrative."

10 End quote.

11 And so if I summarise the main point of your
12 statement there, you were concerned that information had been
13 passed along in a piecemeal fashion?

14 **MR. LYALL KING:** Partially, yes. That was
15 partially my concern.

16 **MS. LYNDA MORGAN:** And -- so what's the other
17 part of the concern?

18 **MR. LYALL KING:** It was equally sort of the
19 timing and the bottom-line statements, as you had just read
20 out. I note in this email that I'm pretty certain we had
21 received bits and pieces of the intelligence over an arc of
22 time, but certainly over a number of months, or it's years,
23 potentially. One can lose the thread, I suppose, in a sense;
24 right? You're hearing it bit by bit coming through.

25 When that report was issued, it was probably
26 the first time that I had seen it all together with, you
27 know, an assessment statement attached to it as well, which
28 when seeing it in that format was quite interesting. My

1 concern was with the dissemination. Not that it -- like it
2 went to people that should have and needed to see it, to be
3 very clear. It was that it was it went to them at the same
4 time as it went to SITE, and given the nature of it, just
5 after the election, and the bottom-line statement seemed to
6 have some disagreements with what we were saying from a SITE
7 perspective with regarding the nature of the foreign
8 interference, I was concerned about the messaging being
9 conflicting and going up to seniors.

10 And I felt, well, really, effectively, I
11 would liked to have had a chance to talk through it and to
12 understand at the end of the day. Not that I wouldn't
13 ultimately have agreed with what the assessment was, but at
14 first glance, SITE was saying one thing, and this report
15 seemingly said something different. So that's where I felt
16 it was problematic in that sense.

17 **MS. LYNDIA MORGAN:** And if we scroll down to
18 the next page, please.

19 The second bullet, "Dissemination of
20 intelligence", you've already touched on some of this, but
21 you raise specific concerns about timing, quote:

22 "...one week after the election..."

23 And as you've just stated:

24 "...when this information was clearly
25 known beforehand and built up over
26 time."

27 In addition to what you've already told us,
28 are you able to tell us anything further about your concern

1 respecting dissemination and timing?

2 **MR. LYALL KING:** Yeah. I think it touches on
3 a point there with respect to, you know, the sensitivity of
4 some intelligence. And you know, we have to acknowledge that
5 some sources are very sensitive and must be guarded. And I
6 will note that even within the SITE group itself, we have
7 differences in the way that we operate, differences in
8 culture and approach, and the like, but we each protect our
9 information in certain ways.

10 So really, for me, ultimately, I was looking
11 at this as SITE being a pretty small group of individuals,
12 you know, ultimately the people that you see here with a few
13 others that would support us, I was hoping that we could make
14 sure that we saw a more complete version of the intelligence
15 than that we had seen. So it speaks a little bit -- a number
16 of issues at the end of the day, and indeed, the challenge of
17 intelligence in looking at certain issues over an arc of
18 time, the sensitivity, pulling it together, and statements
19 and assessments.

20 In a nutshell, I would say, you know, this
21 sort of thing does happen from time to time. I describe
22 often the relationship with my intelligence partners at CSIS
23 as like siblings. We don't always get along, we don't always
24 see eye to eye. We have disagreements from time to time, but
25 we always are able to work through him.

26 And so on that last point, I would say that
27 certainly the issues of some of the sensitivity of
28 intelligence and the issues of dissemination reporting, we

1 certainly discussed it and tried to address that when we
2 went into 2021, reflecting that into our lessons learned, and
3 then ultimately, folding some of that into updating our
4 documentation and terms of reference, et cetera.

5 **MS. LYNDA MORGAN:** I'll take you to one more
6 email just to complete this chain, as I know we are running
7 out of or out of time.

8 **MR. LYALL KING:** Yeah.

9 **MS. LYNDA MORGAN:** Is doc CAN 3126.

10 **--- EXHIBIT No./PIECE No. CAN 3126:**

11 Email: Response from CSIS

12 **MS. LYNDA MORGAN:** This is an email from
13 November 3rd, 2019. Again, do you recognise this email,
14 Mr. King?

15 **MR. LYALL KING:** I do.

16 **MS. LYNDA MORGAN:** Okay. And you reference
17 the issue, which is the issue that was just set out in the
18 email chain that we just looked at.

19 **MR. LYALL KING:** Correct.

20 **MS. LYNDA MORGAN:** You reference that issue
21 being "nonchalantly dismissed by Cherie." What, if anything,
22 can you tell us about the concern that you raise in this
23 email?

24 **MR. LYALL KING:** I think when I -- I had
25 delineated, and as you saw in the previous email, a very
26 purposeful manner sort of what my concerns were, so I just
27 wasn't happy with what the initial response back was, to be
28 quite frank. This is an emotional email for sure. But my

1 initial response was "Well, I don't think they really
2 understood what I was trying to get across. It was -- it
3 hasn't been dealt. And to be fair, I wasn't part of those
4 conversations.

5 so ultimately that was an initial reaction to
6 an initial response, but again, I will go back to what I just
7 stated is that we did have conversations about after -- we
8 did have conversations about how to improve the sharing, and
9 we did roll that up into our lessons learned in our after
10 action reports. So an acknowledgement that there were
11 challenges and we needed to address them.

12 **MS. LYNDA MORGAN:** And I notice, well, just
13 again to complete this exchange, the report was modified
14 later, removing the assessment regarding the actor's impact
15 on the 2019 election. Were you part of discussions relating
16 to that modification?

17 **MR. LYALL KING:** No, I had no visibility into
18 that. And to be very clear, my intent wasn't to try to
19 influence that, my intent was to try to have a conversation
20 about something that I thought could be problematic so we
21 could understand what the perspectives were.

22 Again, the ultimate sentiment that was in the
23 original document didn't quite align with our broader view.
24 That doesn't mean those two things and two views couldn't
25 co-exist, but it was more trying to understand on how to
26 communicate that if that was the fact.

27 But bottom-line, I didn't have visibility of,
28 I didn't have knowledge of, until it was re-issued, of what

1 had happened with that report, that entirely and internal
2 CSIS discussion and response.

3 **MS. LYNDIA MORGAN:** And time permitting, I
4 would ask one more question in relation to the after action
5 report? Thank you.

6 It's CAN 8973.

7 **--- EXHIBIT No./PIÈCE No. CAN 8973:**

8 SITE Task Force After Action Report -
9 2019 Federal Election

10 **MS. LYNDIA MORGAN:** So this is a version of
11 the SITE After Action Report 2019.

12 **MR. LYALL KING:** Yes.

13 **MS. LYNDIA MORGAN:** This is a version from
14 August 2020.

15 Go down to PDF page 13, please. Close to the
16 bottom of the page under Overall Threat Assessment. If you
17 could stop there, please.

18 Starting five lines from the bottom, we see
19 the conclusion:

20 "...SITE TF did observe foreign
21 interference activities targeting
22 certain ridings and candidates in
23 relation to the election, directed
24 largely from China and to a lesser
25 extent from India and Pakistan...SITE
26 TF assessed that none of these
27 foreign interference activities were
28 part of a broad-based electoral

1 interference campaign and did not
2 have an impact on the overall outcome
3 of the election. In addition, none
4 of the activities met the threshold
5 to pursue criminal investigations."

6 Is -- does that accurately summarise the
7 Panel 2019's conclusion in relation to foreign interference
8 activities?

9 **MR. LYALL KING:** That accurately includes the
10 SITE's view of activities, which would have been briefed up
11 to the Panel.

12 **MS. LYNDA MORGAN:** And was the fact that SITE
13 observed FI-related activities in certain ridings and
14 candidates briefed to this -- the secret cleared political
15 party representatives?

16 **MR. LYALL KING:** The specifics of I'm not --
17 I would like to defer to my service colleague, simply because
18 much of that information came from the service. I believe
19 so, but I would defer to the service on that.

20 **MS. LYNDA MORGAN:** Yes, thank you.

21 **CSIS REPRESENTATIVE:** So I think that there
22 were a couple of engagements with individual political
23 parties, the one with the Liberal Party that you have noted
24 already, and there was one additional engagement that -- with
25 another political party that happened separate and apart from
26 the broad briefings, where a specific item was discussed at
27 the party's request. But beyond that, and beyond what was
28 provided in the broad classified political party briefings,

1 there wasn't for 2019 additional engagements that would have
2 gone into specifics.

3 **MS. LYNDA MORGAN:** Thank you. Yes?

4 **MS. GALLIT DOBNER:** Sorry, I just wanted to
5 add one precision here. In the bottom-line judgment at the
6 end where it says that SITE TF assessed that none of these
7 foreign interference activities were part of a broad-based
8 electoral interference campaign, indeed, that was SITE Task
9 Force's assessment. The second part of the sentence that
10 opines on the impact on the overall outcome of the election
11 was more of a reference to what the Panel of Five ultimately
12 determined. The SITE after-action report came out well after
13 the election. So that was a reflection of what the Panel of
14 Five felt because it was not within SITE's purview to
15 determine the impact of the activities that we observed. It
16 was to share that information with the Panel of Five to then
17 determine what the potential impact could be on the Canadian
18 election.

19 **MS. LYNDA MORGAN:** Okay. Thank you. Thank
20 you.

21 **COMMISSIONER HOGUE:** Thank you.

22 We will be supposed to start cross-
23 examination. We have 45 minutes before lunch. Is it better
24 to take lunch now? No, we -- okay. We'll -- I'm looking at
25 the -- I'm very obedient so.

26 Okay. So first cross-examination will be
27 Michael Chong.

28 **MR. GIB van ERT:** Thank you, Commissioner.

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

2 MR. GIB van ERT:

3 MR. GIB van ERT: Good afternoon, Panel.

4 I'll ask the Court Operator to pull up the document we were
5 just looking at, CAN 8973. If you go to page 3, about the
6 middle of the page, this is in fact, I think -- if you'd make
7 it a little larger? It's under Foreign Interference Threats.
8 There we are. Thank you. Actually, forgive me -- oh, hang
9 on a moment. I want to make sure I'm on the right document
10 here. Yes, there we are. So I think this is the same
11 passage that we were looking at from page 13, but just placed
12 as a summary here. So let's make sure we're on the same page
13 here. It's the passage just above the longer redaction that
14 says,

15 "However, SITE TF did observe foreign
16 interference activities targeting
17 certain ridings and candidates in
18 relation to the election, directed
19 largely from China, [...] lesser
20 extent [...] India and Pakistan.
21 SITE TF assessed that none of these
22 foreign interference activities were
23 part of a broad-based electoral
24 interference campaign, and [did --]
25 did not[, rather,] have an impact on
26 the overall outcome of the election."

27 So I wanted to ask you about that, and, of
28 course, I've heard witness Dobner has just said about the

1 overall outcome. So to clarify, even though this sentence
2 says that SITE TF assessed certain things and goes on about
3 the overall impact, the overall impact is not a SITE
4 assessment? Have I understood you correctly?

5 **MS. GALLIT DOBNER:** That's correct. It
6 wasn't within the purview of SITE Task Force to opine on the
7 impact of what we were seeing. That was the role of the
8 Panel of Five.

9 **MR. GIB van ERT:** Okay. So this is -- and
10 this is dated August 2020, if I recall, so we know by then
11 what the Panel of Five has determined and this is reflecting
12 that?

13 **MS. GALLIT DOBNER:** Correct.

14 **MR. GIB van ERT:** Thank you very much. Are
15 you able -- and I may have to ask the Panel of Five this,
16 given what you've just said, but are you able to enlighten us
17 at all about the phrase "overall outcome of the election"?
18 For instance, does that -- did you understand that to mean
19 who would form the government?

20 **MR. LYALL KING:** So -- and it's a good
21 question and I'm trying to recall how we came to formulate
22 these words. It has been a few years, of course. Generally
23 speaking, I think that is a pretty accurate reflection, I
24 think, of the thought. It's in a very broad general sense
25 was there any real dramatic shift than what we thought would
26 have happened, but, again, to Gallit's point, you know,
27 putting this statement in, even that in and of itself in
28 hindsight, you know, probably not the right thing to do, and,

1 in fact, we didn't do that on the 2021 after-action report.
2 We really tried to steer towards just what we had observed
3 rather than weighing in on statements and impact because it
4 is very difficult to determine impact in this space as well.
5 But it was meant to capture a very broad sense of the
6 outcome.

7 **MR. GIB van ERT:** Right. Okay. Thank you
8 very much. Some questions about the RRM for Ms. Denham. I
9 heard you say that the idea was to be able to share
10 information about threats, especially disinformation, and to
11 do so quickly. And, in fact, I've seen some documents. these
12 may be from 2021, but you'll tell me if it's the same in
13 2019, where they were literally called RRM Canada Daily
14 Briefs. Were these produced daily?

15 **MS. TARA DENHAM:** If it was during a writ
16 period, I'll just ask Gallit to confirm.

17 **MR. GIB van ERT:** I did mean during the writ
18 period, yeah.

19 **MS. GALLIT DOBNER:** So pardon me, without
20 seeing the document in front of me, I can't confirm with a
21 hundred per cent certainty, but I recall during the 2021
22 election writ period ---

23 **MR. GIB van ERT:** Yes.

24 **MS. GALLIT DOBNER:** --- my team produced sort
25 of daily sitreps, which is the information that then went
26 into the sitreps that were produced for the Panel of Five.

27 **MR. GIB van ERT:** All right. And do you
28 recall whether the same was done in 2019?

1 **MS. GALLIT DOBNER:** I don't believe we
2 produced as fulsome a daily report. I think it was simply
3 bullets that we then shared with CSE as chair of SITE to
4 include in the daily sitrep ---

5 **MR. GIB van ERT:** Oh.

6 **MS. GALLIT DOBNER:** --- if my memory serves.

7 **MR. GIB van ERT:** Understood. And you've
8 explained that these were open source and, therefore,
9 unclassified?

10 **MS. GALLIT DOBNER:** That's correct.

11 **MR. GIB van ERT:** Right. And so given their
12 lack of classification, they could be shared with anyone
13 essentially; is that right?

14 **MS. GALLIT DOBNER:** So within the Government
15 of Canada, just because a document isn't classified, it
16 doesn't mean that it can be shared with anyone.

17 **MR. GIB van ERT:** Okay.

18 **MS. GALLIT DOBNER:** And so I'm sure folks
19 will have seen examples, for instance, in Access to
20 Information Requests when documents are unclassified but
21 redactions are made nonetheless, because just because
22 information isn't classified, it doesn't mean it's not
23 sensitive.

24 **MR. GIB van ERT:** Well, let me ask you this.
25 Is there any reason why the RRM information that you were
26 gathering about disinformation or potential disinformation
27 from open-source sources could not have been sent to campaign
28 managers during GE 2019?

1 **MS. GALLIT DOBNER:** So the construct at the
2 time was that SITE was collecting information to then share
3 in turn with the Panel of Five to make a deliberation, as we
4 all know, with regard to the threshold. And I think it's
5 been explained in the past that the threshold was set fairly
6 high because folks didn't want to create a situation where
7 the government itself is contributing to the discourse and
8 then potentially having an impact on the outcome of the
9 election. So the construct was simply that we shared
10 information at the SITE Task Force, and that was onward
11 shared with the Panel of Five to make a determination. And
12 it wasn't shared outwards. For instance, we didn't share
13 that information with G7 partners. We didn't share it with
14 civil society partners. It was particular to the SITE
15 construct.

16 **MR. GIB van ERT:** So I think I understand all
17 of that. All I was getting at was that there was no national
18 security reason that would prevent a sharing to political
19 campaigns, if that had been the model.

20 **MS. GALLIT DOBNER:** I think that's probably
21 correct, but again, I'd have to go back to the point that
22 just because information isn't classified, it doesn't mean
23 that it's not sensitive.

24 **MR. GIB van ERT:** All right. So it's not
25 being put on your website, for instance?

26 **MS. GALLIT DOBNER:** No, it wasn't put on our
27 website.

28 **MR. GIB van ERT:** Thank you. And last ---

1 **COMMISSIONER HOGUE:** I think she wanted to
2 answer.

3 **MR. GIB van ERT:** Oh, sorry.

4 **MS. TARA DENHAM:** I just wanted to add in as
5 well to a conversation that we had earlier, which is in that
6 social media environment, it is really, really difficult to
7 identify if it's just misinformation or disinformation. And
8 so the purpose for the RM, as was identified, is to feed that
9 information in, we have a broader scope we're reporting in.
10 But to share that before a full analysis or understanding of
11 what's happening, particularly indicators of foreign --
12 potential links to foreign, again, that would put us into a
13 very difficult situation.

14 **MR. GIB van ERT:** I see.

15 **MS. TARA DENHAM:** In fact, there could be
16 assumptions made that it was a foreign campaign when in fact
17 the daily SITREPs are real time in a politically charged
18 environment, and it could be Canadians speaking to
19 information and we are not -- we don't have conclusive
20 evidence.

21 So that's why during a writ period this
22 information, as Ms. Dobner has relayed, is shared for context
23 to track what's happening, but in 2019 we were never able to
24 confirm foreign links.

25 **MR. GIB van ERT:** Right. So those are policy
26 concerns against this idea, but I was just looking at whether
27 there was not sec reason against it. But you've explained,
28 well, there might be other reasons not to do it in any case.

1 **MS. TARA DENHAM:** Yes, and we're speaking to
2 the writ period and because the RM Canada is able to share
3 information outside of writ period. But in writ period, all
4 of these sensitivities needs to be taken ---

5 **MR. GIB van ERT:** Different considerations;
6 understood.

7 And my final question, which is also for you,
8 Ms. Denham, is to do with *The Buffalo Chronicle* matter. And
9 we've already heard that it wasn't state sponsored; it was
10 published outside the country. So I've got that. I also saw
11 from the report that in fact the story was debunked by third
12 parties, Snopes and other places, right? I see you nodding,
13 thank you.

14 Now, this morning Mr. Sutherland was here
15 giving evidence, and he gave evidence that he, at the
16 direction of the Clerk of the Privy Council at the time, Mr.
17 Shugart, asked Facebook to remove the article, and Facebook
18 did so. And my question for you is, are you aware of the
19 Clerk having given any similar directions in respect of
20 disinformation concerning Conservative Party of Canada
21 platforms or candidates?

22 **MS. TARA DENHAM:** I myself -- I was not in
23 the seat during the writ period so again, I'll have Gallit
24 speak to that.

25 **MR. GIB van ERT:** Yes, are any of you aware?

26 **MS. GALLIT DOBNER:** No, I was not aware.

27 **MR. LYALL KING:** I'm not aware.

28 **MS. TARA DENHAM:** I'm not aware.

1 **MR. ERIC GORDON:** I'm not aware.

2 **MR. GIB van ERT:** And I trust that the
3 witness I can't see is also unaware?

4 **CSIS REPRESENTATIVE:** Correct, I was also
5 unaware.

6 **MR. GIB van ERT:** Thank you. Those are my
7 questions.

8 **COMMISSIONER HOGUE:** Thank you.

9 Next one is counsel for Jenny Kwan.

10 **(SHORT PAUSE/COURTE PAUSE)**

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

12 **MS. MANI KAKKAR:**

13 **MS MANI KAKKAR:** Hi. Good afternoon to the
14 panel. My name is Mani Kakkar, and as the Commissioner
15 indicated, I'm counsel to Jenny Kwan.

16 I just have some questions where I want to
17 focus on information flows specifically from the SITE Task
18 Force to perhaps political parties or Members of Parliament.
19 And I understand that as a Task Force you may not be doing
20 that, it may be your individual agency's decisions to pursue
21 that sort of action. So I'd appreciate understanding both
22 where it is the Task Force and alternatively where it is a
23 specific agency, if that panellist could speak and let me
24 know.

25 From the Inquiry so far, what we've
26 understood of foreign interference again is that it can be
27 sort of smaller instances or occurrences, whether it's a
28 post, WeChat, or online, or an article, or a campaign event.

1 And so what I wanted to understand was how the Task Force or
2 the specific agencies understand the aggregated impact of
3 these smaller events. Because maybe in isolation, in a
4 single SIT Report on a particular week, it might look like
5 that was a very small event and therefore the situation is
6 still stable, but by week four you've had six of these and
7 perhaps collectively the picture looks different. So I
8 wanted to understand how the Task Force, or the agencies deal
9 with that sort of aggregation.

10 **Mr. LYALL KING:** Maybe I can begin, and I'll
11 maybe start with that second one because you raise a really
12 excellent point, in fact, and it is a challenge, from an
13 intelligence collection perspective, in that you do see bits
14 and pieces of information over time that are not always --
15 not always immediately apparent that it is related
16 specifically to foreign interference; as you've noted, it
17 might be some nature activity, and it is only over an arc of
18 time that you begin to see potentially a pattern of other
19 information that might corroborate and confirm these things.

20 So what you've described is just, in a sense,
21 the nature of intelligence collection and assessment. When
22 we assess issues, we assess foreign interference, we assess
23 foreign adversary behaviours. We're not looking at a very
24 narrow band of time. Typically, we're trying to understand
25 it over a very large arc of time, and it is, in fact, one of
26 the reasons why SITE exists outside of the writ period. The
27 intent is to be able to look at and discuss and track these
28 things over time, and then incorporate that information into

1 our overarching assessments, which is what we have done, and
2 which we can probably speak to somewhat as well in 2021.

3 So individual departments and agencies might
4 do that in different ways, but we quite simply do track,
5 understand, and then try to build the knowledge over time of
6 adversary, or suspected adversary behaviour. So it is the
7 process of intelligence in that sense.

8 I will maybe pivot to your first question, in
9 terms of information flow from SITE to political parties,
10 hopefully I'm answering this for you in the right way.
11 Essentially, SITE as a group briefed political parties
12 verbally before the writ and a few times during the writ.
13 This is both in 2019 and 2021. There were verbal briefings
14 to communicate the SITE's view of the threat, what SITE's
15 role was, et cetera, et cetera. That was a formal scheduled
16 set of briefings that was managed by Privy Council Office, so
17 they were always the coordinator of those, they were always
18 the Chair of those meetings. We were components of those
19 briefings to political parties. Other entities were there
20 from CSE, the Cyber Centre would have briefed in, from PCO,
21 Democratic Institutions, Al Sutherland would have a role to
22 brief in. So that's how SITE fed into those formal
23 preestablished set ones.

24 And then as you've heard from our CSIS
25 representative, there were times separate conversations, just
26 with maybe one political party, rather than all four, given
27 the sensitivity of the particular issue. Those were not
28 regularly scheduled, but those would have really involved

1 CSIS again, in coordination with the Privy Council Office in
2 managing that engagement.

3 MS. MANI KAKKAR: I appreciate your answer.
4 I don't know if there's any ---

5 MS. GALLIT DOBNER: I was just going pitch
6 in, if I might, on that in terms of how we, as a SITE Task
7 Force, addressed sort of traditionally piecemeal nature of
8 foreign interference because, indeed, from the lessons we've
9 learned from other government partners, foreign interference
10 doesn't begin and end during elections.

11 So I'd say there were three things that we
12 did to address that challenge, because it is a very real
13 challenge, and it makes our work difficult. Number one, it
14 was the work that we did in the run-up to elections, so the
15 threat assessments, the threat pictures that we put together
16 that we briefed-up, that we shared with others to try to
17 educate and understand what the pattern of behaviour was,
18 even before an election.

19 Number two, it was the low bar that we
20 applied to the information that we shared in the SITREPs.
21 So, for instance, RM Canada would include reports of
22 information that we were seeing in the online space, even
23 though we weren't detecting a foreign state-sponsored
24 disinformation campaign at that point, we recognized that
25 these sorts of things can start very small. So there was a
26 very low bar for the information that we shared.

27 And then third of all, I would say the oral
28 briefings of the P5, this was something, in particular, I

1 think we did well in the 2021 election, which we'll talk
2 about in the afternoon. But this was an opportunity for
3 leads from all of the four SITE members, or their Deputy
4 Ministers, to piece together the picture in a very coherent
5 way and explain to P5 members, in context, what it is that we
6 were seeing.

7 **MS. MANI KAKKAR:** I very much appreciate your
8 fulsome answer on the question. And sort of shifting, then,
9 to what I've come to view as foreign interference taking
10 place at sort of the campaign level, because many of the
11 examples we see are either targeting particular candidates,
12 particular political parties, and so it seems, at least to
13 me, and I'd like to hear from the panel, that the front lines
14 of foreign interference are really at the campaign level.
15 Would you agree with that sort of assessment?

16 **MR. LYALL KING:** I would say it's hard to --
17 sorry, I thought somebody was saying something there. Was
18 that a sneeze?

19 **MS. MANI KAKKAR:** It was a very loud sneeze.

20 **MR. LYALL KING:** I guess the way we would
21 state it, and again, my CSIS colleague may want to chime in
22 here, is that foreign interference does happen and it's in
23 many spaces. It's in all different sorts of levels of
24 government as well. We've described, I think, you know,
25 municipal, provincial, territorial. It's in a lot of
26 different spaces. So I -- what you're saying is correct in
27 that is a space, but it is pervasive in a lot of different
28 areas in society. So I don't know if my CSIS colleague wants

1 to comment on that?

2 **CSIS REPRESENTATIVE:** Yes. So you know, I
3 think one of the purposes of giving the political party
4 secret cleared representatives some access to secret
5 information that allowed them to see trade, crafts, and
6 methodologies of threat actors is so that if at that campaign
7 and riding level there were things coming to their attention
8 that might have aligned with some of the threat briefings
9 they had had, that they had a place to come back with that.

10 And certainly in the one instance I spoke of
11 with, you know, a political party coming forward, it was to
12 bring a concern forward about something they believed was
13 happening in a campaign. And so that allowed us to take in
14 that information, run it to ground, and respond back to them.

15 So your point is that, you know, these are
16 happening potentially at campaign levels, and to my colleague
17 from CSE's point that, you know, it is quite pervasive and
18 happening in all elements of society inside and outside of
19 elections. Foreign interference is certainly, you know, a
20 considerable threat to Canada and to Canadians.

21 I think that there were mechanisms that we
22 were trying to establish that would have allowed that
23 information to flow forward to us to be helpful to try and
24 address some of those concerns.

25 I hope that answers your question.

26 **MS. MANI KAKKAR:** It does. And it leads into
27 what I believe is going to be my last question, given the
28 time.

1 And if I could just ask for CAN13638 to be
2 pulled up? And specifically, page 5 of both the PDF and the
3 document. And again, if you're able to tilt it so that it's
4 -- or rotate it so that it's readable, that would be
5 appreciated. Okay. Perfect.

6 So I believe this is the same document in
7 black and white it's the SITE Response Matrix. And again, I
8 understand that SITE might have more limited capacity than
9 any of its particular agencies, so if your answer could
10 include both the SITE responsibility, Response Matrix, as
11 well as an individual agency's capacity, that would be
12 appreciated.

13 But the CSIS representative had mentioned
14 that there were ways to have that information flow out. And
15 when it comes to Members of Parliament, candidates, or
16 political parties, I wanted to understand, on this Matrix and
17 this Response Matrix, where they would be the recipients of
18 that information or response? I can understand, for example,
19 under "DISRUPT" for CSIS, you know, the TRM process may
20 include that. Is there anywhere else on this graphic where
21 the Response Matrix would include information going out to
22 MPs, candidates, foreign -- or political parties, sorry?

23 **MR. LYALL KING:** Yeah, I'll start there. I
24 think -- I mentioned earlier that this isn't necessarily a,
25 you know, 100 percent complete view of things and was built
26 on the back of tabletop exercises, and ergo, really meant as
27 an internal general guide for us.

28 What I will say is, from an overall SITE

1 activity and responsibility, what you might not see on this
2 is just the act of informing. That is an action taken.

3 SITE, as a collective, would be really
4 informing our Senior Deputy Ministers and the Panel. That
5 was really the core of where that information would go.

6 Then it devolves into individual agency and
7 department responsibilities, mandates, and authorities.

8 So from a Cyber Centre -- CSE, sorry, the
9 Cyber Centre is a component of CSE, there was outreach and
10 documentation prepared with respect to how to protect oneself
11 from cyber threats, how to protect campaigns from
12 specifically cyberthreats and how to manage information.

13 So we, as the Cyber Centre, have, in our
14 authorities and our mandate, the ability to provide advice
15 and guidance. And that was done through that activity. So
16 each component member would be potentially able or not able,
17 depending on the nature of the information, to share.

18 And that may be an important point as well.
19 This is a broad scope of potential things we could bring to
20 bear, given one particular piece of information that may not
21 be enough for us to take an action. There might need to be
22 an accumulation of information, for example, or a combination
23 of different sources to confirm, as Ms. Dobner mentioned
24 before. So there's a number of factors that we have to
25 consider.

26 But largely speaking, SITE would be informing
27 the Panel and our Deputy Ministers. And in that sense,
28 certainly during the writ, but then it would kind of devolve

1 down to the individual components, members, to bring their
2 authorities to bear, depending on, again, the thresholds they
3 have for individual actions.

4 **MS. MANI KAKKAR:** So just so I understand, on
5 this graphic, you would say that there's no where else that
6 information would be flowing from either SITE to the Members
7 of Parliament, and then -- or candidates and political
8 parties, and otherwise it would be the individual agencies
9 themselves that would make that decision?

10 **MR. LYALL KING:** Generally speaking, I would
11 just -- with that note of caution that this is not intended
12 to be a complete 100 percent capture of everything. Like,
13 there are other spaces we -- like, again, the informing from
14 SITE isn't necessarily mentioned there. But generally
15 speaking, that is correct.

16 **MS. MANI KAKKAR:** Thank you so much.

17 **MR. ERIC GORDON:** If I might just add? Oh,
18 I'm sorry.

19 **MS. MANI KAKKAR:** Oh, sorry about that, Mr.
20 Gordon.

21 **MR. ERIC GORDON:** Just to add a comment. If
22 an incident or a collection of incidents did meet a criminal
23 threshold, that would, just by the nature of criminal
24 investigations and the court process, bring it out into the
25 open sphere, and a candidate or an entity that was a victim
26 of this criminal activity would be a witness in that process
27 and then would, just by definition, be involved, if we got to
28 that, understanding that criminal investigations take time.

1 So although this is framed as a SITE Response
2 Matrix, if there were criminal investigations stemming from
3 activities, even if they occurred during the writ period, it
4 could extend well beyond that period for the amount of time
5 it could take to reach some kind of a judicial conclusion.

6 **Ms. MANI KAKKAR:** I appreciate your answer,
7 Mr. Gordon.

8 And even though I have some follow-ups, I
9 will have some self-restraint and realize my time is up.
10 Thank you.

11 **COMMISSIONER HOGUE:** Thank you.

12 So next one is counsel for Han Dong.

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

14 **MS. EMILY YOUNG:**

15 **MS. EMILY YOUNG:** Good afternoon,
16 Commissioner, and good afternoon to the panelists.

17 We have a couple of brief questions for the
18 CSIS representative on this panel in relation to the evidence
19 they provided before the Commission on March 1st, 2024.
20 Although we are, of course, happy to receive comments from
21 other panel members if they wish to add anything.

22 So to the CSIS representative, you gave
23 evidence on March 1st that CSIS sometimes adds caveats
24 related to concerns over motivation, which can appear in
25 intelligence reports.

26 Were you referring to concerns CSIS might
27 have over the motivations of a source of intelligence?

28 **CSIS REPRESENTATIVE:** I can't answer that

1 question.

2 **MS. EMILY YOUNG:** Are you able to provide the
3 Commission with anymore information about the kinds of
4 motivation CSIS might have concerns about? Just in general
5 terms.

6 **CSIS REPRESENTATIVE:** So I think that in this
7 space and my role on SITE, so I don't think I would be able
8 to speak to the exact question you're asking.

9 **MS. EMILY YOUNG:** Okay. And I take it you
10 probably won't be able to respond to my following question,
11 but I just want to put it on the record. Is it the case that
12 a concern about motivation could have an impact on the
13 reliability of intelligence information?

14 **CSIS REPRESENTATIVE:** In a very broad general
15 sense, yes, that is correct.

16 **MS. EMILY YOUNG:** And in some cases, it could
17 make the reliability of intelligence weaker?

18 **CSIS REPRESENTATIVE:** Again, that's not
19 necessarily the case. I think that in many ways, the -- you
20 can have truthful information and corroborated information
21 and still have some degree of uncertainty on the motivations.

22 **MS. EMILY YOUNG:** Okay. There could be a
23 possibility that in some cases, obviously, depending on the
24 circumstances, and we wouldn't ask you to go into specific
25 circumstances, but it's possible that in some cases it could
26 reduce reliability?

27 **CSIS REPRESENTATIVE:** Yes, I guess that is
28 correct.

1 **MS. EMILY YOUNG:** Okay. Thank you. Those
2 are our questions.

3 **COMMISSIONER HOGUE:** Thank you. Next one is
4 counsel for Conservative Party.

5 **MR. NANDO de LUCA:** Yes, can you hear me,
6 Commissioner?

7 **COMMISSIONER HOGUE:** Yes, I do.

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

9 **MR. NANDO de LUCA:**

10 **MR. NANDO de LUCA:** Thank you. Could I ask
11 that CAN.DOC 000011 be called up, please, or quadruple 0 11,
12 Institutional Report of the Privy Council Office.

13 **--- EXHIBIT No./PIÈCE No. CAN.DOC.11:**

14 Institutional Report for PCO

15 **COMMISSIONER HOGUE:** I think it's coming.

16 **MR. NANDO de LUCA:** Thank you. So on pages
17 2, bottom of page 2, top of page 3, there's a -- of this
18 report, there is a description of the composition of the
19 Panel of Five, and also how it receives and acts on
20 information from the SITE Task Force. Do you want to perhaps
21 just review those paragraphs? This is a general question.
22 And maybe I'll ask it this way while you're reviewing it. In
23 the last paragraphs on paragraph two, the last three
24 paragraphs, there is an indication of an incident or
25 incidents being reported to the Panel of Five and then
26 possibly being acted upon by the Panel of Five if it met the
27 threshold that we heard about earlier today. And, again,
28 this is a general question. Can you tell me, as used in this

1 report, does the word "incident" refer to any particular type
2 or level of foreign interference information, or does
3 "incident" simply mean the totality of the information
4 communicated in the daily SITE rep briefings, or does it mean
5 something else?

6 **MR MATTHEW JOHNSON:** Madam Commissioner?

7 **COMMISSIONER HOGUE:** Yeah.

8 **MR MATTHEW JOHNSON:** Madam Commissioner. I
9 am not clear what chart of this report, or which paragraphs
10 my friend is referring the panelists to, and I would
11 appreciate if that can be clear before they're asked to
12 answer any questions ---

13 **MR. NANDO de LUCA:** Sure. Bottom of ---

14 **COMMISSIONER HOGUE:** Can you just make sure,
15 Me De Luca, to point out exactly to what part ---

16 **MR. NANDO de LUCA:** Sure.

17 **COMMISSIONER HOGUE:** --- you're referring to.

18 **MR. NANDO de LUCA:** Surely. If you review
19 the last three paragraphs? I'm looking at it on my screen
20 because it's smaller on -- of page 2, there's a reference to
21 the information that the Panel of Five receives, and there's
22 a couple of times the word -- so, for example, in the third-
23 last paragraph, "single incident or an accumulation of
24 separate incidents". And then again in the last paragraph,
25 it talks about,

26 "If advised of an incident, on a
27 consensus basis and with consultation
28 [of] the Panel of Five will determine

1 whether the threshold to inform the
2 public has been met."

3 And my question really is if the Panel knows,
4 as you -- the word "incident" here, is it being used as a
5 term of art, or as something in particular, or is it just
6 another word for the collective of information that the SITE
7 Task Force gathers and reports.

8 **MR. LYALL KING:** I can -- simply from a SITE
9 Task -- and when you mentioned asking the panel, I'm assuming
10 you mean the SITE Task Force Panel, just to be clear?

11 **MR. NANDO de LUCA:** Yes, yes. Yes, I'm
12 sorry.

13 **MR. LYALL KING:** No, that's fine. I really
14 can't comment. This is not a SITE document. We did not
15 create this document. So I wouldn't really want to comment
16 explicitly on what the use and the intended -- the use of
17 that word incident is. I could comment on it if I had
18 written it myself, but I'm not comfortable doing so on this
19 case.

20 **MR. NANDO de LUCA:** Okay. And would I be
21 correct in assuming that in connection with the 2019 general
22 election, the SITE Task Force in its regular reporting to the
23 Panel of Five did not flag any specific piece of information
24 or intelligence that the Panel of Five should consider for
25 possible disclosure or further action?

26 **MR. LYALL KING:** Just to be clear, my answer
27 is that we flagged -- we reported up -- sorry, we reported a
28 lot of information up to the Panel of varying degrees of

1 specificity, et cetera, and from different sources. I --
2 nothing that went up to the Panel went with any sort of
3 recommendation, to be very clear. It was just simply a
4 statement of SITE has observed X or Y. It was entirely the
5 Panel's review, and they did it in isolation of the SITE Task
6 Force how they really ingested and internalized and made
7 decisions on that so.

8 **MR. NANDO de LUCA:** Thank you. I heard a
9 couple of times in the evidence both in-Chief and in the
10 cross-examination references to -- and I don't think this is
11 contentious -- that one of the roles of the 2019 SITE Task
12 Force was to share information as appropriate with the
13 political parties or their representatives that had secured,
14 or that had clearance. Is that correct?

15 **MR. LYALL KING:** Yes, that is correct.

16 **MR. NANDO de LUCA:** Okay. And there was a
17 suggestion, I thought, and I just want to put a pin on it,
18 that there were multiple meetings with -- during the writ
19 period with one or more of the political parties?

20 **MR. LYALL KING:** To be ---

21 **MR. NANDO de LUCA:** This is for 2019.

22 **MR. LYALL KING:** Yeah. To be clear, there
23 were set meetings that were organized by PCO that involved
24 SITE as one contributor to, so I believe there were 3 or 4 in
25 2019, a couple before, and a couple during the writ. So that
26 was a -- you know, set a couple weeks in advance, so that we
27 could ensure that the cleared party members were able to
28 attend because they were getting very -- naturally very busy.

1 Outside of that, there were, and my CSIS colleague referred
2 to certainly one engagement separate from the broader
3 groupings. Typically, that would have involved CSIS, but
4 again, coordinated by PCO, and I would again defer to my CSIS
5 colleague if I have misrepresented that.

6 **CSIS REPRESENTATIVE:** No, that's correct.
7 There were -- there was one meeting that has been already
8 discussed with the Liberal Party that was separate and apart,
9 and then there were two meetings on the same incident with
10 another political party, one to receive the information about
11 their concern and one to relay that information responding to
12 their concern.

13 **MR. NANDO de LUCA:** Okay. And just as a
14 quick follow up to that, I take it from the nature of the
15 answer you can't disclose who that political party was in the
16 second incidence?

17 **CSIS REPRESENTATIVE:** Yes, that's correct.

18 **MR. NANDO de LUCA:** Okay. So just coming
19 back to my general question, it -- has the SITE Task Force
20 produced a document in -- to the Commission that outlines the
21 occasions or dates in which the SITE briefings to the
22 political parties were undertaken? Because I have one from
23 the Privy Council Office, which we'll go to next, but I just
24 want to know if there's another document that you're aware
25 of.

26 **MR. LYALL KING:** Well, forgive me, over the
27 course of a number of months and a number of different
28 discussions I've certainly tried to collate from my own

1 recollection, my own speaking notes and my own calendars a
2 timeline of when briefings occurred. I don't know if there
3 is one document that contains all of those that SITE
4 produced. I've certainly contributed to my understanding of
5 those so.

6 **MR. NANDO de LUCA:** Okay. So let's deal with
7 what I am aware of. So can we have CAN 13303 put up, please?

8 **--- EXHIBIT No./PIÈCE No. CAN 13303:**

9 Briefings on Foreign Election
10 Interference

11 **MR. NANDO de LUCA:** So this is from the Privy
12 Council Office, and among other things, contains a listing of
13 briefings, which the -- that PCO had indicates had
14 coordinated. So I'd like to turn to -- sorry, I'm just --
15 I'm going to go to my screen as well. So there's a summary
16 of briefings to and meetings with political party
17 representatives, page 3 of 4.

18 **COMMISSIONER HOGUE:** Here.

19 **MR. NANDO de LUCA:** Okay.

20 So if I understand this correctly, this
21 document suggests that, or only gives an indication of one
22 briefing to the political parties during the writ period for
23 GE 2019. Is that correct?

24 **MR. LYALL KING:** I believe that is correct.
25 The September 4th one I believe is the one you're speaking
26 about.

27 **MR. NANDO de LUCA:** I was actually ---

28 **MR. LYALL KING:** Oh, sorry.

1 **MR. NANDO de LUCA:** I think September 4 is
2 before the writ period. I was actually speaking of
3 September 28, 2019. And that's -- I believe that's the one
4 meeting we've already discussed in some terms to the Liberal
5 Party of Canada.

6 So I'm wondering, is this list incomplete, or
7 is this the only briefing that was conducted by SITE or SITE
8 members to the political parties during the writ period for
9 GE 2019?

10 **CSIS REPRESENTATIVE:** I have a document that
11 indicates there was an October 2nd, 2019 briefing as well
12 that is not captured there.

13 **MR. NANDO de LUCA:** Are you able to share the
14 document number, or is that -- do you know if that's the
15 document ---

16 **CSIS REPRESENTATIVE:** Yeah. It's CAN 2327.

17 **--- EXHIBIT No./PIÈCE No. CAN 2327:**

18 Political Parties Classified Briefing
19 - 2019-10-02

20 **MR. NANDO de LUCA:** So other than those two
21 instances during the writ period for GE 2019, were there any
22 other briefings provided by SITE or the SITE members in
23 relation to foreign election interference to the political
24 parties?

25 **CSIS REPRESENTATIVE:** So the two meetings I
26 mentioned with the same political party don't appear on that
27 list. And I don't recall the dates that those happened, but
28 it was within the writ period.

1 **MR. NANDO de LUCA:** Okay. Thank you very
2 much. Those are my questions. Thank you very much.

3 **COMMISSIONER HOGUE:** Thank you.

4 So last one before we break for lunch is the
5 Human Rights Coalition.

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

7 **MS. SARAH TEICH:**

8 **MS. SARAH TEICH:** Good afternoon, everyone.
9 I know I'm standing between us and lunch, so I'll try to keep
10 this very short.

11 If I could ask the court operator to please
12 pull up CAN.DOC 7. I think there is five zeroes before that
13 seven.

14 This is the Global Affairs Canada
15 Institutional Report. My questions are going to be for
16 Ms. Dobner and/or Ms. Denham.

17 So if we can jump to page 5, paragraph 9.

18 This paragraph notes that RRM Canada
19 contracted with the Atlantic Council in the lead up to the
20 2019 general election. Is that correct?

21 **MS. GALLIT DOBNER:** That's correct.

22 **MS. SARAH TEICH:** Can we please pull up
23 HRC 28. Take a second to load. And if we can go down to the
24 middle of page 3.

25 **--- EXHIBIT No./PIÈCE No. HRC 28:**

26 The Atlantic Council's questionable
27 relationship with Gabon's leader _
28 The Hill

1 **MS. SARAH TEICH:** I'm just going to read out
2 a few paragraphs and get your thoughts on them. And I should
3 say, actually, this is an article published in 2016 by The
4 Hill by contributors Thor Halvorssen and Alex Gladstein.

5 So in the middle of page 3, the authors
6 write:

7 "Questions began to surface about the
8 Council's integrity in 2012, when the
9 organization threw a praise party for
10 Kazakhstan's authoritarian regime.
11 Concerns were raised over the fact
12 that Alexander Mirtchev, a Bulgarian-
13 born fixer who 'consults' for the
14 regime, was (and still is) on the
15 Atlantic Council's board of directors
16 and executive committee. External
17 pressure eventually forced the
18 Council to reveal that its major
19 donors included police states like
20 Azerbaijan and Saudi Arabia."

21 Were you familiar with these allegations when
22 RRM Canada contracted the group to assist in its work in the
23 lead up to the 2019 general election?

24 **MS. TARA DENHAM:** No. No. I'm not familiar
25 with this reporting, no.

26 **MS. SARAH TEICH:** If we can jump down to the
27 bottom of page 4.

28 I'll just read another paragraph:

1 "The Atlantic Council's latest
2 dalliance with a dictator unfolded
3 this summer when Frederick Kempe and
4 his staff decided to bestow a 'Global
5 Citizen Award' on the dictator of
6 Gabon..."

7 Were you familiar with this allegation when
8 RRM Canada contracted the group?

9 **MS. TARA DENHAM:** No.

10 **MS. SARAH TEICH:** Finally, at the bottom of
11 page 13, there are two paragraphs I'd like to draw your
12 attention to, and I'll again just read them out loud. It
13 starts at the bottom of page 13, of course goes on to
14 page 14:

15 "Beyond Gabon, it must be noted that
16 the most despicable work done by the
17 Atlantic Council is on behalf of the
18 Eritrean regime. Known as the 'North
19 Korea of Africa,' Eritrea has been
20 ruled for decades by the dictator
21 Isaias Afwerki. He exerts tight and
22 brutal control of his people and
23 exiles dissidents to island prisons
24 in the middle of the Red Sea. The
25 United Nations has recently accused
26 him of crimes against humanity,
27 detailing in particular his methods
28 of enslavement, rape, and torture.

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But Atlantic Council deputy Africa
director Bronwyn Bruton..."

I don't know if I'm pronouncing that right:

"...wrote in the New York Times in
June 2016 that 'it's bad in Eritrea,
but not that bad.' The article—
merely the latest in a long line of
whitewashing—downplays the abuses of
the dictatorship, argues that the
U.N. should not sanction the regime,
and makes the case for engagement.
Here the Atlantic Council is taking a
brazen stand for a regime that can
only be described as a malevolent
force for evil. And nowhere in the
article do they disclose that
Canada's Nevsun Resources, with
extensive mining interests in
Eritrea, a six-figure Atlantic
Council donor."

Were you familiar with these allegations when
RRM Canada contracted the Atlantic Council app to assist in
its work in the lead up to the 2019 general election?

MS. TARA DENHAM: No.

MS. SARAH TEICH: Those are all my questions.

Thank you.

MS. TARA DENHAM: Could I -- could I just add

1 a bit ---

2 **COMMISSIONER HOGUE:** Yes.

3 **MS. TARA DENHAM:** --- to my answer?

4 So I just -- I haven't read this full
5 article, and we weren't aware of that at the time. As you
6 said, this was from an article in 2016. But I'm also not
7 familiar with any responses that have taken place since or
8 how or if the Atlantic Council has responded, but I would say
9 that what we did know at the time is that their digital
10 forensics lab is one of the leading experts in terms of
11 understanding the disinformation landscape. And so through
12 our contracting processes, which are quite extensive, we're
13 focussed on that, but from a content, we're looking for the
14 strongest experts in the environment. So I can speak to what
15 we knew about the Atlantic Council and DFR, but I can't speak
16 to these articles, nor how the Atlantic Council may have
17 responded in the few years between this and our contracting
18 of the organisation.

19 **MS. SARAH TEICH:** All right. Thank you.

20 **COMMISSIONER HOGUE:** Thank you.

21 So have a good lunch, everyone, and we'll
22 come back at three. It's already 20 to 2; at two o'clock
23 (sic).

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

26 This hearing is in recess until three
27 o'clock. La séance est en pause jusqu'à trois heures.

28 --- Upon recessing at 1:39 p.m./

1 --- La séance est suspendue à 13h39

2 --- Upon resuming at 2:50 p.m./

3 --- La séance est reprise à 14 h 50

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

6 This sitting of the Foreign Interference
7 Commission is back in session. Cette séance de la Commission
8 sur l'ingérence étrangère a reprise.

9 **COMMISSIONER HOGUE:** So we are continuing the
10 cross-examinations. The next one, I think, is UCC.

11 --- MR. ERIC GORDON, Resumed/Sous le même serment:

12 --- MS. GALLIT DOBNER, Resumed/Sous la même affirmation:

13 --- MS. TARA DENHAM, Resumed/Sous la même affirmation:

14 --- MR. LYALL KING, Resumed/Sous la même affirmation:

15 --- CSIS REPRESENTATIVE, Resumed/Sous la même affirmation:

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

17 MR. JON DOODY:

18 **MR. JON DOODY:** Good afternoon, panel. My
19 name is Jon Doody; I'm counsel for the Ukranian-Canadian
20 Congress.

21 When SITE was created leading up to the 2019
22 general election, it was known that there were allegations
23 that Russia had interfered with the American 2016 election;
24 correct?

25 **MR. LYALL KING:** Correct, yes.

26 **MR. JON DOODY:** Okay. And so that would have
27 been a concern at the time that Russia may try and interfere
28 in our 2019 general election.

1 **MR. LYALL KING:** That is correct, yes.

2 **MR. JON DOODY:** Okay. But, ultimately, the
3 SITE Task Force was of the opinion that Russia did not
4 interfere with our Canadian 2019 general election.

5 **MR. LYALL KING:** Correct, from our observed
6 -- from our observations, yes.

7 **MR. JON DOODY:** Okay. In your witness
8 statement summary -- I'm not going to take you there; I just
9 want to read one sentence from it. It read that:

10 "Russia has the capability to
11 interfere in Canadian democratic
12 structures, but it appears that
13 Russia has little interest in doing
14 so." (As read)

15 And so my question is, is that the position
16 of the SITE Task Force in 2019, or is that the position
17 looking back now, five years later, that Russia had little
18 interest in doing so?

19 **MR. LYALL KING:** That was from the -- just to
20 clarify, from the 2019 summary?

21 **MR. JON DOODY:** Yes.

22 **MR. LYALL KING:** Yes. The way I would
23 describe that, that's probably changed a little bit over
24 time, in fairness. When we first set out and established our
25 group and then began to look at the overall threat landscape,
26 we certainly had concerns over Russia, as you've noted,
27 because of the US Election, and we've referenced others in
28 Europe.

1 But over time, like, we were looking for
2 different elements of what they might bring to bear and that
3 the intent is an important aspect of that. And ultimately
4 we're looking at what we can see as well. But as I recall,
5 over a certain period of time, Russia was also engaged and
6 interested in other issues at the time, if I may put it that
7 way. So I think the lights, generally speaking, were shining
8 less on an interest in Canada, in a broader perspective than
9 it was in their own spaces their -- what we would term, their
10 "Near abroad," for example, using that phraseology.

11 **MR. JON DOODY:** Okay. In your SITE Task
12 Force after-action report -- I'm not going to take you to it.
13 I'm just going to read a sentence under the section "A Final
14 Takeaway", the report reads:

15 "Overall, a key concern was the
16 observation by the SITE Task Force of
17 long-term and often non-distinct
18 activities (such as ongoing diaspora
19 community influenced activities."

20 So my question is, is that saying that the
21 Task Force made observations of those types of long-term and
22 non-distinct activities or is that simply a type of those
23 activities that the Task Force could not make observations
24 on?

25 **MR. LYALL KING:** I would say that it's a
26 recognition that that's a space that needs to be monitored on
27 an ongoing basis, so you know, we could certainly extrapolate
28 from, I think, what we would have seen and it's in our

1 report. We talk a fair bit about the People's Republic of
2 China and activities and how that plays out in those spaces,
3 but it's an acknowledgement that that's a space that needs to
4 be looked at continually.

5 **MR. JON DOODY:** And you may not be able to
6 answer this, but did the Site Task Force observe any of those
7 long-term non-distinct activities affecting diaspora
8 communities in the 2019 election?

9 **MR. LYALL KING:** There were -- I have to be
10 careful about what I say, I guess. I'm trying to remember
11 what's certain domains. And to be quite frank, it may be
12 best for me to leave that observation to my colleague from
13 the service simply, again, because my organization doesn't
14 look at the domestic space, CSE, that is. So I will defer to
15 my colleague from the service to potentially make a remark on
16 that regardless.

17 **CSIS REPRESENTATIVE:** With apologies. I
18 thought we were coming back at 3:00 and I missed the
19 question.

20 **MR. JON DOODY:** I'll repeat it for you.

21 In the SITE Task Force after-action report
22 under the heading "A Final Takeaway", the report reads:

23 "Overall, a key concern was the
24 observation by the SITE Task Force of
25 long-term and often non-distinct
26 activities (such as ongoing diaspora
27 community influenced activities."

28 So the question was, during the 2019 General

1 Election, did the SITE Task Force make those long-term --
2 observation of long-term and non-distinct activities
3 specifically?

4 **CSIS REPRESENTATIVE:** So I guess my answer to
5 that would be that CSIS has observed that for decades at this
6 point, and I think some of that was raised by the panel --
7 the CSIS panel yesterday. Those aren't observations.
8 They're longstanding ones.

9 **MR. JON DOODY:** And specifically, was there
10 any observations made during the lead-up to or the writ
11 period of the 2019 election?

12 **CSIS REPRESENTATIVE:** So again, SITE's remit
13 was specifically related to the democratic institutions
14 portion of it, so where those overlapped, certainly those
15 reports would have come forward or those pieces of
16 information on intelligence would have been brought forward.
17 So I mean, we were looking specifically in that election
18 space. We had a very low bar for what was included, but if
19 there was overlap between those two things, yes, those would
20 have been brought forward.

21 **MR. JON DOODY:** And then my final question is
22 with respect to the RRM.

23 And so as I understand it, the RRM was
24 observing media stories and then making attempts to determine
25 if there was a state-sponsored -- foreign state sponsor
26 behind this story in order to identify it as foreign
27 interference.

28 **MS. GALLIT DOBNER:** So we were looking for

1 foreign state-sponsored amplification of narratives in the
2 online space, correct.

3 **MR. JON DOODY:** And so if there was a
4 domestic story that contained misinformation or
5 disinformation that was repeated or highlighted by a foreign
6 state media, would that constitute foreign interference?

7 **MS. GALLIT DOBNER:** So that could. That was
8 a new tactic at the time that we were observing, and that's
9 developed over time, where foreign state actors don't simply
10 spread lies but they take narratives out of a domestic
11 context but they might amplify them using inauthentic means,
12 so they take them out of context and amplify them for a
13 specific end. So that could constitute, based on our
14 understanding, foreign interference, yes.

15 **MR. JON DOODY:** Thank you. Those are my
16 questions.

17 **COMMISSIONER HOGUE:** Thank you.

18 Next one is counsel for RCDA, Me Sirois.

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

20 **MR. GUILLAUME SIROIS:**

21 **MR. GUILLAUME SIROIS:** Madame la
22 commissionaire.

23 Guillaume Sirois, counsel for the RCDA. I'm
24 going to ask my questions in English, but feel free to
25 respond in the official language of your choice, obviously.

26 During David Vigneault's testimony yesterday,
27 I put numerous documents before the CSIS Director showing
28 that Russia has been conducting significant foreign

1 interference activity during 2019 to 2021 period. And after
2 I showed these documents to David -- Mr. David Vigneault, he
3 conceded that Russia has had significant interest in
4 interfering in Canada's democratic institutions during that
5 period.

6 My question to you is, how do you reconcile
7 that testimony that we heard yesterday with the statement
8 contained in your witness summary stating that Russia has
9 little interest in interfering in Canada's democratic
10 institutions?

11 **COMMISSIONER HOGUE:** I think as a matter of
12 fairness, I think you should refer to specifically what has
13 been said by Mr. Vigneault just for the panel to know exactly
14 what was said and not to get something paraphrased by
15 yourself.

16 **MR. GUILLAUME SIROIS:** Certainly. It will
17 take a few seconds if you ---

18 **COMMISSIONER HOGUE:** No, it's fine. Take
19 your time to find it.

20 **MR. GUILLAUME SIROIS:** Thank you.
21 Can we pull the transcripts of yesterday?
22 They're not on the party database, the
23 transcripts?

24 **MS. ERIN DANN:** Just give us one moment.
25 We'll see if ---

26 **COMMISSIONER HOGUE:** If it's available.

27 **MS. ERIN DANN:** It's not yet.

28 **COMMISSIONER HOGUE:** Do you want to break for

1 just ---

2 **MS. ERIN DANN:** I was going to say, we can
3 get a ---

4 **COMMISSIONER HOGUE:** Because I think as a
5 matter of fairness for the panel, we have to make sure that
6 what is reported is what was said. I have no reason to
7 doubt, but just as a matter of procedure, I think that's the
8 way we should go.

9 **MS. ERIN DANN:** I am getting -- sorry,
10 receiving in real-time here an update that it may be on the
11 party database. We're just ---

12 **MR. GUILLAUME SIROIS:** TRN 10.

13 Can we scroll to David Vigneault's testimony,
14 please, and specifically the cross-examination of David
15 Vigneault by me?

16 **COMMISSIONER HOGUE:** You would have said some
17 cross-examination?

18 **MR. GUILLAUME SIROIS:** Yes.

19 **COMMISSIONER HOGUE:** So it means it's much
20 more toward the end of the transcript.

21 **MR. GUILLAUME SIROIS:** Yes, I see it's --
22 yeah.

23 May I ask the Commissioner for a two minutes'
24 break just so that we can organize?

25 **COMMISSIONER HOGUE:** Yes, sure.

26 **MR. GUILLAUME SIROIS:** Thank you so much.

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

1 This hearing is in recess for five minutes.

2 La séance est en pause jusqu'à cinq minutes.

3 --- Upon recessing at 3:02 p.m./

4 --- La séance est suspendue à 15 h 02

5 --- Upon resuming at 3:06 p.m./

6 --- La séance est reprise à 15 h 06

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

9 This sitting of the Foreign Interference
10 Commission is back in session. Cette séance de la Commission
11 sur l'ingérence étrangère a reprise.

12 **--- MS. GALLIT DOBNER, Resumed/ Sous la même affirmation:**

13 **--- MS. TARA DENHAM, Resumed/Sous la même affirmation:**

14 **--- MR. LYALL KING, Resumed/Sous la même affirmation:**

15 **--- CSIS REPRESENTATIVE, Resumed/Sous la même affirmation:**

16 **COMMISSIONER HOGUE:** You found it?

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

18 **MR. GUILLAUME SIROIS(cont'd/suite) :**

19 **MR. GUILLAUME SIROIS:** Yes. Thank you.

20 Merci pour le temps, Madame la Commissaire.

21 So the transcript is in both official
22 languages and I was asking my questions in French, but I will
23 try to translate roughly for the benefit of the panel and the
24 public. Or can I say it in French?

25 **MS. TARA DENHAM:** Oui.

26 **MR. GUILLAUME SIROIS:** Is it good? French?

27 Okay.

28 Je vais le dire en français alors, c'est plus

1 facile. Donc, c'est ça, plus haut dans le témoignage, je
2 parlais des trois documents sur l'ingérence russe dans nos
3 institutions démocratiques au Canada. Ensuite, David
4 Vigneault a confirmé :

5 « La Russie a l'intention de causer
6 de l'interférence dans nos
7 institutions démocratiques. »

8 Il explique un petit peu plus :

9 « Leur objectif est surtout de
10 pouvoir diviser les sociétés, de
11 créer de la dissension et de diminuer
12 la paix [de] la démocratie dans le
13 monde occidental [...]. »

14 Et je demande à monsieur David Vigneault :

15 « Est-ce qu'on peut qualifier un peu
16 cette intention? Est-ce que c'est
17 une grande intention? Une faible
18 intention? Une moyenne? »

19 Et monsieur David Vigneault confirme que... la
20 dernière phrase ici, on voit bien :

21 « Donc, je pense qu'on peut dire que
22 c'est une priorité du régime russe. »

23 J'aimerais comprendre un peu pourquoi on dit
24 que, dans ce contexte... là je vais vous référer à votre résumé
25 d'entrevue, c'est WIT 45... Witness Summary 45 at paragraph 30.

26 And that's where you say that Russia -- we
27 can put it up to be fair to the witness also, just to make
28 sure that they have the proper -- that I quoted them

1 correctly, quoted the summary correct. It's Witness Summary
2 45, paragraph 30, please.

3 So yes, here we see at the last sentence of
4 the paragraph:

5 "Russia has the capability to
6 interfere in Canadian democratic
7 structures, but it appears that
8 Russia has little interest in doing
9 so."

10 **MR. LYALL KING:** So I will just first point
11 out that is the CSIS representative's statement. So I will
12 certainly let my CSIS colleague interject.

13 But perhaps just to nuance that a little bit,
14 is I don't disagree what Mr. Vigneault states in terms of
15 Russia and its broad sort of range of activities that it
16 pursues. I think it's how we're looking at it in the very
17 specific context of the election period, the writ, and
18 activities directed towards that specific space and time,
19 rather than Russia in a general sense, I think, in terms of
20 its interest and getting into these spaces more generally.
21 So like in opensource, in social media, disinformation spaces
22 like that. So I think it might just be a difference and a
23 very particular thing we're looking at. Russia's intention
24 with respect to the Canadian Federal Election and the
25 activity we were focused on that time, to summarize that, for
26 -- because our statement was in and around, like, the
27 election itself, rather than a broader statement.

28 But I will, again, defer to my CSIS colleague

1 since that is their -- technically their statement in that
2 witness summary.

3 **CSIS REPRESENTATIVE:** No. Thank you. I
4 absolutely agree with my colleague. I think that the
5 statement that I had made in the summary was in relation
6 specifically to the Federal Election, as opposed to their
7 broad intentions, which is what Mr. Vigneault had spoken to.
8 So both are correct.

9 **MR. GUILLAUME SIROIS:** So am I to understand
10 that Russia has -- one of the priorities, as the term used by
11 David Vigneault, of the Russian regime is to sow division in
12 democratic institutions of Canada -- sow division in Canada,
13 including to interfere with our democratic institutions, but
14 that during the election period, which we all agree it's the
15 most, perhaps, vital aspect of our democratic institution,
16 Russia's interest somehow disappears?

17 **MR. LYALL KING:** I will again let my CSIS
18 colleague interject, but I think we're talking about looking
19 at Russia as an actor on the global stage. We see it active
20 in a lot of different spaces, a lot of different democracies,
21 a lot of different processes.

22 So generally speaking, that type of activity,
23 that type of intent, is there. We did not observe, from our
24 perspective, that activity happening. From our observations,
25 mind you, as well, which, you know, no one agency or
26 department has a 100 percent view of what's happening
27 everywhere at all times. But certainly from our perspective,
28 we did not see that happening.

1 So I will leave that from my perspective, but
2 I will defer again to my Service colleague.

3 **CSIS REPRESENTATIVE:** Yes. I concur with
4 that. And just reminding that this is information from five
5 years ago and what was in the 2019 space, as opposed to the
6 ongoing trend of what Russian's intentions are.

7 **MR. GUILLAUME SIROIS:** I'm sorry, but --
8 okay. So just to return on Mr. King's evidence, you say that
9 you did observe interference by Russia, which leads you to
10 believe that Russia has no interest. It's not, like, a
11 separate assessment of Russia's intention; correct?

12 **MR. LYALL KING:** I think we need to be
13 careful about words as well. There's interest, intent is one
14 that we use. Was there a specific intent to meddle in the
15 Canadian Federal Election in 2019 by the Russian Federation
16 from our observances? And as we've stated, certainly you can
17 see in the documentation, we did not observe that.

18 So in terms of the intent, maybe I can nuance
19 that also, is to say that it's not that Canada is of zero
20 interest, but it may not be the priority interest of the
21 Russian Federation when it comes to that activity.

22 **MR. GUILLAUME SIROIS:** And that statement is
23 in terms of what you observed, or your analysis of the
24 regime?

25 **MR. LYALL KING:** That is reflective of a
26 broader analysis of what we would have seen over an arc of
27 time as well.

28 **MR. GUILLAUME SIROIS:** And this is despite

1 the statement of Mr. Vigneault's yesterday, saying that
2 interfering in Canadian democratic institutions was a
3 priority for the Russian regime.

4 **MR. LYALL KING:** I'm not going to -- will you
5 forgive me. Like I don't know the specific documents that
6 you presented to Mr. Vigneault. I can't really comment, and
7 you know, I can only tell you what I've seen from my own
8 activities and what we've stated in the report. It's not to
9 say that Russia has zero interest, it's that it's less,
10 perhaps, when you compare it to other spaces, other nations.
11 And I'll put the United States out there, being the global
12 power that it is, there is more time and effort and light
13 shed on that specific space than there is on our specific
14 space, generally speaking.

15 So -- and all I can go back to is the
16 statement that, you know, what we observed and what did not
17 observe. We didn't observe something doesn't necessarily
18 mean it didn't happen either, we just didn't necessarily
19 observe it. So there's a few nuances here maybe to build to
20 make the summary of this picture.

21 **MR. GUILLAUME SIROIS:** Perfect. Thank you.
22 And I will conclude on that point.

23 So you say that it's a question of degree.
24 It's not that Russia has zero interest in Canada, it's that -
25 - you can qualify it as little priority, but at least Russia
26 has some intent or interest in interfering in Canadian
27 democratic institutions, and it has a lot of capabilities to
28 do such interference.

1 **MR. LYALL KING:** Yes.

2 **MR. GUILLAUME SIROIS:** My question is, during
3 the 2019 election, is it possible -- or also, the 2021
4 election because you're -- you were there as well, is it
5 possible that Russia did not press the button of interference
6 fully, like it did in the U.S. in 2016, but maybe pushed the
7 button a little bit so that interference happened in Canada,
8 but perhaps not to the degree of the -- what happened in the
9 United States in 2016?

10 **MR. LYALL KING:** I wouldn't describe it in
11 the way that you have, but certainly activities are possible.
12 Again, I go back to what we observed, what we're able to see.
13 And the difficulties, even, as we've discussed, of trying to
14 identify this type of activity in these spaces, it's foreign
15 interference takes many shapes and forms and in many
16 different spaces as well, as we've kind of talked through
17 this morning.

18 So is it possible they were doing things?
19 Yes, it is possible, but I can't tell you with anything
20 definitive that certainly from my perspective I observed that
21 we would have commented and documented and reported on that.

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

23 **MR. LYALL KING:** Yeah.

24 **MR. GUILLAUME SIROIS:** Merci, Madame la
25 Commissaire.

26 **COMMISSIONER HOGUE:** Thank you.

27 AG?

28 **MR. MATTHEW JOHNSON:** Thank you,

1 Madam Commissioner.

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

3 MR. MATTHEW JOHNSON:

4 **MR. MATTHEW JOHNSON:** My name is Matthew
5 Johnson. I'm counsel for the Attorney General of Canada.

6 I just have a few questions for the CSIS
7 Representative. And I'd like to ask some clarification
8 questions.

9 So I'll begin. In answering questions about
10 political party briefings in 2019, you said that you had one
11 briefing with the Liberal Party and two briefings with
12 another party. Am I correct in that recollection?

13 **CSIS REPRESENTATIVE:** Yes, that's correct.

14 **MR. MATTHEW JOHNSON:** And I think what you
15 said was, and I'll -- one of the lines that I wanted to
16 clarify is I had noted down that you had said, "at one point
17 there was one meeting already discussed with the Liberal
18 Party and two others about the same incident." Do you
19 remember saying that?

20 **CSIS REPRESENTATIVE:** Yes. I see that that
21 could be -- have been misinterpreted.

22 **MR. MATTHEW JOHNSON:** Yes. And so I just
23 want to ask you if you could clarify that when you referred
24 to two others about the same incident, are you saying that
25 the two others were about the same incident that was the
26 subject of the briefing with the Liberal Party, or was it two
27 incidents that were separate but were the same between them?
28 I -- that was not the -- two briefings to that party that

1 were on the same issue. Is that -- which one of those two
2 scenarios would you -- were you trying to say?

3 **CSIS REPRESENTATIVE:** I had two briefings
4 with a political party that were about their issue that they
5 brought to us. The first meeting was them bringing an issue
6 and wanting to discuss it, and it was distinct and separate
7 from whatever had been briefed to the Liberal Party that was
8 a concern they had in -- with respect to potential foreign
9 interference in one of their campaigns. And the second
10 meeting with that same party was then to discuss and respond
11 to their initial query.

12 Is that clear?

13 **MR. MATTHEW JOHNSON:** Yes, it is. Thank you.

14 And when -- in a subsequent question, you
15 answered that you couldn't identify the party; correct?

16 **CSIS REPRESENTATIVE:** That's correct.

17 **MR. MATTHEW JOHNSON:** And during that
18 exchange, you had identified a document related to a briefing
19 which you identified as CAN 002327; correct? Do you recall
20 that?

21 **CSIS REPRESENTATIVE:** Right. Yes, that
22 referred to an October, I believe it was an October 2nd
23 political party briefing that was a briefing to all of the
24 political parties together.

25 **MR. MATTHEW JOHNSON:** And I'm going to ask
26 that that document be brought up.

27 And is this the document that you were
28 referring to?

1 **CSIS REPRESENTATIVE:** Yes, it is.

2 **MR. MATTHEW JOHNSON:** And you mentioned the
3 date, and I see October 2nd, 2019. That's what you're
4 referring to as well?

5 **CSIS REPRESENTATIVE:** Yes.

6 **MR. MATTHEW JOHNSON:** And I'm going to ask
7 that the document go to page 3, please.

8 Does this document refer to....

9 And if you go to the top of the page. Yes,
10 just right there is fine.

11 Does this document in this briefing on
12 October 2nd, is that one of the two briefings that you're
13 referring to?

14 **CSIS REPRESENTATIVE:** Yes, it is.

15 **MR. MATTHEW JOHNSON:** And the party that
16 received that briefing was the Conservative Party of Canada?

17 **CSIS REPRESENTATIVE:** Yes. My apologies. I
18 hadn't realised it had been released.

19 **MR. MATTHEW JOHNSON:** And then just more
20 generally, you spoke about giving briefings to political
21 parties. We obviously have this document in front of us that
22 has information in it. How did you convey that information
23 to the parties, and I'm not speaking about the -- this
24 page 3, but generally on the briefings that we have seen, how
25 was that information conveyed to the political parties in
26 those meetings?

27 **CSIS REPRESENTATIVE:** Verbally, and the set
28 of notes ---

1 **MR. MATTHEW JOHNSON:** Verbally.

2 **CSIS REPRESENTATIVE:** --- the set of notes
3 that would have been compared would have been read to them.

4 **MR. MATTHEW JOHNSON:** And when you say read
5 to them, did you read it verbatim or did you read parts of
6 it?

7 **CSIS REPRESENTATIVE:** No, I would have
8 conveyed all the information in there. There wouldn't have
9 been additional or information left out.

10 **MR. MATTHEW JOHNSON:** So you read the whole
11 thing.

12 **CSIS REPRESENTATIVE:** Yes.

13 **MR. MATTHEW JOHNSON:** Thank you very much.
14 Madam Commissioner, those are my questions.

15 **COMMISSIONER HOGUE:** Thank you.

16 So I think two of you will leave, except if
17 you want to sit in the room, you're welcome, and two are
18 going to stay.

19 So we'll take a few minutes for switching at
20 least the two witnesses.

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

23 The hearing is in recess until 1525. La
24 séance est en pause jusqu'à 15h25.

25 --- Upon recessing at 3:22 p.m./

26 --- La séance est suspendue à 15h22

27 --- Upon resuming at 3:31 p.m.

28 --- La séance est reprise à 15 h 31

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

3 This sitting of the Foreign Interference
4 Commission is back in session. Cette séance de la Commission
5 sur l'ingérence étrangère a reprise.

6 **COMMISSIONER HOGUE:** Good afternoon.

7 **Me JEAN-PHILIPPE MacKAY:** Bonjour, Madame la
8 commissaire. Jean-Philippe MacKay...

9 **COMMISSAIRE HOGUE:** Bonjour.

10 **Me JEAN-PHILIPPE MacKAY:** ...pour la
11 Commission.

12 I will be conducting the examination of the
13 SITE Task Force 2021 witnesses. Mr. King and Ms. Dobner are
14 still with us for this panel examination. We have Ms. Lisa
15 Ducharme for the RCMP and we also have a CSIS Representative
16 who should be with us virtually.

17 **CSIS REPRESENTATIVE:** I am here. Can you
18 hear me?

19 **MR. JEAN-PHILIPPE MacKAY:** And this -- I
20 don't know if the CSIS Representative is with us. Can you
21 say something, please?

22 **CSIS REPRESENTATIVE:** I am here. Can you
23 hear me?

24 **MR. JEAN-PHILIPPE MacKAY:** Yes, thank you.

25 I would like the witnesses to be sworn or
26 affirmed. And for the CSIS Representative, we'll be
27 following the same procedure as we did this morning.

28 --- MS. GALLIT DOBNER, Resumed/Sous la même affirmation:

1 --- MR. LYALL KING, Resumed/Sous la même affirmation:

2 THE REGISTRAR: Can you please state your
3 name and your full name -- spell your full name for the
4 record, please?

5 MS. LISA DUCHARME: Lisa Jane Ducharme.

6 THE REGISTRAR: And spell your last name,
7 please.

8 MS. LISA DUCHARME: D-u-c-h-a-r-m-e.

9 --- MS. LISA DUCHARME, Sworn/Assermentée:

10 --- CSIS REPRESENTATIVE, Affirmed/Sous affirmation
11 solennelle:

12 MR. JEAN-PHILIPPE MacKAY: And for the CSIS
13 Representative, I understand we have a Commissioner of Oaths
14 who's attending with the CSIS Representative at this moment.
15 Is that correct?

16 MR. JUSTIN ROY: Yes, that's right. So I
17 confirm I've verified the witness' identity and I've
18 administered the affirmation. The witness has affirmed and
19 is now prepared to testify before you.

20 I will confirm the identity of this witness
21 in confidence in due course.

22 COMMISSIONER HOGUE: Thank you.

23 MR. JEAN-PHILIPPE MacKAY: And just for the
24 record, what is your name?

25 MR. JUSTIN ROY: My first name is Justin,
26 last name Roy, called to the bar of Ontario in 2020.

27 MR. JEAN-PHILIPPE MacKAY: Thank you very
28 much.

1 **MR. JUSTIN ROY:** Thank you.

2 **MR. JEAN-PHILIPPE MacKAY:** So we'll begin
3 with the usual housekeeping, Madam Commissioner.

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

5 **MR. JEAN-PHILIPPE MacKAY:**

6 **MR. JEAN-PHILLIPE MacKAY:** I'll ask the
7 Registrar to bring up WIT 47, please, which is the Interview
8 Summary -- the public version of the Interview Summary of Mr.
9 King, Ms. Dobner, CSIS Representative, and Ms. Ducharme.

10 **---EXHIBIT No./PIÈCE No. WIT 47:**

11 SITE TF 2021 Public Summary of
12 Classified Interview

13 **MR. JEAN-PHILLIPE MacKAY:** Have you had --
14 well, our witnesses, do you recall being interviewed by
15 Commission counsel in a classified space on the 9th of
16 February, 2024?

17 **MR. LYALL KING:** Yes.

18 **MR. JEAN-PHILLIPE MacKAY:** This summary is a
19 publicly disclosable version of the interview summary. Have
20 you had a chance to review it before today?

21 **MR. LYALL KING:** Yes.

22 **MR. JEAN-PHILLIPE MacKAY:** And is it --
23 insofar as it represents the publicly disclosable evidence
24 that can be included in that summary, is it accurate to the
25 best of your information and belief?

26 **MR. LYALL KING:** Yes, it is.

27 **MR. JEAN-PHILLIPE MacKAY:** And do you have
28 any corrections, additions, or deletions that you would like

1 to make to this document?

2 **MR. LYALL KING:** I do not.

3 **MR. JEAN-PHILLIPE MacKAY:** Okay. For the
4 other witnesses, do you have the same answer for this
5 document?

6 **MS. GALLIT DOBNER:** Same answer.

7 **MS. LISA DUCHARME:** Same.

8 **CSIS REPRESENTATIVE:** Same answer.

9 **MR. JEAN-PHILIPPE MacKAY:** Do you all adopt
10 this summary as part of your evidence before the Commission
11 today?

12 **MR. LYALL KING:** Yes, I do.

13 **MS. GALLIT DOBNER:** I do.

14 **MS. LISA DUCHARME:** I do.

15 **CSIS REPRESENTATIVE:** I do.

16 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

17 Now can we bring up WIT 46, please?

18 **--- EXHIBIT No./PIÈCE No. WIT 46:**

19 SITE TF 2021 Public Summary of
20 Classified Examination

21 **MR. JEAN-PHILIPPE MacKAY:** I'm sorry, Madam
22 Commissioner, I just realized something. Because the CSIS
23 representative who is with us today was not, as you remember,
24 was not the same CSIS representative who testified in-camera,
25 the CSIS representative who is with us today was not -- did
26 not participate in the interview. So because this person is
27 not with us today, maybe it's difficult to see and to
28 distinguish between the two documents. So the -- as it's

1 mentioned in this summary, the in-camera examination summary,
2 the CSIS representative who is with us today is the CSIS
3 representative who was examined in-camera before you and the
4 CSIS representative who participated in the interview will
5 file -- will sign an affidavit in the near future which will
6 be produced to us and we will introduce it into the record.

7 But just for the record -- to correct the
8 record, ---

9 **COMMISSIONER HOGUE:** Fine.

10 **MR. JEAN-PHILIPPE MacKAY:** --- the CSIS
11 representative who is with us today cannot attest to the
12 accuracy of the interview because they did not participate in
13 the interview.

14 And I'm sorry for that. this is an important
15 point to make.

16 Now we have the in-camera examination
17 summary, WIT46. So the same questions to our witnesses.
18 This is a publicly disclosable version of the summary. Did
19 you have the chance to review it today for accuracy?

20 **MR. LYALL KING:** Yes.

21 **MR. JEAN-PHILIPPE MacKAY:** Okay. Is it the
22 same answer for all of the panelists?

23 **MS. GALLIT DOBNER:** Yes.

24 **MS. LISA DUCHARME:** Yes.

25 **CSIS REPRESENTATIVE:** Yes.

26 **MR. JEAN-PHILIPPE MacKAY:** Does it reflect
27 your evidence, to the best of your knowledge, information,
28 and belief?

1 **MR. LYALL KING:** Yes, it does.

2 **MS. GALLIT DOBNER:** Yes, it does.

3 **MS. LISA DUCHARME:** Yes.

4 **CSIS REPRESENTATIVE:** Yes.

5 **MR. JEAN-PHILIPPE MacKAY:** And do you have
6 corrections, additions, deletions to make to this document
7 before you adopt it as part of your evidence?

8 **MR. LYALL KING:** I do not.

9 **MS. GALLIT DOBNER:** I do not.

10 **MS. LISA DUCHARME:** I do not.

11 **CSIS REPRESENTATIVE:** I do not.

12 **MR. JEAN-PHILIPPE MacKAY:** Thank you. So now
13 that's being -- that's been done.

14 Could you please introduce yourself briefly,
15 Mr. King and Ms. Dobner, concerning the roles that you had in
16 2021 within your respective agencies and in relation to the
17 SITE Taskforce in 2021?

18 **MR. LYALL KING:** Sorry, was that directed at
19 me?

20 **MR. JEAN-PHILIPPE MacKAY:** You can answer,
21 just for the record, but we heard your evidence this morning.

22 **MR. LYALL KING:** Okay. Effectively it was
23 the same, if I may. I was the Chair of the SITE Taskforce
24 during that time and I was also still a Director within the
25 Directorate General of Intelligence at CSE.

26 **MS. GALLIT DOBNER:** Likewise, I was the
27 Global Affairs Canada representative on the SITE Taskforce.

28 **MS. LISA DUCHARME:** I was the RCMP

1 representative to the SITE Taskforce through my role as a
2 Director of Strategic Intelligence within Federal Policing
3 National Intelligence.

4 **CSIS REPRESENTATIVE:** And I worked with a
5 lead CSIS official in the 2021 Election whilst also serving
6 as a Deputy Director dealing with foreign interference in the
7 ADR Directorate.

8 **MR. JEAN-PHILIPPE MacKAY:** CSIS
9 Representative, if possible, could you please either speak up
10 or speak a bit more slowly, because it is hard to understand
11 in the hearing room.

12 **CSIS REPRESENTATIVE:** Shall I repeat that?

13 **MR. JEAN-PHILIPPE MacKAY:** No, I think that
14 was fine, but just for your answers for the rest of your
15 examination, just bear in mind that because of the
16 technological aspect of your testimony, you will have to
17 speak slowly. Thank you.

18 **CSIS REPRESENTATIVE:** Thank you.

19 **MR. JEAN-PHILIPPE MacKAY:** My first question
20 is for you, Mr. King. We heard your evidence this morning
21 concerning the SITE Taskforce in 2019. Could you please
22 explain the differences that existed between the SITE
23 Taskforce in 2019 and your experience in 2021?

24 **MR. LYALL KING:** Certainly. Generally
25 speaking, the SITE Taskforce was the same in construct. It
26 operated in a very similar fashion as it did during the 2019
27 elections. There were a few changes in personnel, as we have
28 seen reflected in the panels from this morning to this

1 afternoon, but some of us were still there, so there was
2 still an element of continuity in terms of membership.

3 More broadly speaking, we had been in the
4 midst of covid as well, so that certainly had an impact,
5 generally speaking, on the operational environment and how we
6 worked with hybrid work coming into play.

7 So, you know, we did meet a little bit more
8 in multi-classification spaces. That's to say, not
9 exclusively in a top-secret environment. But we also had
10 discussions outside of that, as appropriate, reflecting the
11 content of what we discussed. And that was certainly an
12 element of how we had to contend with operating.

13 Additionally, there was increased concern,
14 generally speaking, partly as a result of covid, but partly
15 as a result of seeing the Capital Hill riots in the United
16 States, in and around election security. So beyond foreign
17 interference, looking at the personal and physical security
18 to individuals in positions of importance. So senior
19 government officials and the like.

20 So we did include that element, generally
21 speaking, into our activities and our reporting.

22 That meant, practically speaking, in RCMP
23 played probably a greater role in 2021, in terms of
24 contributing material that ultimately would have been fed up
25 to the Panel of Five regarding safety issues and threats,
26 physical threats and the like, to politicians and candidates.

27 So those are sort of the key thematic changes
28 in terms of what we had to contend with.

1 I can get into some of the differences in the
2 way that we communicated, but I think that might flow more
3 into the lead up to the election itself. So maybe I'll stop
4 there.

5 **MR. JEAN-PHILIPPE MacKAY:** I'd like to hear
6 you about this aspect. I'd like to cover just the main
7 differences, not withstanding the timeframe of your work in
8 2021, just the main differences. You already addressed some
9 of those. So I'd like to hear you on the differences
10 concerning whether there are any differences in the
11 information flow, ---

12 **MR. LYALL KING:** Sure.

13 **MR. JEAN-PHILIPPE MacKAY:** --- the products
14 that you generated as a taskforce, et cetera.

15 **MR. LYALL KING:** Certainly. So we did have a
16 little bit of a different approach in terms of collating
17 information that was fed up to the Panel of Five. Starting
18 in probably late 2020, I want to say, we pulled together and
19 revised our overall threat landscape and we began to refresh
20 that on more or less a monthly basis. And that coincided in
21 early 2021 with the set up, the re-establishment of the Panel
22 in preparation for what was anticipated to be an election.

23 So there was less foundational briefings
24 about what SITE did, and probably more focus on updating on a
25 more regular frequent basis the threat landscape.

26 I would say that we did, I think, a better
27 job of synthesizing the components from the different
28 organizations, so information that came through from the

1 service, contributions from CSE, Global Affairs and RCMP,
2 into an overarching, more holistic document. I think that
3 was done fairly well.

4 And then in terms of briefing cycles, as I
5 noted, there were monthly updates to the panel as they were
6 preparing. During the writ period, we did the same thing as
7 we did in 2019 in issuing daily situation reports, or
8 sitreps. Over and above that, there were definitely weekly
9 briefings to the panel.

10 So we had -- and this is during the writ
11 period -- the daily sitrep in addition to, ultimately, a
12 summary of what we were seeing in those sitreps pulled
13 together into a weekly summary. And that was briefed to the
14 panel.

15 That was done -- again, PCO would have
16 coordinated the briefings themselves and the delivery was
17 typically at the Deputy Minister level, so Chief of CSE,
18 Director of CSIS and a bit of a nuance for the representation
19 from RCMP and Global Affairs where both my colleagues here on
20 the panel did end up briefing, in part because of the roles
21 and responsibilities of their Deputy Ministers. So there was
22 a more frequent engagement in that sense.

23 Daily summaries, weekly -- sorry. Daily
24 sitreps, a weekly summary that was verbally briefed as we did
25 in 2019, but I don't believe we did the weekly during 2019 so
26 we didn't do that in 2019. We did it in 2021.

27 **MR. JEAN-PHILLIPE MacKAY:** And within your
28 respective agencies and organizations in relation to foreign

1 interference, were there any changes -- notable changes prior
2 to the election in 2021?

3 **MR. LYALL KING:** There were.

4 Certainly as I noted, COVID had somewhat of
5 an impact. I had a few less people working with me on the
6 secretariat function of SITE, but we still functioned and, in
7 fact, there was probably less of a burden on us in some
8 senses.

9 We had less of that educational briefing
10 requirement that we had to do in 2019. But operationally
11 speaking, CSE -- and I'll my other panel colleagues speak to
12 their spaces. CSE did increase resources on certain spaces
13 to bolster intelligence collection in relation to foreign
14 interference and foreign influence activities of adversaries,
15 so we did increase that and increased engagement, I think, as
16 well in terms of outreach to the public, generally speaking,
17 with publications, threats to democratic processes, national
18 cyber threat assessments, so engaging and educating the
19 public in that sense.

20 So I will leave that to other panel members
21 to discuss the changes within their organizations.

22 **MS. GALLIT DOBNER:** Would you like me to jump
23 in?

24 **MR. JEAN-PHILLIPE MacKAY:** Yes, please.

25 **MS. GALLIT DOBNER:** Great.

26 I think by way of contest, it's helpful to
27 first understand how the online ecosystem evolved between
28 2019 and 2021 to explain why we made some of the changes we

1 did to the team and how we approached foreign interference
2 online.

3 So I'd say, in brief, there were three big
4 changes. There were more folks and, therefore, more
5 information online by 2021. There were more platforms to
6 look at. And the tactics and techniques were more
7 sophisticated.

8 So just to explain those three points, first
9 of all, as Mr. King explained, we were in a COVID context.
10 Folks were at home and folks were online. And we were
11 experiencing what many had coined an "infodemic" where there
12 was just a ton of information online at all times. So there
13 was a lot more to wade through.

14 Second of all, there were a lot more
15 platforms. So back in 2019, we were very focused on some of
16 the big common American platforms like Facebook, formerly
17 Twitter, Instagram, Reddit, but by the time '21 rolled
18 around, we saw a huge increase in interest in Chinese social
19 media platforms. It wasn't just American social media
20 platforms any more. And we also saw the rise of alternative
21 platforms. This was particularly in the wake of the Capitol
22 Hill riots where a number of noteworthy personalities were
23 deplatformed by some of these big platforms and they fled to
24 some of these smaller platforms, platforms that had less
25 rigorous terms of service where they could kind of -- there
26 was less content moderation and folks could post as they
27 liked.

28 And then finally, we saw more sophistication

1 in technique. So for instance, everyone's by now very
2 familiar with generative AI and some of the capabilities of
3 generative AI. So before where you might have seen anonymous
4 Twitter accounts and you could kind of use that as an
5 indicator sometimes, now you could use AI to generate a fake
6 picture of somebody to post on an account.

7 We also saw information moderating where
8 folks would move information from one platform to another to
9 try to obscure the origin -- the original origin of the
10 information, so more sophistication in the techniques.

11 So between more information, more platforms,
12 more sophistication, it was a tougher space to get a hold of.

13 So in terms of the things that we did to try
14 to tackle this evolution in the online space, first of all,
15 my team, RRM Canada, organized a series of four workshops for
16 Government of Canada relevant players. The first one was a
17 lessons learned exercise where we brought in civil society
18 and academic and others who had been watching the 2019
19 election to talk about the lessons we'd learned.

20 We also had a workshop that was classified
21 with other government partners to talk about the techniques
22 that they were seeing in the context of their recent
23 elections in terms of foreign interference.

24 And then thirdly, we brought in experts to
25 talk about the evolution of the online space where we had
26 seen the most evolution in terms of foreign interference
27 techniques.

28 And then thirdly, we -- sorry, fourthly, we

1 had a very technical workshop for data analysts across
2 government.

3 So there were the workshops.

4 There were also the monthly reports that we
5 produced. So we had done this as well in 2019, but the
6 reports that we produced in 2021 reflected some of the
7 changes in the online environment, so for instance, looking
8 at alternative media platforms.

9 Thirdly, we brought in some new expertise to
10 the team, so we brought in an expert in Chinese social media
11 platforms, so rare folks who can speak, write in Mandarin who
12 can straddle social science and data science, so this was a
13 boon for the team. We also brought in an expert on
14 alternative platforms to help us look at some of these other
15 platforms that a lot of folks didn't have experience with.

16 And then fourthly, like in 2019, we had
17 contracted some assistance. This time we contracted a couple
18 of different parties, a private sector party named Yonder, to
19 help us look at the online ecosystem, and then we also
20 contracted the Media Ecosystem Observation, which was a
21 partnership between UFT and McGill University who's very
22 familiar with the Canadian media landscape, to help us
23 monitor.

24 So I'd say those were the main changes in the
25 online ecosystem and those were some of the main changes we
26 made to the team to reflect the evolution.

27 **MR. JEAN-PHILLIPE MacKAY:** And concerning --
28 you mentioned social media -- new social media, for example,

1 WeChat. Could you please explain just briefly -- I know it's
2 not necessarily a new social media, but just explain -- this
3 is a platform that was mentioned over the last hearing days.
4 And just to explain briefly what it is and just an overview
5 of how it functions.

6 **MS. GALLIT DOBNER:** Right. So WeChat is --
7 it's the, I'd say, Chinese equivalent to WhatsApp plus, plus.
8 So you can do all sorts of things with WeChat that you can't
9 do with WhatsApp like banking, for instance. I think you can
10 even call taxis using WeChat. So it's kind of a super social
11 media platform.

12 And there's quite a few challenges in terms
13 of understanding WeChat for us, so -- and there's three big
14 challenges in particular.

15 I'd say first of all, the tools. We have --
16 we can purchase subscriptions to off-the-shelf tools, anybody
17 can, any Canadian, to try to surveil some of the big
18 platforms like Facebook and former Twitter, now X. You can't
19 do that with WeChat.

20 There is no off-the-shelf tool and there's no
21 even fit-for-purpose tool that you could fashion in order to
22 try to monitor what was happening on WeChat, so instead, you
23 would have to manually look at each and every WeChat news
24 account, for instance. So that was a big challenge.

25 Another challenge is that WeChat, like
26 WhatsApp, consists of a lot of private messaging or direct
27 messaging, and that, as the Government of Canada, we would
28 never have access to, nor would we want to infringe on the

1 privacy rights of Canadians, so we wouldn't be able to see
2 what was happening in direct messages. We would only see
3 what was happening in sort of public news accounts. Another
4 big challenge is that we don't have a relationship with
5 Tencent, the Chinese company responsible for WeChat, the same
6 way we have relationships with the PR teams for Facebook or
7 Twitter, now X. So if we were seeing something streamed on
8 the platform, we wouldn't be able to appeal to them for
9 assistance to find out if there were any foreign state
10 sponsored disinformation.

11 And then finally, really important to note
12 that there's not a large, and particularly in 2021, there was
13 not a large community of practice, so folks who are experts
14 who understood WeChat and could therefore compare information
15 and build on each other's research. So the expert on our
16 team did not have a community of experts that he could really
17 work with to help us understand what we were seeing.

18 **MR. JEAN-PHILIPPE MacKAY:** Thank you. I'll
19 let Ms. Ducharme answer my -- a question that I asked earlier
20 about the approach and the changes concerning foreign
21 interference within your organization.

22 **MS. LISA DUCHARME:** Sure. So within the
23 RCMP, there had been no change when it comes to foreign
24 interference. It's the same process and procedures, and as
25 we've spoken about earlier, it -- foreign interference
26 happens all throughout the year, not just during a writ
27 period. It happens before, during and after. What was
28 significant for the RCMP during the 2021 elections, however,

1 was a dramatic increase in the public order space. So what
2 we have seen and we have been tracking since the pandemic in
3 March of 2020 is there had been weekly public order protests
4 going on weekly across Canada. And coming up towards the
5 election in 2021, there was a pivot towards now using the
6 election to gravitate towards expressing their frustration.

7 So what we saw was a lot of ideologically
8 motivated grievances in various grievance spaces, anti-
9 authority, xenophobic conspiracy grievances. We saw a
10 dramatic increase in the indirect and direct threats to
11 protected persons per the *RCMP Act*, such as the Prime
12 Minister and leaders of the political parties. We also saw
13 an increase in threats to national critical infrastructure
14 such as Elections Canada polling stations and their staff.
15 And we saw just general violent behaviour, lots of online
16 rhetoric of violent counter clashes at events where campaigns
17 and rallies were being held.

18 So what changed for the RCMP was that just
19 greater integration amongst the RCMP electoral ecosystem. So
20 there were teams dedicated to looking at protected persons,
21 supporting them through threat assessments. There was an
22 events security coordination centre. There was an
23 intelligence cell. This was an area under my command that
24 looked at ideologically motivated criminal threats, and also
25 intake and assessment that was keeping track of all of the
26 threats that were coming in. And we really became very
27 integrated and created a battle rhythm, so we were
28 consistently changing -- exchanging information on a daily

1 basis. So these systems already existed. It's just that the
2 situation became very acute, and we were really working very
3 closely together.

4 And another change that happened was that the
5 produce -- the material that we were producing was for law
6 enforcement use, for public safety, officer safety, protected
7 persons safety, but there was such an increased interest from
8 the Panel of Five and from PCO and other senior leadership
9 from Elections Canada, from the Office of the Commissioner of
10 Canada Elections about what we were seeing, so we looked to
11 the special threat advisories and other reports that we had
12 been generating for internal consumption with the police of
13 jurisdiction and for ourselves that we found a way to produce
14 a Rapid Release Mechanism, so that we could share what we
15 were seeing with the rest of our SITE colleagues and with
16 CSIS, ITAC and Public Safety and others.

17 So we looked to -- originally, we were
18 creating our own independent reports that were going out, but
19 we were sharing with the partners, and then it just made
20 sense after a number of discussions with the Panel of Five to
21 include those injects into our SITE Task Force reports, which
22 had previously only reported on foreign interference. So as
23 mentioned, nothing had changed for the RCMP. We just -- in
24 terms of the focus and the interest in certain areas and that
25 adjusted the way we were working so that we could report up
26 and out in a frequent manner, and put in the review
27 mechanism, so that what we were sharing would not impact
28 current or future potential investigations.

1 **CSIS REPRESENTATIVE:** And I would say ---

2 **MR. JEAN-PHILIPPE MacKAY:** Excuse me, go
3 ahead.

4 **CSIS REPRESENTATIVE:** Yes. I would say there
5 are three ways in which we updated our practice and our
6 thinking in relation to the run-up to the 2021 election. The
7 first dealt with our internal organizational models and
8 modernizing them to make them more both effective and
9 efficient. The second dealt with the issue of information
10 sharing and the increased capability of CSIS to be able to
11 share information both internally and with partners both in
12 the government and into SITE itself. And the third dealt
13 with the updating of the threat landscape, i.e., to be able
14 to provide great detail on the threat landscape, in
15 particular, to the Panel of Five, who required, because some
16 of the members were new, an update on how to think about the
17 threat that Canada faced prior to the 2021 election.

18 Unpacking those very quickly, CSIS modernized
19 its internal organizational functions significantly,
20 upgrading its capability to understand, analyse and report on
21 foreign interference. This involved many different
22 organizational changes, in particular, the fusion of
23 analytics and operations and allowing them to complement one
24 another, with a particular focus on foreign interference as
25 it related to China. We broadened our teams across the
26 country. We created the mechanisms that allowed us to
27 understand the threat of foreign interference much more
28 acutely. We also upgraded our staff to deal with foreign

1 interference as it related to India, to Pakistan, Iran, and
2 also dealing with the IMVE threat that was mentioned,
3 ideologically motivated violence extremism in the nature of
4 possible political violence.

5 Secondly, there was a degree of increase in
6 information sharing, both internal to the service, but also
7 within SITE. We wanted as much information to be moving in
8 and through the system as was possible, such that it could be
9 shared widely and analyzed by as many groups as possible. We
10 needed to see it. That then led to our third objective was
11 to make sure that the Panel of Five was constituted --
12 understood the threat landscape as best they could. We had
13 new members on the Panel of Five who had not dealt with
14 foreign interference in election matters, and so part of our
15 larger objective here was to make sure that when they were
16 forced to deal with debates on foreign interference and
17 evaluate foreign interference as it related to the 2021
18 election, they were adequately prepared.

19 **MR. JEAN-PHILIPPE MacKAY:** Thank you. And
20 concerning the threat landscape, Mr. King and CSIS
21 representative mentioned this notion, concerning foreign
22 interference specifically, briefly, what was this landscape
23 in the leadup to the election in 2021?

24 **MR. LYALL KING:** Well, again, sort of in the
25 intervening period between 2019 and 2021, SITE continued to
26 meet and share intelligence for 1. You've heard about the
27 respective changes in terms of analytic, other resourcing or
28 capabilities that were instituted in the different

1 organizations. That helped, I think, increase some of the
2 intelligence flow. We held a few distinct sessions at SITE
3 where we looked at specific adversary countries and focussed
4 in on those and had subject matter experts from our
5 organizations come together and really update us on the
6 picture of what was happening across the board. So you will
7 see I think reflected in some of the documents some of the
8 states that we were -- continued to be concerned with.
9 Again, China, and I will push this over to my CSIS colleague
10 in a moment, certainly, China we still felt was far and away
11 the biggest threat, generally speaking, with a number of
12 other countries that continued to be of concern. Those do
13 include Russia, India and Pakistan. So, generally speaking,
14 we were looking at a broad range of adversary activities and
15 updating our knowledge with respect to their specific
16 techniques and activities in different spaces. So maybe I'll
17 just defer to my CSIS colleague if there's any additions to
18 that.

19 **CSIS REPRESENTATIVE:** I think that's captured
20 well. I would add that, as has been said, the overarching
21 focus for us was on the PRC. We considered it the most
22 significant foreign interference threat actor that Canada
23 faced. We considered the PRC to be highly capable,
24 motivated, and acting in a sophisticated and pervasive and
25 persistent manner in carrying out its foreign interference
26 activities against all levels of Canadian Government and
27 civil society.

28 And so we looked carefully at all levels of

1 government, the federal, provincial, territorial, and
2 municipal. We looked at the types of techniques and tactics
3 that were being used, and also the overarching arc, the long
4 term activity in terms of how it unfolded, the nature of it
5 being Canada-wide, and directed towards all political parties
6 over time.

7 As has been mentioned in the Commission,
8 China -- Chinese foreign interference has been a longstanding
9 issue for Canada that the Service has been evaluating for
10 many, many decades. And as the CSE Representative has also
11 said, we looked at several other states, noting that again
12 foreign interference is pervasive in Canada through many of
13 them. And to also note that the diaspora communities in
14 Canada continue to remain vulnerable to foreign interference
15 activities, and in some cases, they were the targets of
16 state-directed threats and punitive measures, and were
17 manipulated by states at certainly times, and with the upshot
18 being that there were fear in certain communities because of
19 the nature of foreign interference carried out through
20 transnational repression.

21 **MR. JEAN-PHILIPPE MACKAY:** Thank you. I will
22 proceed chronologically with my questions. So we'll begin --
23 we'll continue, in fact the pre-electoral context, and then
24 we'll move to the writ period.

25 So the -- in the lead up to the election, in
26 terms of organising yourself as a task force, what did you do
27 to prepare yourselves as a task force, specific steps?

28 **MR. LYALL KING:** Certainly, a number of

1 activities. We've mentioned already refreshing and updating
2 our view of the threat actors, so looking what our coverage
3 was, our understanding, and sort of combining that
4 overarching piece to inform as well our understanding of the
5 threat landscape. So this is about identifying any residual
6 gaps and trying to address those from a -- an aspect of
7 collection.

8 We reviewed and revised some of our
9 foundational documents as well. I've referred to the terms
10 of reference in the earlier session on 2019, and the fact
11 that we wanted to reflect some of the lessons learned into
12 our 2021 space, principally looking at the principles of
13 engagement, principles of information sharing trying to, with
14 the acknowledgement that information can be highly sensitive,
15 share at the lowest classification possible so that we could
16 hit the broadest range of -- to be able to share it with the
17 broadest range of individuals.

18 So revising those aspects of our terms of
19 reference, revising our work plan. And the work plan, again,
20 really centring in around how we would be ready
21 operationally, what our engagements were with partners and
22 allies, how we were to communicate internally and with
23 others. And so that led to a few sessions led by Global
24 Affairs, and reviewing and examining what we had observed in
25 2019 to play out and understand how to react and better deal
26 with situations in 2021. So a lot of that internal activity
27 was happening.

28 Trying to think of what else we did. Again,

1 I had mentioned preparing monthly threat summaries beginning
2 -- it was early 2021, I think, in anticipation to help
3 support the Panel itself.

4 I'll stop there and just ask my colleagues if
5 I have generally missed anything from your perspectives, or
6 CSIS colleague, if I have missed anything.

7 **CSIS REPRESENTATIVE:** No, you've covered it
8 well.

9 **MR. JEAN-PHILIPPE MACKAY:** One specific
10 aspect of the -- of SITE Task Force activities that I'd like
11 to address now with you, and we'll make an exception to the
12 chronological order because I'd like to address this topic
13 fully with you, concerns the briefings to the cleared members
14 of political parties.

15 So I'd like you just to explain, briefly, the
16 way you proceeded in 2021. Was it different than what
17 happened in 2019?

18 **MR. LYALL KING:** It wasn't really any
19 different from my perspective. Again, we had arranged a set
20 number of briefings before the writ and into the writ period
21 to provide an overarching view of the SITE activities, our
22 mandates, authorities, the general threat picture. Again,
23 these set briefings were coordinated and chaired/managed by
24 Privy Council Office, and SITE was not the only contributor
25 to those, with the cleared political party members. There
26 were other elements. I mentioned the cyber centre did
27 provide briefings of those, as did PCO Democratic
28 Institutions. So there were a few other players in that

1 space.

2 So that persisted, as it had in 2019. And
3 again, there were opportunities -- and the purpose, again to
4 replay, the purpose of those meetings was to educate, to
5 inform, to open a two-way communication with cleared
6 political party members. From a SITE perspective, they were
7 briefed verbally on the threats at the secret level, so we
8 did not provide them with written documents that had secret
9 material on them, it was verbal briefings.

10 And in addition to those set discussions that
11 we had, there were a few occasions, and this is where I will
12 have to lean on my CSIS counterpart, where there were
13 separate discussions, not as part of SITE, but still brokered
14 with -- by PCO between the Service and political parties to
15 share information.

16 So with that, I would leave that to my
17 Service colleague to address.

18 **MS. ERIN DANN:** Before we turn to the Service
19 colleague, Madam Commissioner, we just need to address one
20 issue. And I'd ask for a short recess in order to do that.

21 **COMMISSIONER HOGUE:** Yes.

22 **MS. ERIN DANN:** Ten minutes?

23 **COMMISSIONER HOGUE:** Okay.

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

26 The Commission will break for five -- for
27 10 minutes. L'audience sera reprise dans 10 minutes.

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

1 --- La séance est suspendue à 16h11

2 --- Upon resuming at 2:42 p.m./

3 --- La séance est reprise à 14 h 42

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

6 This sitting of the Foreign Interference
7 Commission is back in session. Cette séance de la Commission
8 sur l'ingérence étrangère a reprise.

9 --- MS. GALLIT DOBNER, Resumed/ Sous la même affirmation:

10 --- MR. LYALL KING, Resumed/Sous la même affirmation:

11 --- MS. LISA DUCHARME, Resumed/Sous la même affirmation:

12 --- CSIS REPRESENTATIVE, Resumed/Sous la même affirmation:

13 **COMMISSIONER HOGUE:** Sorry for the
14 interruption. Everything is fine.

15 --- EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR
16 MR. JEAN-PHILLIPE MacKAY (cont'd/suite):

17 **MR. JEAN-PHILLIPE MacKAY:** So we were
18 discussing the topic of briefings to political parties, and
19 if my memory serves me correctly, we were about to hear CSIS
20 Representative following up on the answers given by Mr. King.

21 CSIS Representative, do you want me to repeat
22 the question? Or do you remember what you wanted to tell us?

23 **CSIS REPRESENTATIVE:** No, I remember what we
24 want to talk about.

25 The nature of the briefing that we gave to
26 the political parties, and I'll refer first to the briefing
27 we first gave them in July prior to the writ, we assumed that
28 the political parties knew very little about foreign

1 interference and how to think about foreign interference and
2 its impact on political parties and on the broader system of
3 Canadian democracy. So we assumed a very low-level baseline.

4 The objectives were really two-fold, as has
5 been outlined, to give the political parties a clear sense of
6 the nature of the threat that Canada faced and the political
7 parties were therefore involved with and in.

8 And secondly, to set up an engagement or
9 potential dialogue over the course of the election, and
10 perhaps even beyond, such that if the political parties had
11 concerns, that they could bring them back to PCO and
12 therefore back to SITE when required, and we could have an
13 interactive exchange on things that we thought perhaps the
14 political parties should know and they could tell us about
15 their particular issues and concerns as well. So we had two
16 primary objectives.

17 As was noted, we briefed the political
18 parties orally, rather than give them intelligence on paper
19 for particular reasons of insuring that the intelligence
20 remains secure. We briefed the political parties for some
21 length, probably two hours, I would say, was our first
22 discussion. The briefings were read verbatim and the
23 language was chosen very carefully and vetted thoroughly
24 through all the intelligence agencies as well.

25 In terms of what we talked about, there were
26 several primary headings, the first of which was how to
27 understand the idea and the practice of foreign interference
28 and why it was a threat to the integrity of the Canadian

1 political system, our democratic institutions, and our
2 *Charter* rights and Canadian sovereignty.

3 We would discuss the distinctions between
4 what is considered foreign interference and that which would
5 be considered regular diplomatic activity as well.

6 We talked at length about who would
7 potentially be targeted by foreign interference, at what
8 levels of government. Then we went into discussions that all
9 levels of political governments and political power were to
10 be, perhaps susceptible at the federal level, provincial,
11 territorial, municipal level. Political office holders and
12 candidates in particular were vulnerable and needed to be
13 aware.

14 We talked also about who would be carrying
15 out, potentially, foreign interference, i.e. specific types
16 of intelligence officers and proxies that may be associated
17 with particular foreign government officials, et cetera.

18 We talked, as mentioned, about diaspora
19 communities and their vulnerability, and how they could be
20 impacted, and manipulated, and threatened through foreign
21 interference activities.

22 We further talked about the rise of social
23 media web platforms and the new scale and sophistication
24 which had become unprecedented in 2021 in terms of social
25 media manipulation.

26 We talked about lessons learned as well. And
27 one of the key lessons learned, we discussed, was the
28 potential manipulation of political party nomination

1 processes, which was an active area that could be manipulated
2 by foreign states to their advantage. So we discussed that
3 at some length because of the nature of its history with
4 previous elections.

5 **MR. JEAN-PHILLIPE MacKAY:** If you'll allow
6 me, CSIS Representative, if you'll allow me, I'll ask the
7 Court Registrar to bring up CAN18041.

8 So, CSIS Representative, do you see the
9 document that we have on the screen here?

10 **CSIS REPRESENTATIVE:** No, I do not.

11 **MR. JEAN-PHILLIPE MacKAY:** Do you have access

12 ---

13 **CSIS REPRESENTATIVE:** Now ---

14 **MR. JEAN-PHILLIPE MacKAY:** Oh, sorry.

15 **CSIS REPRESENTATIVE:** Now I do.

16 **MR. JEAN-PHILLIPE MacKAY:** Okay. You were
17 discussing the content of, if my understanding is correct, a
18 briefing that was given in July 2021? Is that correct?

19 **CSIS REPRESENTATIVE:** That's correct.

20 **MR. JEAN-PHILLIPE MacKAY:** Okay. And the
21 document we have before us reflects, in large part, the
22 testimony you've give on the topics that were covered during
23 the briefing so far? Is that correct?

24 **CSIS REPRESENTATIVE:** That's correct.

25 **MR. JEAN-PHILLIPE MacKAY:** If we scroll down?

26 So I'll invite you just to continue your
27 answer now that we have a visual support and a reference for
28 the participants and the public.

1 **CSIS REPRESENTATIVE:** So as mentioned, there
2 were a multitude of topics discussed, lessons learned which
3 were captured from the 2019 election, discussions in the
4 early phases of social media manipulation, and disinformation
5 and amplification.

6 We discussed further, as you can see
7 throughout the document, the main foreign interference threat
8 actors in Canada, which as mentioned, focused to a
9 significant degree on the People's Republic of China, which
10 we considered highly capable, motivated, and to be acted in a
11 sophisticated, pervasive, and persistent manner.

12 We talked about how Chinese foreign
13 interference is carried out and what areas were considered
14 vulnerable.

15 As mentioned, we covered many other states
16 that we considered important for the political parties to
17 understand.

18 We touched upon IMVE, ideologically motivated
19 violent extremism, and the possibility, at that point in
20 time, of it becoming a factor in the Canadian electoral
21 system, in addition to election security.

22 And furthermore, we touched on cyber security
23 and how to be more resilient with regards to cyber
24 protections for Parliamentarians, et cetera.

25 All in all, we took the briefings very
26 seriously. We wanted to help assist the parties with as much
27 information as we could provide to give them a thorough
28 context of what Canada was facing in a very quick election

1 that, again, we were dealing with covid throughout, and the
2 larger priority was to set up a series of discussions, if
3 required, such that we could continue to engage with the
4 parties with more specific, if indeed required, actionable
5 material, and have them come back and inform us on any issues
6 ---

7 **MR. JEAN-PHILLIPE MacKAY:** Thank you.

8 **CSIS REPRESENTATIVE:** --- that they consider
9 important.

10 **MR. JEAN-PHILLIPE MacKAY:** I'm sorry, I will
11 interrupt you here just to pull up document 3498, CAN 3498.

12 Just for the record, this is a document
13 titled *Introduction to the SITE Taskforce*. And topics
14 contained in this document were covered by Mr. King and CSIS
15 Representative.

16 **--- EXHIBIT No./PIÈCE No. CAN 3498:**

17 SITE TF Briefing to Secret Cleared
18 Federal Political Parties

19 **MR. JEAN-PHILLIPE MacKAY:** So is this a
20 document, Mr. King, that was also used as part of the
21 briefing in July 2021?

22 **MR. LYALL KING:** Yes, it was. Yes.

23 **MR. JEAN-PHILLIPE MacKAY:** And we see, if we
24 scroll down to page 3, you already addressed those elements
25 in part, the last section, "What can be done with the
26 information you hear/receive today". So this is just for the
27 record, we have already covered this in the evidence so far.

28 **MR. LYALL KING:** May I briefly add one

1 difference between 2019 and '21, ---

2 **MR. JEAN-PHILLIPE MacKAY:** Go ahead.

3 **MR. LYALL KING:** --- 2021, if I may? Just
4 the fact that in 2019, we knew when the election was going to
5 be. In 2021, we did not. It was the minority government and
6 we weren't quite clear when that would happen. So that
7 proved a little bit of a challenge, just from a broader
8 communications perspective.

9 So in 2019, there was much discussion about
10 what the Government was doing with different initiatives to
11 protect democracy, one of those being the creation of SITE
12 and the Critical Election Incident Protocol.

13 There was not that opportunity, I think, in
14 2021. There had to be some caution taken in terms of
15 communicating if and when an election might occur. So that
16 was a little bit of a challenge in just getting the message
17 out, generally speaking, that for example, SITE was still a
18 thing, it was still active, it was still doing these things.

19 So I just wanted to point that difference out
20 as well.

21 **MR. JEAN-PHILLIPE MacKAY:** Thank you.

22 And I'll ask Court Operator to pull up
23 CAN13303. CAN13303.

24 And while the Registrar is pulling up the
25 document, CSIS Representative, I interrupted you earlier.
26 Was there any other key points you wanted to highlight
27 concerning the briefings to political parties?

28 **CSIS REPRESENTATIVE:** No, I think that

1 captures it.

2 **MR. JEAN-PHILLIPE MacKAY:** Okay. Thank you.

3 We have the document CAN13303 before us,
4 Madam Commissioner.

5 I'll ask Court Registrar to go to page 4 of
6 9, please. We can scroll down a little bit more. Okay.

7 So we have the list here that begins on page
8 -- the document has nine pages, so what we see here, three or
9 four, is not the reference I'll be using, but the entire
10 document.

11 We have the beginning of a list that
12 continues on the next page. We have referred to this
13 document this morning for some dates in 2019. I'd like you
14 to identify the -- we have a list of briefings for cleared
15 political party representatives here. I'd like you to
16 identify the briefings by in which SITE was involved in 2021.

17 **MR. LYALL KING:** Certainly. Looking at that
18 list, and starting with the July 22nd, 2021, I believe the
19 July 22nd, yes. There are two August dates there. I believe
20 August 20th might have been the original intention to have a
21 briefing, but that might have shifted. There were not two
22 briefings, to my recollection, in August, and certainly not
23 less than a week apart. Typically they tended to be about
24 three to four weeks in between. So I think it was July 22nd,
25 August 26th, September 2nd, and then on the next page, I
26 believe there should be one in and around mid-September. If
27 we can scroll down to the -- September 15th would be the one
28 that I would point out as all of SITEs in that preset PCO

1 organized and shared meetings.

2 **MR. JEAN-PHILIPPE MacKAY:** We'll come back to
3 the briefings that occurred during the writ period, but I
4 understand that the following briefings, September 24th and
5 September 30th, October 22, those were not SITE briefings?

6 **MR. LYALL KING:** Correct. Those would be
7 reflective of PCO communications with a political party --
8 with the Conservative Party, excuse me, post election.

9 **MR. JEAN-PHILIPPE MacKAY:** Okay. And we see
10 at the -- on top of the page here September 12, 2021, cleared
11 Liberal Party of Canada representative briefing. We have a
12 document, it's CAN 1082. I'll ask the Registrar to pull it
13 up, please. This document is redacted in some places, but we
14 see that the document is dated 11th of September 2021. So is
15 this the briefing that's reflected on the table that we just
16 saw that was given to a Liberal Party representative or
17 representatives?

18 **MR. LYALL KING:** Yes, I believe so. I will
19 just clarify that that would have been CSIS that was engaged
20 on that, so I would defer to them for the answer.

21 **MR. JEAN-PHILIPPE MacKAY:** Okay.

22 **CSIS REPRESENTATIVE:** That is correct. The
23 document reads accurately. It was a brief given by CSIS to
24 the Liberal Party representatives on September the 11th,
25 2021.

26 **MR. JEAN-PHILIPPE MacKAY:** If we can scroll
27 down a little bit on page 1? Obviously, we cannot discuss
28 the content of the -- of this briefing, but we see a note

1 here that,

2 "The distribution of this intelligence
3 has been very limited (P5 and SITE),
4 and we do not intend to disclose this
5 to anyone further."

6 So the mention of P5 on this document here,
7 is this a reference to the Panel of Five?

8 **MR. LYALL KING:** That's correct, yes.

9 **MR. JEAN-PHILIPPE MacKAY:** Okay. So we
10 understand, and you can confirm this, that the Panel was
11 informed of the underlying intelligence or situation
12 concerned with this briefing?

13 **MR. LYALL KING:** Yes, they were.

14 **MR. JEAN-PHILIPPE MacKAY:** Okay. Thank you.

15 And was this the only party specific as
16 opposed to a group briefing that was given by SITE or SITE
17 representatives during the writ period or the election period
18 in 2021?

19 **MR. LYALL KING:** I will defer to my CSIS
20 colleague for that answer.

21 **CSIS REPRESENTATIVE:** It was.

22 **MR. JEAN-PHILIPPE MacKAY:** Okay. Thank you.
23 So now the -- in the chronology the writ drops on August the
24 15th. What happens to SITE when the writ drops briefly,
25 please?

26 **MR. LYALL KING:** Certainly. Essentially, the
27 pace of our engagement shifts significantly from weekly
28 meetings to daily touch points and the daily issuance of the

1 situation report. During the writ period, there are also
2 regular engagements, I believe, two or three times per week
3 with the Election Security Coordination Committee. The
4 distinction between 2019 and 2021 was some of these
5 conversations were held over Protected B communications, so,
6 effectively, a lower classification. And, yes, we talked
7 every day as SITE, just to sort of understand if there was
8 anything we were going to be putting into the sitrep. Same
9 principle applied as it did in 2019 in terms of the
10 expectation that each constituent member would provide the
11 preapproved form of words to include in the sitrep. CSE
12 would roll that up into one document and disseminate as we
13 had in 2019 to a set list of individuals principally intended
14 for the Panel of Five. So it was a frequency -- an increase
15 in frequency in terms of our activity, and also, an
16 availability for us to be reached on call 24 hours a day, 7
17 days a week.

18 **MR. JEAN-PHILIPPE MacKAY:** And as you
19 mentioned earlier, the briefings, the information flow
20 between SITE and the Panel was similar to what existed in
21 2019?

22 **MR. LYALL KING:** That is correct. In
23 addition to the daily sitreps that were delivered, there were
24 weekly briefings to the SITE Panel, which included,
25 effectively, a summary of that week's material, but again,
26 probably better summarized and a bit more coherent as in 2019
27 these were largely delivered from -- the threat briefings
28 were largely delivered by the Deputy Ministers of CSE and

1 CSIS.

2 **MR. JEAN-PHILIPPE MacKAY:** And concerning the
3 RRM, Rapid Response Mechanism, was there anything specific
4 when the writ dropped in your daily operations?

5 **MS. GALLIT DOBNER:** So, I mean, similar to
6 what my colleague Mr. King said, we obviously adopted the
7 SITE posture, so that was contributing to daily sitreps and
8 participating in the same meetings that Mr. King referenced.

9 **MR. JEAN-PHILIPPE MacKAY:** And what I'm
10 trying to -- where I'm trying to get is the RRM daily brief
11 and the weekly daily brief that we have in the record. So
12 was this a specific product, or those two products, were they
13 specific to the writ period?

14 **MS. GALLIT DOBNER:** Right. Thank you for the
15 clarification. So the daily product was essentially the
16 input for the daily sitrep for the Panel of Five. So my team
17 produced that and tried to boil it down a little bit and
18 provide them with a bit of a summary of that in the daily
19 sitrep. And then the team also contributed to the weekly
20 product that SITE put together as well.

21 **MR. JEAN-PHILIPPE MacKAY:** And was there any
22 dissemination of those two products to other partners beyond
23 the Task Force?

24 **MS. GALLIT DOBNER:** So the daily sitrep, I'm
25 not sure if we shared the daily with the rest of SITE or if
26 we just shared the high level summary. I don't have record
27 of that.

28 **MR. LYALL KING:** I recall seeing a few.

1 **MS. GALLIT DOBNER:** Okay. So we potentially
2 did. And then the weekly product that CSE as chair of SITE
3 assembled, that was -- maybe I'll just throw that question to
4 you.

5 **MR. LYALL KING:** Well, the weekly summary was
6 essentially put together with inputs from the other partners,
7 principally by CSE and CSIS, and that was really provided to
8 our Deputy Ministers to speak to so ---

9 **MR. JEAN-PHILIPPE MacKAY:** I'm sorry. I
10 don't want to interrupt you, but we're -- the -- we have a --
11 the weekly briefs of the RRM, they're -- I'm sorry, not the
12 brief, but the weekly ---

13 **MS. GALLIT DOBNER:** Oh, pardon me.

14 **MR. JEAN-PHILIPPE MacKAY:** --- well, it's a
15 weekly brief. That's the name of the product.

16 **MS. GALLIT DOBNER:** Pardon me, yes.

17 **MR. JEAN-PHILIPPE MacKAY:** The specific RRM
18 product.

19 **MS. GALLIT DOBNER:** Pardon me. I thought you
20 were referring to the SITE weekly. Pardon me. Yes, exactly.
21 So that brief that RRM put together, yes, there was the daily
22 that contributed to the sitrep, and there was a weekly that
23 was a broader product, and it was shared with the rest of
24 SITE and it was shared with the Election Security
25 Coordinating Committee, so all of the departments and
26 agencies across government that were part of the ESCC, and
27 that product would have fed into the oral briefing that I
28 would have provided the P5, the Panel of Five, along with the

1 heads of CSIS and CSE and member from RCMP.

2 **MR. JEAN-PHILIPPE MacKAY:** Thank you. I'm
3 turning now to a specific issue that arose during the writ
4 period. And it's the incidents of potential misinformation
5 or disinformation concerning Mr. O'Toole and Mr. Kenny Chiu,
6 and also, the Conservative Party was concerned with elements
7 of the incident concerning Mr. O'Toole. And before we enter
8 into this -- the specifics of this topic, what's the
9 distinction between misinformation and disinformation?

10 **MS. GALLIT DOBNER:** So broadly speaking, and
11 this is a very important distinction and it's often confused,
12 misinformation and disinformation are both instances of false
13 narratives, or narratives taken out of context. But in the
14 instance of misinformation, it's spread without intention, so
15 folks unknowingly spreading false narratives or narratives
16 out of context. And disinformation is where there is intent,
17 so there is intent that's either political, or for economic
18 gain, or for criminal reasons, but information that's false
19 that's knowingly spread.

20 **MR. JEAN-PHILIPPE MacKAY:** And now can you
21 provide us with an overview of how these incidents of
22 potential disinformation unfolded during the writ period?

23 **MS. GALLIT DOBNER:** Yes, yeah, I absolutely
24 can. So as you said, there were two instances of false
25 narratives that we observed during GE44, and I'd start by
26 saying off the top that we did not have evidence that these
27 were foreign state-sponsored disinformation campaigns, so I
28 would like to start by saying that.

1 We saw two parallel narratives, false
2 narratives, circulating. So the first one had to do with the
3 Conservative Party of Canada and Mr. O'Toole. The second
4 one, Mr. Kenny Chiu and the Foreign Agent Registry.

5 I'll maybe walk you through the chronology of
6 both and then explain a little bit our assessment that we
7 reached.

8 So in the first instance with the
9 Conservative Party of Canada and Mr. O'Toole, as I recall, at
10 the very end of August, beginning of September we saw some
11 rumblings in, I believe it was, WeChat that if elected Mr.
12 O'Toole would ban WeChat. And that was reported in the daily
13 sitreps. But where we really saw these narratives start to
14 circulate was September 8th to 9th -- around September 8th,
15 9th until September 12th.

16 So what happened is, on September 8th there
17 was an article in the Hill Times that quoted a political
18 analyst, Jocelyn Coulon, saying that the Conservative Party
19 of Canada's platform almost wanted to break diplomatic
20 relations with China, or something to that effect.

21 That same day, Chinese media source, The
22 Global Times, picked up that phrase and ran it in The Global
23 Times that the Conservative Party of Canada almost wanted to
24 break diplomatic relations with China. And I believe there
25 was also a reference to the platform of the Conservative
26 Party of Canada mentioning China upwards of, I think, 30
27 times.

28 The next day, on September 9th, we saw that

1 same narrative reflected on a WeChat news account. So again,
2 we spoke about WeChat as sort of a Chinese version of
3 WhatsApp, but plus, plus. And they have personal messaging,
4 which we were not privy to and shouldn't, as the Government
5 of Canada, be privy to private message exchanges, but they
6 also have news accounts that you can subscribe to. So we saw
7 this on a news account.

8 And then over the course of the next couple
9 of days, until September 12th, it reverberated across other
10 WeChat news accounts.

11 What we then saw around September 12th is
12 that Xinhua News, which is another Chinese media source, much
13 akin to Reuters or Agence Presse, posted a video of this
14 story on Douyin, which is the Chinese version of TikTok, and
15 we then saw it reverberate not here in Canada, but in local
16 constituencies in China, so at like the provincial level in
17 China. But effectively, the narrative stopped circulating
18 around September 12th with regard to Mr. O'Toole and the
19 Conservative Party of Canada.

20 At a very similar time, again on September
21 8th, we saw the second narrative about Mr. Chiu. So Mr. Chiu
22 actually went to the media and spoke about what he perceived
23 to be as a disinformation campaign against him, and he made
24 reference to WeChat, but WeChat direct messages, which again
25 we did not have access to and, therefore, never saw.

26 But what we saw for the next few days from
27 September 9th, again, till about September 12th, is we saw
28 that some of these WeChat news accounts were running the

1 story about Kenny Chiu's private registry -- sorry, *Foreign*
2 *Agent Registry Act* would require Canadians of Chinese origin
3 essentially to register as agents, which was, again, false
4 narrative.

5 So we saw that move across a few WeChat news
6 accounts and, again, it fell silent as of September 12th.

7 So obviously, as we discussed before, my team
8 had been producing monthly threat reports to try to
9 understand what the ecosystem looks like in Canada as it
10 relates to Canadian politics, and this was an anomaly, and so
11 we did look into it.

12 And our assessment, unfortunately, came up
13 inconclusive. We came to the conclusion that there could be
14 three possible hypotheses to account for what we were seeing
15 on WeChat and in the online ecosystem.

16 The first was, this could be possibly a
17 Chinese government sponsored disinformation campaign. That
18 was a possibility. And one of the indicators that folks
19 pointed to on the team was that a few of the WeChat news
20 accounts that covered these two narratives or that reported
21 these two narratives had some links with the China News
22 Service, the CNS.

23 And we understood, again from third-party
24 reporting, that the China News Service, a bit of a news
25 aggregator, relates back to the United Front Work Department.

26 But at the same time, only a few of those
27 WeChat news accounts were affiliated with CNS. A lot of them
28 were not affiliated with CNS.

1 We also didn't see the -- any of the official
2 Communist Party news outlets amplifying the narrative. So
3 that was one possible hypothesis, but we had zero evidence to
4 suggest that this was a Chinese government directed campaign.

5 Another hypothesis was that this was purely
6 organic activity. Obviously, a story like this, albeit a
7 false narrative, would have been of interest to a lot of
8 folks in Canada and could have organically naturally spread
9 with different news accounts cutting and pasting the story
10 and sharing it along.

11 The third hypothesis was sort of what we call
12 the grey area, which is a grey area in terms of influence and
13 interference whereby there could have been individuals who
14 are sympathetic to the positions of the People's Republic of
15 China, could have felt that there was a will not to have the
16 Conservatives elected, and could have taken it on their own
17 accord to spread this information in a campaign-style
18 activity.

19 So again, could have been state sponsored, it
20 could have very well been organic or it could have been
21 somewhere in between. And we simply didn't have the evidence
22 to draw a conclusion with any kind of certainty that it was
23 one or the other or the other instance.

24 And I just would refer back to the comments I
25 made earlier because I think it's really important to
26 understand that the online space is difficult and Chinese
27 social media is incredibly difficult, again, because we don't
28 have tools, because we don't have communities of practice,

1 because we don't have access, and we shouldn't, to private
2 messaging and we don't have a relationship with the company
3 that's responsible for the platform.

4 So I just wanted to underline that once
5 again.

6 **COMMISSIONER HOGUE:** I would like Commission
7 counsel to check until what time the interpreters are
8 available because I see that we are running behind and want
9 to make sure that there's time for cross-examination.

10 **MS. ERIN DANN:** Yes, I will -- I will do that
11 and report back.

12 **COMMISSIONER HOGUE:** Thank you.

13 In the meantime, we'll continue.

14 **MR. JEAN-PHILIPPE MacKAY:** We understand, Ms.
15 Dobner, what you have described is based on the RRM's work,
16 the monitoring of the online environment. Am I correct to
17 assume that everything that you just mentioned went through
18 the SITE Task Force, it was discussed with your colleagues on
19 the Task Force?

20 **MS. GALLIT DOBNER:** That's right. That's
21 correct.

22 So as we observed these narratives, we
23 reported them in the daily sitreps, we discussed them with
24 the rest of SITE during the regular meetings that Mr. King
25 referenced. We produced a bit of a deep dive analysis on
26 September 13th that we shared on paper with the rest of SITE
27 to try to explain what it was that we were seeing to support
28 kind of a robust discussion.

1 I briefed the Panel of Five on what we were
2 seeing. I also briefed at the political party meeting what
3 we were seeing as well.

4 **MR. JEAN-PHILIPPE MacKAY:** Okay. Just for
5 the record, there's a document CAN 6595. It's a document
6 dated September 13th, 2021. I'll ask the registrar to pull
7 it up.

8 **--- EXHIBIT No./PIÈCE No. CAN 6595:**

9 GE44: Chinese Communist Party Social
10 Media Accounts Spreading Negative
11 Narratives about the Conservative
12 Party of Canada

13 **MR. JEAN-PHILIPPE MacKAY:** I don't want you
14 to describe or to walk us through, but is this the document
15 you just mentioned?

16 **MS. GALLIT DOBNER:** That's it. That's
17 exactly it.

18 **MR. JEAN-PHILIPPE MacKAY:** And also I'll ask
19 -- no, not for now.

20 So you just mentioned that it was included in
21 the sitrep. Are we correct to assume that when something is
22 put in a sitrep this is intended to be -- or it is sent to
23 the Panel of Five?

24 **MS. GALLIT DOBNER:** That's correct.

25 **MR. JEAN-PHILIPPE MacKAY:** Okay.

26 **MS. ERIN DANN:** Excuse me, Commissioner. We
27 have the interpreters available until 6:30.

28 **COMMISSIONER HOGUE:** Six-thirty? Which means

1 that -- let me just take a minute. Six-thirty? Then it
2 means, Mr. MacKay, that you can go for another -- until five.
3 But after that, we'll have to start cross-examination because
4 I absolutely want to make sure that the ---

5 **MR. JEAN-PHILIPPE MACKAY:** Absolutely.

6 **COMMISSIONER HOGUE:** --- parties have an
7 opportunity to cross-examine.

8 **MR. JEAN-PHILIPPE MACKAY:** Briefing to the --
9 -

10 **COMMISSIONER HOGUE:** And we won't take any
11 break. So if someone needs a break on your side, just let me
12 know. For the others, you can go outside if you need, but we
13 won't stop.

14 **MR. JEAN-PHILIPPE MACKAY:** You just mentioned
15 that this topic was included in a briefing to the political
16 parties. Can you just expand briefly on that, please?

17 **MS. GALLIT DOBNER:** So as I recall, I would
18 have explained that we were seeing these narratives, but that
19 we had no evidence to suggest that they were state sponsored
20 narratives. And as I mentioned earlier, the narratives were
21 known, they were public, and it was Mr. Chiu who drew our
22 attention to the narratives on September 8th, sorry, yeah,
23 September 8th in the first place.

24 **MR. JEAN-PHILIPPE MACKAY:** Okay. Was a party
25 specific briefing considered or a -- well, considered or
26 discussed within the Task Force?

27 **MS. GALLIT DOBNER:** No, there was a briefing
28 already in the schedule as the narratives and our analysis

1 started to crystallise.

2 **MR. JEAN-PHILIPPE MACKAY:** We will go back to
3 this topic later in the post election period.

4 But I'd like the court operator to bring up
5 CAN.SUM 12. It's a document called, Government of India
6 Foreign Interference Activities in the 2021 General Election.

7 And I'll -- obviously, we have a series of
8 caveats that we discussed earlier this week, on page 2,
9 paragraph 3:

10 "A body of intelligence indicates
11 that [Government of India] proxy
12 agent may have attempted to interfere
13 in democratic processes..."

14 And I don't -- I won't read the rest of the
15 paragraph. You are familiar with this topical summary?

16 **MR. LYALL KING:** Yes.

17 **MR. JEAN-PHILIPPE MACKAY:** Yes. Is this
18 something that was briefed to the Panel of Five? Is this
19 like a situation that was communicated to the Panel of Five
20 in 2021?

21 **MR. LYALL KING:** Information about India as a
22 actor in this space was briefed to the Panel of Five,
23 including this information as well, though it's a question of
24 timing as to when that was briefed. But they received the
25 information, yes.

26 **MR. JEAN-PHILIPPE MACKAY:** Okay. And we
27 understand, obviously, because it's in a topical summary, the
28 underlying and the details of that information cannot be

1 discussed publicly.

2 **MR. LYALL KING:** Correct; yes.

3 **MR. JEAN-PHILIPPE MACKAY:** Okay. We'll be
4 moving quickly in the post election period concerning claims
5 made by the Conservative Party concerning foreign
6 interference in the election.

7 So I'll invite the court operator to bring up
8 6748.

9 **--- EXHIBIT No./PIÈCE No. CAN 6748:**

10 Email thread: 04 Oct 2021

11 **MR. JEAN-PHILIPPE MACKAY:** And what we see in
12 this document it's an email from Tausha Michaud to the PCO,
13 which is sent to you.

14 So we'll go to the last page. It's an email
15 chain. Yes.

16 So briefly, what was SITE Task Force
17 implication in this request that we see here from PCO?

18 **MR. LYALL KING:** Certainly. This was a
19 request from the Conservative Party that went to PCO, and PCO
20 was always the intermediary on this space, and PCO then
21 provided that information to SITE to have a look at.

22 I don't know if you have further questions,
23 but we did subsequently look at the material, and you know,
24 we did take those allegations quite seriously and put some
25 significant resources into that. And principally that was
26 done, initially, I believe, Global Affairs, and mostly by the
27 Service.

28 So I would ask the Service colleague to speak

1 up if you have additional needs for clarification on this.
2 But SITE did look at detail in those allegations, produced a
3 report that was provided back to PCO for communicating back
4 out to the Conservative Party.

5 **MR. JEAN-PHILIPPE MACKAY:** And I'll ask court
6 operator to bring up, and I'm sorry, I'm just trying to move
7 quickly, CAN 14862.

8 And that's a document dated October 19, 2021,
9 PRC Interference in Election 2021: Response to the
10 Conservative Party of Canada. What is this document,
11 briefly, please?

12 **MR. LYALL KING:** That is the response and
13 summary of -- from SITE, but principally written by CSIS,
14 describing our response, the formal response back to the
15 Conservative Party regarding their concerns.

16 **MR. JEAN-PHILIPPE MACKAY:** And Ms. Dobner, I
17 have a question for you concerning work that was done by one
18 of your analysts on this at CAN 6750.

19 And maybe we can go at page 2, immediately.

20 And -- we won't go through the entire
21 document, but what are we seeing here, Ms. Dobner?

22 **MS. GALLIT DOBNER:** Right. So we received
23 the information from the Conservative Party of Canada via the
24 Privy Council Office, and my team took a bit of a deep dive,
25 and I would divide into two categories the information we
26 saw. The vast majority of the information was stuff we had
27 already seen during our own monitoring. There were a couple
28 of elements that were new.

1 One was a screenshot of a direct message,
2 which again we usually would not have access to, and the only
3 reason we looked at it was because it was as screenshot that
4 was stripped of any personal identifiers, so we didn't feel
5 there was any violation of privacy. And that demonstrated
6 that the narrative about Mr. Chiu was circulating on direct
7 messaging prior to when we saw it on WeChat news accounts.

8 And the second was a billboard from a grocery
9 store, and you can see the photograph here. So it was a
10 photo that someone took of a billboard. Again, this was
11 another new piece of information, but we weren't really --
12 neither of those pieces of information contributed in any
13 sort of substantive way to us being able to raise our level
14 of confidence about what we were seeing.

15 **MR. JEAN-PHILIPPE MACKAY:** And because I'm
16 running out of time, my last question to you will concern the
17 After Action Report.

18 The reference, we don't have to pull it up,
19 is CAN 2359, so that it's in the record.

20 But could you sum up the elements in your
21 conclusions in the After Action Report that you prepared, and
22 which was finalised I think in December 2021?

23 **MR. LYALL KING:** Sure. Generally speaking, I
24 think we noted that we hadn't seen specific targeting of
25 elections infrastructure. That China -- we assessed that
26 China had conducted foreign interference activities during
27 the general election, the 44th general election, and that
28 while we could not come to ground in terms of state's

1 involvement, that we did observe online disinformation, what
2 appeared to be online disinformation activities implicating
3 Mr. O'Toole and Mr. Chiu with an attempt, we believed, to
4 influence Canadian Chinese community. I think I've -- maybe
5 I've -- I'm sorry, I'm getting tired. I may not have
6 captured that.

7 **COMMISSIONER HOGUE:** I think we're all tired.

8 **MR. LYALL KING:** But online information
9 issues persisted in the Chinese language media space, that's
10 maybe a better way to characterise it. Sorry.

11 **MR. JEAN-PHILIPPE MACKAY:** Thank you.

12 **COMMISSIONER HOGUE:** Thank you.

13 So we'll start the cross-examination. First
14 counsel is counsel for Erin O'Toole. And you will understand
15 that I will keep you to your times.

16 Mr. Lim, we don't hear you.

17 **MR. PRESTON LIM:** Hi, can you hear me?

18 **COMMISSIONER HOGUE:** Yes, we do.

19 **MR. PRESTON LIM:** Perfect. Thank you so
20 much, Madam Commissioner.

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

22 **MR. PRESTON LIM:**

23 **MR. PRESTON LIM:** And thank you to all of you
24 for being here today. I know it's been a long day.

25 So my name is Preston Lim, and I'm counsel
26 for the Honourable Erin O'Toole.

27 The first question I have I'll direct to
28 Mr. King. It's a procedural question, and hopefully a quick

1 one. Am I correct to say that the Panel of Five had the
2 ability to seek clarification of the contents of any of the
3 SITREPs that SITE prepared?

4 **MR. LYALL KING:** Yes.

5 **MR. PRESTON LIM:** Okay, thank you very much.

6 I'm now going to go through a series of
7 documents. I'll direct the questions to particular members
8 of the panel, but of course if anyone has additional
9 information, I invite them to just step in.

10 So if we could first go to CAN 003590, and
11 I'll direct this question to Ms. Dobner.

12 **--- EXHIBIT No./PIÈCE No. CAN 3590:**

13 SITE TF SITREP: 27 August 2021

14 **MR. PRESTON LIM:** And we're going to -- I'm
15 sorry, I don't think I can see it on my screen but that's
16 fine; I have it written down. We're going to go to page 1,
17 bullet point three. Brilliant.

18 So bullet point three reads in part:

19 "News sites linked to the Chinese
20 Communist Party likely acted in a
21 coordinated manner to push user
22 interest in the topic 'Meng Wanzhou
23 has been unlawfully detained by
24 Canada for 1000 days.'"

25 So I have two questions. The first one; am I
26 correct in stating that SITE would not have made any
27 recommendations as to how the Government of Canada should
28 respond to this finding?

1 **MS. GALLIT DOBNER:** So SITE would not have
2 made recommendations, that's correct.

3 **Mr. PRESTON LIM:** Right. So SITE would have
4 just been passing on the information; in this case, the
5 information about the news site.

6 So my second question is, to the extent that
7 you know, which entity or individual within the Government of
8 Canada would have been responsible for determining the
9 governmental reaction to that finding?

10 **MS. GALLIT DOBNER:** So this is a tricky
11 question. A lot of information passes through the Canadian
12 media ecosystem every day, and the Government of Canada
13 decides when it does or doesn't respond to what it's seeing
14 in the media. So I would assume that the government
15 departments that were most engaged in the issue of Meng
16 Wanzhou's detention would have determined whether or not they
17 wanted to communicate on this on any given day. It wasn't
18 directly linked to the election.

19 **MR. PRESTON LIM:** That's helpful. Thank you.

20 So if we could go next to CAN 012854, and
21 I'll stick with you, Ms. Dobner, for this one.

22 **--- EXHIBIT No./PIÈCE No. CAN 12854:**

23 SITE TF SITREP: 13 September 2021

24 **MR. PRESTON LIM:** That's CAN 012854. And
25 we're going to go page 2, bullet point 3. And this is the
26 topic that you were just discussing, Ms. Dobner. So that
27 document -- or the bullet point reads ---

28 **MS. GALLIT DOBNER:** Sorry; pardon me.

1 **MR. PRESTON LIM:** Yes.

2 **MS. GALLIT DOBNER:** Could I just see the date
3 again? We scrolled very quickly through this document.

4 **MR. PRESTON LIM:** Of course.

5 **MS. GALLIT DOBNER:** Can we just go up, so I
6 can get some context for what I'm seeing? Right to the top,
7 please, just so I can see the date. This is the SITREP on
8 the 13th of September, great. Thank you.

9 **MR. PRESTON LIM:** September 13, that's right.

10 **MS. GALLIT DOBNER:** Super, thank you.

11 **MR. PRESTON LIM:** So back to page 2, bullet
12 point three:

13 "...RRM Canada continues to monitor
14 claims about MP Kenny Chiu's private
15 member bill, and Erin O'Toole's China
16 and WeChat policies on WeChat and now
17 the Douyin platform. RRM Canada
18 notes that we have limited visibility
19 into the WeChat and Douyin platforms,
20 as such we cannot confirm or deny the
21 employment of inauthentic
22 amplification techniques."

23 So RRM Canada -- and I suppose by extension
24 the SITE Task Force -- could neither, "confirm nor deny the
25 employment of inauthentic amplification techniques." Who was
26 ultimately responsible for resolving that ambiguity; and more
27 specifically, for determining whether inauthentic
28 amplification techniques had been deployed?

1 **MS. GALLIT DOBNER:** No-one could have
2 determined that.

3 As I mentioned earlier, we didn't have a
4 relationship with Tencent, and that would require a
5 relationship with Tencent and information provided by
6 Tencent. The Chinese social media platforms for us are --
7 it's fair to call them a black box; we just don't have the
8 same understanding of them as we do of some of the big
9 American social media platforms.

10 **MR. PRESTON LIM:** Thank you, Ms. Dobner.

11 I'm now going to take Mr. King to WIT
12 multiple zeroes 22. This is WIT 22, and this is the
13 interview summary of Mr. Soliman, whom I believe you are
14 familiar with; he was co-chair of the Conservative Party's
15 2021 campaign. This is a summary of his interview with the
16 Commission. And we're going to go to paragraph 12; that's on
17 page 3. Great.

18 So Mr. Soliman testified that he passed on
19 certain allegations to SITE, right? So paragraph 12 reads:

20 "He recalls bringing an issue...to
21 the attention of SITE [Task Force] at
22 one point. The message he got back
23 was that there were no serious
24 problems to be concerned about."

25 So my first question is, if you might be able
26 to explain on what basis the SITE Task Force might decided
27 that there were -- and I'm using his words here, not yours --
28 "no serious problems to be concerned about"?

1 **MR. LYALL KING:** That's his view of what he
2 heard back. Those are Mr. Soliman's words to say that he
3 believes we communicated back there were no serious problems.
4 That is not my recollection. I don't recall us saying there
5 were no serious problems. I recall us, as Ms. Dobner has
6 already described, communicating to all the political party
7 members what we were observing in that online information
8 environment. I was at those briefings, so I do recall Ms.
9 Dobner relaying that information there.

10 It's unfortunate that he notes recalling
11 bringing an issue but doesn't recall the details. It's very
12 hard to sort of comment on that as to sort of the timing and
13 what that was. But, generally speaking, as we have noted
14 earlier, when we had information, and we did have information
15 by mid-September, we did communicate that to the political
16 parties, but I don't recall us saying SITE, as a group, that
17 there were, "no serious problems to be concerned about."

18 **MR. PRESTON LIM:** Right. So you would have
19 -- you're stating that you would have communicated back with
20 the parties in mid-September.

21 So my second question, then, I'll stick with
22 you, Mr. King. SITE would have had access to far more
23 detailed information than Mr. Soliman would have for sources
24 such as the RRM. Given SITE's extensive access to
25 information, how would the provision of information by the
26 Conservative Party or by Mr. Soliman have altered SITE's
27 decisions with respect to the various allegations it had
28 before it, if it would have altered SITE's decisions at all?

1 **MR. LYALL KING:** Just to be clear, you're
2 asking me how information provided by the Conservative Party
3 to SITE may have changed ---

4 **MR. PRESTON LIM:** Yes.

5 **MR. LYALL KING:** --- our particular views?

6 **MR. PRESTON LIM:** That's correct.

7 **MR. LYALL KING:** Okay. In terms of
8 information that we did receive from the Conservative Party,
9 I only recall the information we received via the Privy
10 Council Office towards the end of September, I believe it
11 was; I know we have the dates in there somewhere. And my
12 CSIS colleague had a number of people working on that
13 information.

14 So I would -- I've said this a few times, and
15 I apologize, I'd have to defer to my CSIS colleague because
16 this is about information happening in a domestic space, and
17 my role in SITE was not that; I got foreign signals
18 intelligence. So I will push it to my CSIS colleague to
19 describe, but I only recall receiving information from the
20 Conservative Party post-election at the end of September via
21 Privy Council Office.

22 **CSIS REPRESENTATIVE:** I agree with Mr. King's
23 statement. We only received information back on this
24 particular issue in terms of disinformation campaigns after
25 the election, and received it formally from PCO on September
26 the 30th, wherein we began to do extensive analysis over the
27 course of two and a half weeks, bridging off of what had been
28 actually learned through the Rapid Response Mechanism, and

1 all the other public information which had come to light
2 then, to come to the conclusions which have been laid out
3 here today in a report on October the 19th.

4 **MR. PRESTON LIM:** Thank you.

5 Madam Commissioner, do I have time for one
6 last question?

7 **COMMISSIONER HOGUE:** I will go with a last
8 question ---

9 **MR. PRESTON LIM:** Okay. It will be ---

10 **COMMISSIONER HOGUE:** --- but ---

11 **MR. PRESTON LIM:** It will be a short one.

12 So if we could go to CAN 003781. I'm just
13 going to read the first sentence and ask a quick question.

14 Page 1, bullet point three opens -- that's
15 the quote:

16 "The...(PRC) sought to clandestinely
17 and deceptively influence Canada's
18 2021 federal election."

19 And then of course you have the lines of
20 redacted material. Had SITE made a similar statement at an
21 earlier point during the General Election? And if not, what
22 changed to prepare SITE to make this remarkably clear
23 statement when it did? And I'll direct that to Mr. King.

24 **MR. LYALL KING:** We didn't make such a
25 statement during the election. We made statements to the
26 effect that we believed the People's Republic of China to be
27 the most significant threat to that space before the
28 election. So this is a reflection of what we had observed

1 during the election. This was made after, not during.

2 What we would have stated during to the
3 political parties, the cleared members, excuse me, of the
4 political parties, and before the writ drop, was that China,
5 for us, was the most significant threat.

6 **MR. PRESTON LIM:** Thank you all very much.

7 **COMMISSIONER HOGUE:** Thank you.

8 Counsel for the Conservative Party? I think
9 probably on the Zoom? It's Mr. De Luca.

10 **MR. NANDO de LUCA:** It is, Madam
11 Commissioner. Might I ask to be deferred? I'm having
12 trouble with my connection and my document retrieval. So if
13 the next ---

14 **COMMISSIONER HOGUE:** Okay. So we'll go with
15 counsel for Jenny Kwan.

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

17 **MR. SUJIT CHOUDHRY:**

18 **MR. SUJIT CHOUDHRY:** Good afternoon. My name
19 is Sujit Choudhry. I'm counsel for Jenny Kwan.

20 I was hoping the Registrar could put up the
21 following document, please. It's CAN2 -- double zero
22 6117_R01. Should I give it again, or are we -- should --
23 it's CAN006117_R01. This was produced last night at around
24 midnight. We alerted the Commission to it this morning that
25 we'd be relying on it. If we could have a bit of assistance?
26 Thank you. I'd ask for your indulgence, Madam Commissioner,
27 on the time.

28 **COMMISSIONER HOGUE:** I'm taking note ---

1 **MR. SUJIT CHOUDHRY:** Thank you.

2 **COMMISSIONER HOGUE:** --- of each and every
3 minute.

4 **MR. SUJIT CHOUDHRY:** I know you are.

5 **MS. ERIN DANN:** Mr. Choudhry, could you
6 please repeat the doc ID?

7 **MR. SUJIT CHOUDHRY:** With pleasure, Ms. Dann.
8 So it's CAN006117_R01.

9 **MS. ERIN DANN:** Thank you.

10 **MR. SUJIT CHOUDHRY:** You're welcome. Thank
11 you.

12 Okay. So this document is titled *GE44:*
13 *Lessons Learned*. And I think in the first instance, I'd like
14 to direct my question to Ms. Dobner. Do you recognize this
15 document?

16 **MS. GALLIT DOBNER:** I do.

17 **MR. SUJIT CHOUDHRY:** Is this a document that
18 was produced by GAC?

19 **MS. GALLIT DOBNER:** This was a document that
20 was produced by an individual on my team as that person's off
21 the top of their head takeaways after the election.

22 **MR. SUJIT CHOUDHRY:** Okay.

23 **MS. GALLIT DOBNER:** It was not a SITE
24 document and it was not an approved RRM Canada document. It
25 does not represent our final judgements and our perspective.

26 **MR. SUJIT CHOUDHRY:** And what -- do you
27 roughly remember when this was produced?

28 **MS. GALLIT DOBNER:** After the election.

1 **MR. SUJIT CHOUDHRY:** Okay. So some time in
2 the weeks after?

3 **MS. GALLIT DOBNER:** The days, probably, after
4 the election.

5 **MR. SUJIT CHOUDHRY:** Okay. Good. Well, with
6 those caveats, I'd like to take you to a couple of points.

7 **MS. GALLIT DOBNER:** Okay.

8 **MR. SUJIT CHOUDHRY:** So if we could go first
9 to point two? And I'll just read it into the record. It
10 says:

11 "While SITE has once again played an
12 indispensable role in coordinating
13 threat analysis based on the unique
14 mandates of SITE members, an all-
15 source (fused) analysis would better
16 meet the challenges of [...] contemporary [foreign interference]
17 space described above and would
18 facilitate a whole-of-government
19 response, including communications."

21 Ms. Dobner, do you agree with the general
22 sentiment of that statement?

23 **MS. GALLIT DOBNER:** No. I think SITE was
24 well coordinated for the 2021 Election, and I think taking
25 the example of the false narratives that we saw on WeChat as
26 sort of a case study where RRM Canada saw these narratives
27 and we relayed them to the rest of SITE, and together SITE
28 put together a fused assessment as a document of October

1 25th, which is on the record. I think that's demonstrative
2 of the fact that there was a coordinated and joined up
3 approach by SITE.

4 **MR. SUJIT CHOUDHRY:** But isn't the point here
5 that an all-source analysis would be better at meeting the
6 contemporary challenges of foreign interference?

7 **MS. GALLIT DOBNER:** So, look, I don't want to
8 go too far down here, because again, I can't speak for the
9 person who authored this document and what was in that
10 person's mind. I mean, we're all familiar now with what the
11 mandate of SITE was. It's been discussed this morning and I
12 think reiterated again this afternoon, that the SITE was
13 meant to be the sum of its parts with each agency or
14 government department bringing their mandate to the table and
15 working together in a coordinated fashion. And I feel that
16 that's what happened during the 2021 Election.

17 **MR. SUJIT CHOUDHRY:** Well let me then take
18 you to point three. So your ---

19 **MS. GALLIT DOBNER:** Sure.

20 **MR. SUJIT CHOUDHRY:** --- colleague here says:
21 "The situation above (coordinated but
22 not fused [...]) also left RRM Canada
23 'with nowhere to go' with its open
24 source threat assessment as SITE/CSIS
25 in particular did not align with RRM
26 Canada's sense of urgency in briefing
27 up/shining. This was a repeat of
28 [General Election] 43."

1 What could this be referring to?

2 **MS. GALLIT DOBNER:** So again, I -- you know,
3 I can't sort of put words in the mouth of the colleague who
4 offered this. So I don't understand what all of these
5 elements are referring to. And I think I would, you know,
6 once again, go back to the fact that there was, you know, a
7 very healthy debate that happened across the RRM Canada team
8 throughout GE44, as we were trying to figure out what we were
9 seeing and trying to postulate as to what could be sort of
10 the hypothesis for what we were seeing online. So I think
11 there was a very healthy debate.

12 And I think one person on the team here has
13 expressed his or her opinion, but this was not my opinion.
14 This was not reflected in the input that I provided SITE and
15 it was ultimately not reflected in the after-action report of
16 SITE.

17 **MR. SUJIT CHOUDHRY:** So let me give you one
18 example that perhaps might support this colleague's view. I
19 take the point it's not your view or the institutional view
20 of GAC.

21 So if we could call up SITREP CAN001075? So
22 if you could scroll down, please?

23 So this is from September the 7th.

24 And let's just stop there, under the
25 "GAC/RRM".

26 So this came from GAC. And then I'm just
27 looking at the third bullet. It refers to a message
28 published on a Facebook group, with:

1 "...screengrabs from a WeChat group
2 with what they claim are members of
3 the [CBA] of Vancouver, a group that
4 many open source reports claim are
5 linked to China's United Front..."

6 Which of course would be well known to you
7 and other members of the panel, Ms. Dobner. And then it
8 refers to an event, a campaign event for the Liberal
9 candidate in Vancouver East.

10 So you remember seeing this SITREP ---

11 **MS. GALLIT DOBNER:** Yes.

12 **MR. SUJIT CHOUDHRY:** --- report?

13 **MS. GALLIT DOBNER:** Yes.

14 **MR. SUJIT CHOUDHRY:** Okay.

15 **MS. GALLIT DOBNER:** That would have been our
16 contribution to the SITREP.

17 **MR. SUJIT CHOUDHRY:** Okay. Good. So then
18 let's go on to CAN001088. If we could scroll down, please?
19 Again to the "GAC/RRM". Okay. And then stop there.

20 And if we go to the second bullet, again it
21 refers to the same campaign event, and this time it refers to
22 the event being hosted by a pro-Beijing individual with
23 connections to China. You're familiar with this SITREP
24 report as well?

25 **MS. GALLIT DOBNER:** I'd just like to take a
26 minute to read the sentence, if you don't mind?

27 **MR. SUJIT CHOUDHRY:** Sure. Of course. So
28 it's the second bullet ---

1 **MS. GALLIT DOBNER:** Yeah, I see that.

2 **MR. SUJIT CHOUDHRY:** And it's the third line
3 down.

4 **MS. GALLIT DOBNER:** I see that. Thank you,
5 Mr. Choudhry. Yes, thank you.

6 **MR. SUJIT CHOUDHRY:** Do you recall this
7 document?

8 **MS. GALLIT DOBNER:** Yes.

9 **MR. SUJIT CHOUDHRY:** Do you recall that ---

10 **MS. GALLIT DOBNER:** Absolutely. That would
11 have been our contribution to the SITREP.

12 **MR. SUJIT CHOUDHRY:** And look, we don't have
13 -- we're not privy to all the SITREP reports, and they're
14 redacted, but based on what we've seen, I can't think of
15 another riding-level event that's flagged twice in the SITREP
16 reports produced to the Commission. Would you agree that
17 that statement is correct?

18 **MS. GALLIT DOBNER:** So, I mean just reading
19 the statement carefully, what we have said that:

20 "A *Postmedia* editorial as well as
21 MacDonald-Laurier Institute's
22 DisinfoWatch..."

23 **MR. SUJIT CHOUDHRY:** Right.

24 **MS. GALLIT DOBNER:** --- has commented the
25 following.

26 **MR. SUJIT CHOUDHRY:** Sure.

27 **MS. GALLIT DOBNER:** So we were providing --
28 if I may, we were providing this information for contextual

1 background for the panel.

2 **MR. SUJIT CHOUDHRY:** But you provided it. I
3 mean ---

4 **MS. GALLIT DOBNER:** That's right.

5 **MR. SUJIT CHOUDHRY:** --- there's reams and
6 reams of information you're getting, but you picked this out
7 and you picked out this event twice.

8 **MS. GALLIT DOBNER:** We provided reports on
9 all elements of election-related potential disinformation to
10 the panel. As I had said earlier this morning, and I guess
11 it bears repeating again this afternoon, we had a fairly low
12 bar for what we included because we wanted to make sure that
13 we were comprehensive, so we did indeed point to the incident
14 when we saw it occur and then we have referenced here that
15 Post Media as well as MLI have both commented on the
16 following.

17 **MR. SUJIT CHOUDHRY:** So now, Ms. Dobner, were
18 you -- did you watch Anne McGrath's testimony this week on
19 Tuesday? Are you ---

20 **MS. GALLIT DOBNER:** I didn't.

21 **MR. SUJIT CHOUDHRY:** --- familiar with it?

22 **MS. GALLIT DOBNER:** No, I didn't.

23 **MR. SUJIT CHOUDHRY:** So she's the National
24 Director for the NDP. She was -- she met with the SITE Task
25 Force.

26 She testified that this -- these posts or
27 this information was not brought to her attention at meetings
28 that she attended with the SITE Task Force. Is that -- does

1 that seem accurate to you?

2 **MS. GALLIT DOBNER:** I honestly don't recall
3 if we flagged this or not.

4 **MR. SUJIT CHOUDHRY:** So I'd like to take you
5 to document JKW000076.

6 Should I give that again?

7 **THE COURT OPERATOR:** Yes, please.

8 **MR. SUJIT CHOUDHRY:** It's JKW000076.

9 Great. Thank you.

10 And so -- it's five zeros. Pardon me, Madam
11 Commissioner.

12 So Ms. Dobner, I'm sure -- I imagine you
13 haven't seen this document before.

14 **MS. GALLIT DOBNER:** I haven't, but I'm aware
15 that a complaint was made.

16 **MR. SUJIT CHOUDHRY:** Yeah. And so it's a
17 complaint that was filed on September 7th by the NDP to the
18 Office of the Commission of Canada Elections the very same
19 day as the sitrep report about the same event.

20 **MS. GALLIT DOBNER:** Yeah.

21 **MR. SUJIT CHOUDHRY:** That was then also --
22 appeared again on September 16th.

23 So you're familiar with this complaint.

24 You said you're familiar with the existence
25 of this complaint.

26 **MR. GALLIT DOBNER:** I understood that a
27 complaint was made, yeah.

28 **MR. SUJIT CHOUDHRY:** So there was testimony

1 by the OCCE panel last Thursday on March 28th. And so the
2 OCCE testified that when they received this complaint, they
3 hadn't been aware of the sitrep reports that had flagged this
4 event. In fact, they had never seen the sitrep reports until
5 it was presented to them in preparation for their testimony
6 at this hearing.

7 **MS. GALLIT DOBNER:** So the sitreps were
8 prepared for the P5, the Panel of Five. We talked about the
9 distribution list this morning. We can talk about it again
10 this afternoon, but we wouldn't have been sharing those
11 sitreps with the OCCE.

12 **MR. SUJIT CHOUDHRY:** And so let me just
13 circle back to the comments of your colleague ---

14 **COMMISSIONER HOGUE:** Last question.

15 **MR. SUJIT CHOUDHRY:** --- about a fused
16 approach, a fused analysis leading to a whole of government
17 approach.

18 Wouldn't it appear to you that if OCCE had
19 received a complaint about the very same events that were
20 already being discussed at SITE that a whole of government
21 approach would have connected those dots and led to some
22 countermeasures or at least identifying this as a potential
23 issue of importance?

24 **MR. LYALL KING:** I would just note that the
25 SITE Task Force is a smaller community of collectors and we
26 did, in fact, engage and produce fused reports, so the
27 situation report you're referring to did go to the panel as a
28 party of a fused piece from our community.

1 You're right in that it did not go to the
2 OCCE. Irrespective of that, SITE did operate and provide
3 fused intelligence products.

4 **MR. SUJIT CHOUDHRY:** And ---

5 **MS. GALLIT DOBNER:** Can I also -- can I just
6 also add to that point, is that we did not have any further
7 information than what was publicly posted, that screen grab
8 that was posted on Facebook. My team would have looked for
9 any artificial amplification. That would have been the end
10 for our mandate, so we didn't have further information than
11 what was tabled here in this complaint.

12 **MR. SUJIT CHOUDHRY:** Commissioner, thank you.

13 **COMMISSIONER HOGUE:** Thank you.

14 Is Mr. De Luca ready now?

15 **MR. NANDO de LUCA:** I'm back, yes.

16 **COMMISSIONER HOGUE:** Yes. Okay.

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

18 **MR. NANDE de LUCA:**

19 **MR. NANDO de LUCA:** Can I have CAN 14862 --
20 sorry, no.

21 Can I have -- let's start with WIT46 called
22 up.

23 This is the *in camera* examination summary
24 that was referenced earlier. And can I ask you to turn to
25 paragraph 28?

26 And while we're going to that paragraph,
27 you'll recall -- and this is for the panel generally, I think
28 perhaps Mr. King -- in your testimony earlier today I asked

1 you in particular a question in relation to the use of the
2 word "incident" in the PCO's briefing document to describe
3 what it was or one of the functions that the SITE Task Force
4 was to fulfil in terms of briefing up to the Panel of Five.

5 We actually see the use of the word
6 "incident" -- the phrase "incident register" referred to in
7 your own document here in connection with at least the 2021
8 SITE Task Force, so I have a couple of questions here.

9 Was this incident register something that was
10 also used in 2019? And -- because it says here the same type
11 of information was used in 2019, the same type of log.

12 And how did -- how did the way the
13 information was co-located or gathered in a register and a
14 log change from 2019 to 2021?

15 **MR. LYALL KING:** Yeah, thank you for your
16 question.

17 It was used in 2019 as well. I would just
18 make a point and it is noted, I think, further down in that
19 paragraph that, you know, "incident" may not have been the
20 best word to use in that, but rather, a capture of
21 information.

22 The general usage of that document was really
23 internal for us to track what we had brought to the table,
24 information that we had shared amongst ourselves and,
25 principally, it's built to look at, over an arc of time, the
26 types of foreign interference, things we had seen, the
27 countries that were implicated and referring back to the
28 discussion earlier on categories of foreign intelligence,

1 what type or flavour of foreign intelligence it was.

2 It was very much intended to be an internal
3 SITE product to track over an arc of time what we had seen.

4 **MR. NANDO de LUCA:** Can you provide any
5 clarity or transparency on how you categorize the
6 information? Because even in the -- you just indicated, but
7 then there's, I guess, a third sentence halfway through that
8 paragraph talks about categorization of pieces of
9 intelligence.

10 What kind of categories did you have, if you
11 can get into that?

12 **MR. LYALL KING:** Certainly.

13 It can be found, I think, in some of the
14 documents that have been provided to the Commission. I
15 referenced earlier today that in order to try to make sense
16 of the broad range of foreign interference activities and for
17 the SITE group to understand that domain, we looked to try to
18 categorize those from the very specific cyber targeting, for
19 example, of elections infrastructure to cyber targeting of
20 politicians, to the more human interaction space, covert
21 interference with the political layer, then covert
22 interference in the public space with individuals, diaspora,
23 and then moving finally into more overt, which we wouldn't
24 categorize as interference, but overt influence.

25 It was meant to capture the gradation, the
26 gradients, I guess, if you will, of how foreign interference
27 plays out.

28 **MR. NANDO de LUCA:** Thank you.

1 So I ---

2 **MR. LYALL KING:** And those -- if we had a
3 report -- sorry for interrupting.

4 If we had a report or RRM brought something
5 to the table, it would say it was this country that was
6 implicated, it fell roughly into this category. It was a way
7 to track a trend over time.

8 **MR. NANDO de LUCA:** Thank you.

9 Can I get CAN 14862 called up?

10 And I'd like to go to page 2 of this document
11 at the top.

12 Sorry. Let me just find -- so under the
13 heading, at the very top:

14 "What can SITE conclude at this time
15 about the election related FI?"

16 There is -- first bullet, there is a redacted
17 portion. It says:

18 "SITE cannot decisively conclude that
19 the PRC sought to clandestinely and
20 deceptively influence outcomes in
21 all...(13) ridings identified by the
22 CPC...."

23 Have I read that correctly?

24 **MR. LYALL KING:** Yes, you have.

25 **MR. NANDO de LUCA:** Okay. Was SITE able to
26 identify clandestine and deceptive influence in any of the 13
27 ridings identified by the CPC?

28 **MR. LYALL KING:** I will defer to my CSIS

1 colleague, as it was CSIS that did the bulk of the analysis
2 and pulled this particular piece together.

3 **CSIS REPRESENTATIVE:** So the answer to that
4 question is no. And I would add for context, in relation
5 with this piece of analysis, just to step back in time: When
6 we received the information, again on September the 30th,
7 from the Conservative Party relating to these 13 ridings, and
8 the overarching issue of this information, we assembled
9 significant amount of capability and teams, both within CSIS
10 and across SITE, to evaluate this particular issue.

11 We understood it was incredibly significant,
12 the charge that was being put forward. We took it with the
13 utmost seriousness and intent to make sure that we could come
14 up with the best set of analysis we could to satisfy the
15 issue at hand, but also to assure the Conservative Party that
16 we were doing as much as we could.

17 We spent close to three weeks evaluating all
18 the information we had. We had large teams of both analysts
19 and operators from the West Coast to the East Coast looking
20 at all of this. Our teams were fused with GAC's RRM team and
21 brought in every capability that we had to evaluate all of
22 this. And as you can see, the two significant conclusions,
23 which you've cited, were our takeaways, in that we could not
24 find attribution from the Government of China in these
25 particular areas.

26 **MR. NANDO de LUCA:** So might I ask why frame
27 the assessment that way? Why not say that SITE cannot
28 decisively conclude that the PRC sought to influence outcomes

1 in any of the 13 ridings?

2 **CSIS REPRESENTATIVE:** Because that was our
3 simple conclusion at the time, that we could not conclude
4 that they could clandestinely or had deceptively influenced
5 the outcome of the 13 that were under consideration.

6 **MR. NANDO de LUCA:** But with respect, you
7 haven't answered my question. Are you drawing a conclusion
8 with -- as to whether they could do it in any of them or in
9 all of them?

10 **CSIS REPRESENTATIVE:** Our conclusion was that
11 they didn't and -- they didn't do it. It couldn't be -- it
12 could not be proven, the point, in any of the 13.

13 **MR. NANDO de LUCA:** So why did you use the
14 word "in all of the 13"?

15 **CSIS REPRESENTATIVE:** I'm not privy to the
16 distinction that you're driving at. I'm merely saying that
17 it could not be proven in any or all of the 13.

18 **MR. NANDO de LUCA:** Well, those are two very
19 different words. Are you suggesting that they should be used
20 interchangeably?

21 **CSIS REPRESENTATIVE:** I would merely say that
22 we stand with the language that we're using in the particular
23 piece of analysis. It was vetted thoroughly.

24 **MR. NANDO de LUCA:** Okay. And so in that
25 analysis, though, your commentary is as to whether or not you
26 could prove influence in all of the 13 ridings; correct?

27 **CSIS REPRESENTATIVE:** Right. That's correct.

28 **MR. NANDO de LUCA:** Thank you. Those are my

1 questions.

2 **COMMISSIONER HOGUE:** Thank you.

3 Next, is -- will be counsel for Michael
4 Chong.

5 **MR. GIB van ERT:** Thank you.

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

7 **MR. GIB van ERT:**

8 **MR. GIB van ERT:** I actually want to follow
9 up on the same line of questioning that Mr. De Luca was just
10 pursuing. Ms. Dobner, you explained very helpfully that there
11 were three possible explanations for the Kenny Chiu
12 situation, and one of them was attribution by PRC, but then
13 there were others. Right?

14 And the question that I had for you, and as I
15 say, I think Mr. De Luca's questioning and the answers that
16 the CSIS witness was just giving touch on this as well. My
17 was well what was the level of certainty that you required?

18 And in the document we were just looking at,
19 the phrase that was used was "decisively conclude." So
20 perhaps that's your answer. You'll tell me, and I'll invite
21 the other witnesses, particularly the CSIS witness, to
22 elaborate, if that would help. But what is the standard that
23 you were applying when trying to decide do we come out and
24 say this is PRC or not?

25 **MS. GALLIT DOBNER:** Yeah. That's an
26 excellent question.

27 In one of the documents, and I can't recall
28 the number, I'm sorry, so we can't drag it up here, we did

1 say that our confidence level was somewhere from low to
2 moderate. So that was the level of -- the highest level of
3 confidence that we could assign the judgement that this was
4 indeed a disinformation campaign versus just an organic
5 sharing of information.

6 You know, had we been more certain we could
7 have maybe applied more certainty to it, but again, the
8 judgment then would have belonged to the Panel, right, about
9 what they wanted to do with the information that we provided
10 them with.

11 Does that make sense?

12 **MR. GIB van ERT:** I'm sure it does, but I do
13 want to understand better what -- or you're saying you had
14 low to moderate confidence in -- sorry. Did you mean in
15 respect of the Kenny Chiu situation in particular, or was
16 that sort of a general?

17 **MS. GALLIT DOBNER:** The both -- to the two
18 narratives that we were seeing circulating.

19 **MR. GIB van ERT:** Okay. And so how much
20 confidence did you feel that you needed before you could say
21 to the P5, you can safely attribute this to PRC?

22 **MS. GALLIT DOBNER:** So I think we would have
23 always qualified our judgement with a level of confidence.
24 It is extremely difficult to, first of all, identify foreign
25 interference in the online space because there is a very
26 fuzzy area between what is influence and what is
27 interference. And then it is even more difficult in most
28 instances to do attribution, to decide to who it is that

1 could be behind this act. And then, and of course this was
2 the Panel's remit, the third challenge is determining impact
3 and what impact that may or may not have had on the election,
4 further to the discussion that we were just having.

5 **MR. GIB van ERT:** Sure.

6 **MS. GALLIT DOBNER:** So I would say that when
7 you're talking about the online space, and this was something
8 that we made very clear to in the threat assessments that we
9 worked on collectively as a Task Force, that it is really
10 difficult to say with certainty when you're seeing foreign
11 interference in an online ---

12 **MR. GIB van ERT:** And I'll just stop you
13 there. I don't want to interrupt, but that's the key there,
14 is with certainty. What I'm trying to ask you, I think, is
15 what do you mean by certainty?

16 Because we could, for instance -- I mean if
17 this were a criminal trial, with certainty would mean you'd
18 have to be, you know, beyond reasonable doubt. That's the
19 highest standard we have; right? But it isn't a criminal
20 trial. If it were a civil trial, you'd say well, more likely
21 than not. That's the standard. And we'd be certain using
22 that standard.

23 So what we mean by certainty always depends
24 on what standard we are adopting. And what I'm trying to
25 understand is what was the standard that you were adopting,
26 when I say you, I mean the SITE, generally, what standard
27 were you applying? Because in the national security context,
28 as I'm sure you know, and certainly the CSIS witness will

1 know, often reasonable grounds to suspect, which is a lower
2 standard still, will be applied.

3 I just need to understand what the standard
4 was so that when you say we weren't certain I know what you
5 mean.

6 **MR. LYALL KING:** Maybe I can interject a
7 little bit here just to speak on behalf of SITE as the former
8 Chair ---

9 **MR. GIB van ERT:** Yes, of course.

10 **MR. LYALL KING:** --- in that we are also
11 looking at a range of different disciplines that we brought
12 to the table, to be clear. So how and what Global Affairs
13 does within the RRM is different from the discipline of
14 Signals Intelligence, which is different again from the
15 discipline and culture, indeed of human intelligence. So
16 there are different thresholds applied, I think. There are
17 different sources that we might use to try to confirm or
18 corroborate to provide increased levels of confidence in
19 attribution to actors.

20 So it can vary, I think is the way I would
21 describe it, which may be not very helpful, but that is
22 factual. From a, you know, a CSE perspective, we might be
23 looking at technical information that we might use to try to
24 confirm activities tied to specific actors or individuals.
25 We might look at corroborating intelligence from other
26 sources to say, well, we've observed this and now we can get
27 other intelligence to confirm from another source that this
28 has been directed by somebody related to the specific

1 activity.

2 So in a sense, sir, it kind of bias slightly
3 different, I think, in terms of what levels of certainty that
4 you're asking us to describe in the sort of our different
5 disciplines.

6 But in recalling the conversation around the
7 table, I think what we could probably all agree to is that
8 each of us looked in our spaces where we could, where we had
9 the authorities to do so, but did not have a high enough
10 confidence level to be able to ascribe an attribution. And
11 that is quite important, I would suggest, when we're dealing
12 in a government space and accusing other adversaries and
13 states, nation states, of acting.

14 So in comparing that with a reasonable -- a
15 reason to believe something, it depends on the type of action
16 you might be taking. When it comes to attribution, we need a
17 fairly high level of confidence to be able to state so.

18 **MR. GIB van ERT:** And where ---

19 **MR. LYALL KING:** I don't know if that is a
20 helpful ---

21 **MS. GALLIT DOBNER:** If I can -- if I can just
22 add ---

23 **MR. GIB van ERT:** Just before you do, I just
24 had this one point. The phrase "decisively conclude" that we
25 were looking at does seem to be a high standard the way you
26 were just describing.

27 **MR. LYALL KING:** Yes.

28 **MR. GIB van ERT:** Please go ahead, ---

1 **MR. LYALL KING:** Yes.

2 **MR. GIB van ERT:** --- Ms. Dobner.

3 **MS. GALLIT DOBNER:** Thank you. I was going
4 to say thank you very much to Mr. King because he provided an
5 excellent segue to what I was going to say in response to
6 your question. This goes back to when I spoke about the
7 challenges of working on WeChat in particular and Chinese
8 social media. And one of the challenges that I sited was a
9 lack of a community of practice, a lack of literature, a lack
10 of standing expertise.

11 If we had that community of expertise that we
12 have with regard to some of the better established American
13 social media companies, we would have been able to exchange
14 information, build on other literature that had already been
15 concluded, and we might have been able to conclude with
16 greater confidence what it was that we were seeing.

17 But in the absence of any of that expertise,
18 and in the absence of that community of practice, we were
19 doing our very best to try to provide the Panel and others
20 with a sense of what we were seeing. And we certainly did
21 not have enough confidence to say something like "likely"
22 that would have potentially ---

23 **MR. GIB van ERT:** And did you feel that you
24 needed to be able to say "likely" before you would actually
25 recommend -- I shouldn't say recommend, but before you would
26 feel confident that the P5 ought to take action, ought to
27 respond to what it's seeing about Kenny Chiu, for instance?
28 Did you need it to be likely that it was PRC, or could it be

1 something lower than that?

2 **MS. GALLIT DOBNER:** So I've just got -- I
3 have a little trouble with the premise of the question,
4 because again, SITE was providing, to the best of its
5 ability, information to the Panel, and the Panel had the very
6 touch and unenviable job of taking that information and
7 making a decision about whether or not they felt that it
8 constituted foreign interference and that it met the
9 threshold, and then report to Canadians.

10 **MR. GIB van ERT:** Yes.

11 **MS. GALLIT DOBNER:** So I was providing, and
12 my team was providing, our honest assessment to the best of
13 our ability, with the tools and the limitations that we had,
14 of what we were seeing and what our assessment was. And
15 unfortunately, I couldn't go further than that.

16 **MR. GIB van ERT:** And just one last question
17 then ---

18 **MS. GALLIT DOBNER:** Sure.

19 **MR. GIB van ERT:** --- to follow up on the
20 last point. I don't doubt the hard work your team was doing
21 and the difficulty of the challenge for one moment. But what
22 I do need to understand is when you provided the information
23 to the P5, because they're the decision makers, does that
24 information include your confidence about whether or not it
25 can be attributed to PRC? Or do you just leave that decision
26 to P5?

27 **MS. GALLIT DOBNER:** So we provided our
28 assessment, and that was in all of the documents that have

1 been entered into evidence. You can see as it builds; right?

2 **MR. GIB van ERT:** Yes.

3 **MS. GALLIT DOBNER:** Right up until the most
4 conclusive assessment, which is the October 25th fused piece
5 with the rest of the members of SITE.

6 So I think those documents speak for
7 themselves in terms of what we informed the Panel of and what
8 our assessment was.

9 **MR. GIB van ERT:** Yes. You're providing your
10 assessment on the level of confidence, among other things?
11 Have I understood you correctly?

12 **MS. GALLIT DOBNER:** I'm saying that those
13 documents are the best record of exactly what we provided the
14 P5 with in terms of our assessment.

15 **MR. GIB van ERT:** Yes, I know. I'm sure they
16 are. I don't have them in front of me. I'm wanting to
17 understand. Are you saying that those documents include your
18 assessments of how certain you are about attribution?

19 **MS. GALLIT DOBNER:** So I think we need to
20 call up the documents, because one of the documents talks
21 about a level of confidence that we had reported up the line.
22 I'm not sure which of those documents, but one of them
23 includes a confidence assessment.

24 But at the end of the day, our bottom-line
25 assessment, and I think the assessment that was most useful
26 to the Panel of Five, was that this is what we were seeing,
27 there are a few different hypotheses that could account for
28 what we're seeing, and we cannot tell you with any confidence

1 which of those hypotheses accounts for what occurred in the
2 online environment. And that's due to all of the limitations
3 that we have.

4 And I think it bears saying that right from
5 the start before we even headed into the election, we flagged
6 that this was going to be a challenging space; right?

7 So I think we were operating in an imperfect
8 environment, unfortunately.

9 **MR. GIB van ERT:** All right. You've left me
10 some homework to go look at the documents. I will do that.
11 Thank you very much.

12 **COMMISSIONER HOGUE:** Thank you.

13 **MS. GALLIT DOBNER:** Sure.

14 **COMMISSIONER HOGUE:** Next counsel is Me
15 Sirois for RCDA.

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

17 **MR. GUILLAUME SIROIS:**

18 **MR. GUILLAUME SIROIS:** Good evening.
19 Guillaume Sirois for the Russian Canadian Democratic
20 Alliance.

21 I want to pull CEF a bunch of zeros 23_R2.

22 But while it's being pulled, I just wanted to
23 come back on a point that you've made about Chinese social
24 media being black boxes. Would the same apply to Russian
25 social media as well? Such as Telegram or V Kontakte?

26 **MS. GALLIT DOBNER:** We didn't spend time
27 looking at Russian social media.

28 **MR. GUILLAUME SIROIS:** Okay.

1 **MS. GALLIT DOBNER:** I don't recall that we
2 looked directly at Russian social media.

3 **MR. GUILLAUME SIROIS:** Thank you. I just
4 want to -- I appreciate the response. It doesn't concern
5 your response, but for the following of the cross-
6 examination, I would appreciate if we could try to limit the
7 comments, just say yes or no, because -- well, unless there's
8 an important comment.

9 **COMMISSIONER HOGUE:** It's quite difficult for
10 a witness to answer by yes or no, so if they feel that they
11 have to make ---

12 **MR. GUILLAUME SIROIS:** Absolutely.
13 Absolutely. If they -- just in the interest of time. Thank
14 you.

15 So here at page 15 of the document, you can
16 scroll down, please. Page 14, in fact. So we can scroll
17 down a little bit.

18 **MS. GALLIT DOBNER:** Sorry, what document are
19 we looking at, for my context?

20 **MR. GUILLAUME SIROIS:** Can we go back to page
21 1, please?

22 **MS. GALLIT DOBNER:** I'm just not sure that
23 I've seen this.

24 **MR. GUILLAUME SIROIS:** Yeah, exactly. It's a
25 complaint that was made to the Commissioner of Canada
26 Elections. It's probably not a document that you've seen ---

27 **MS. GALLIT DOBNER:** No, I'm ---

28 **MR. GUILLAUME SIROIS:** --- in preparation for

1 this.

2 **MS. GALLIT DOBNER:** --- not familiar with it.

3 **MR. GUILLAUME SIROIS:** Okay. But this is a
4 document that was sent to RRM, as we will see. So I'm going
5 to present it to you in that context, not in the context of
6 what was said to the Commissioner of Canada Elections.

7 If you want, we can go to page 18, where it
8 discusses that this was submitted to the RRM.

9 So we can scroll down.

10 See it's a letter from Mr. Côté. As you can
11 see:

12 "Pursuant to para. 510 [...] of the
13 Act, the Comm'r authorized disclosing
14 this information to the Rapid
15 Response Mechanism of GAC for any
16 action they may deem warranted."

17 Does that ring any bells?

18 **MS. GALLIT DOBNER:** No, unfortunately this
19 wasn't a document that was provided to me in my preparation
20 for today's proceeding, so I -- this was a few years ago and
21 I can't ---

22 **MR. GUILLAUME SIROIS:** No problem. I will
23 keep my questions general then.

24 **MS. GALLIT DOBNER:** Sure.

25 **MR. GUILLAUME SIROIS:** We can go back to page
26 14, please. The complaint concerned supposed -- we can
27 scroll down a little bit.

28 You can see the URL here? It's

1 panel.quizgo.ru? So it's an advertisement that was reported
2 as containing false information regarding the leader of a
3 political party in Canada during the election period.

4 We can scroll down, please, to page 15.

5 So Commissioner of Canada Elections was not
6 able to reproduce this advertisement. It didn't have the
7 tools to do so.

8 I just want to know generally if the RRM has
9 the ability to reproduce advertisements of this sort?

10 **MS. GALLIT DOBNER:** I would have to chat with
11 our analysts about this, with the experts on our team. I'm
12 sorry.

13 **MR. GUILLAUME SIROIS:** So in the hypothetical
14 case of receiving a complaint concerning an advertisement
15 that seemed to originate from the Russian Federation because
16 the URL has dot R-U at the end, you're not sure if the RRM is
17 able to reproduce said advertisement to investigate?

18 **MS. GALLIT DOBNER:** Well I'm not sure if the
19 advertisement still existed, or if it were taken down by
20 then. I would -- honestly, I would have to refer this
21 question to my analyst. I don't want to give you an
22 inaccurate answer.

23 **MR. GUILLAUME SIROIS:** No problem. And any
24 other members of the SITE Taskforce would be able to do
25 something like that?

26 **MR. LYALL KING:** Could you go to page 18 on
27 that for a moment, please?

28 **MR. GUILLAUME SIROIS:** Yes.

1 **MR. LYALL KING:** And just scroll down.
2 There. Stop, please. Oh, no. Sorry. Further down. Just
3 another line or two.

4 I'm just looking at what it says there:
5 "...the ad could not be located, it was
6 not possible to determine the source
7 of the advertising or the person or
8 entity behind it, nor could it be
9 determined the location from which
10 the ad emanated."

11 I don't know, like, -- so I'm just -- I'm
12 trying to understand the situation with respect to that one.

13 **MR. GUILLAUME SIROIS:** It's all right.

14 **MR. LYALL KING:** So I mean, it looks like
15 it's something that appeared and then disappeared, and then
16 nobody had a technical ability to recall it or discover. I
17 forget the phraseology you used.

18 I won't speak to the specifics of CSE
19 capabilities. We don't typically look at this sort of thing.
20 Like we are looking at adversaries through different lens and
21 how they operate in overseas spaces.

22 Generally speaking, if things did come up in
23 this nature, it would have been an RRM lead to have a look at
24 and we would start with RRM as at least a clearing spot, I
25 think, for where to begin in these spaces, so.

26 **MR. GUILLAUME SIROIS:** Okay. We can pull the
27 document down and pull document CAN 000125, please.

28 I want to draw your attention to some

1 elements of that document. And it as -- as we'll soon see,
2 it is RRM Canada Weekly Threat Analysis for the week of
3 September 2 to 8.

4 This document you would have knowledge of;
5 right?

6 **MS. GALLIT DOBNER:** Right.

7 **MR. GUILLAUME SIROIS:** Okay. At first bullet
8 point, we see here:

9 "RRM Canada did not observe any
10 significant trends of foreign state-
11 sponsored information manipulation in
12 its monitoring of the broader
13 Canadian digital information
14 ecosystem."

15 Do you recall this phrase being used?

16 **MS. GALLIT DOBNER:** Yeah, that sounds about
17 right.

18 **MR. GUILLAUME SIROIS:** Okay. We can go at
19 page 2 now, please.

20 There's a few sentences. The first three
21 sentences of the first full paragraph that's here, it says
22 that:

23 "Yonder monitoring identified
24 accounts that may be associated with
25 Russian state-sponsored actors who on
26 a very small scale have amplified
27 content supportive of accounts of two
28 candidates of the People's Party of

1 Canada..."

2 Do you remember this information being
3 discussed with your contracting firm, Yonder?

4 **MS. GALLIT DOBNER:** Yes. Yeah, I do.

5 **MR. GUILLAUME SIROIS:** Okay. We can now pull
6 document CAN 000134, please.

7 You'll see it's a subsequent weekly report
8 from the RRM for the period September 9 to 15.

9 See the first bullet point, there's a slight
10 change in the phrase. It says, "RRM Canada did not observe
11 any clear evidence of foreign..."

12 **MS. GALLIT DOBNER:** That's right. That's
13 correct.

14 **MR. GUILLAUME SIROIS:** Okay. Can you -- was
15 this change deliberate? Was it ---

16 **MS. GALLIT DOBNER:** Yes, it was very
17 deliberate. You'll see this is week of 9 to 15 September, so
18 this was the same point that we saw the two narratives about
19 Mr. Chiu, Mr. O'Toole and the Conservative Party of Canada
20 spreading across WeChat news accounts. That was that period
21 of especially September 9 to 12.

22 So indeed, we saw some indicators of
23 potential foreign interference, but we did not see any clear
24 evidence of foreign interference.

25 **MR. GUILLAUME SIROIS:** Okay. We can go down
26 -- thank you for your answer.

27 **MS. GALLIT DOBNER:** Sure.

28 **MR. GUILLAUME SIROIS:** I'm going to go down

1 to page 2, please, the same kind of paragraph.

2 We see the Yonder report again. It's a
3 contracting firm that monitors social media; right?

4 **MS. GALLIT DOBNER:** That's right.

5 **MR. GUILLAUME SIROIS:** Okay. So the second
6 sentence here:

7 "The firm has seen less engagement
8 from accounts that generally amplify
9 China state sources but more
10 engagement from accounts that
11 generally amplify Russian state
12 sources. It appears that both
13 Chinese and Russian state and state-
14 aligned accounts generally show low
15 levels of engagement overall."

16 So at the -- in the previous report, weekly
17 report, we were talking about very small scale. That was the
18 term that were used. And now we're talking about "generally
19 show low levels of engagement overall".

20 Is there a difference?

21 **MS. GALLIT DOBNER:** I don't think so. I
22 don't think there was an intentional difference.

23 I think it's helpful to just understand what
24 we're seeing here. So Yonder again was a private sector firm
25 who we contracted to help us look at the online environment,
26 and they saw what they believed to be Russian and Chinese
27 accounts. However, a few things.

28 First of all, these accounts were not

1 labelled as state aligned on Twitter because Twitter at this
2 point was -- as a matter of policy was now labelling state-
3 aligned accounts. Also, they didn't share with us their
4 methodology for determining that these were Russian and
5 Chinese state-aligned accounts. It was proprietary
6 information so we couldn't sort of re-create or understand
7 exactly why they were labelling these accounts as Russian or
8 Chinese.

9 In the instance of the Russian accounts, I
10 recall in particular we saw them amplifying a few of the
11 candidates from the People's Party of Canada, and they were
12 doing it in a very *ad hoc* manner. And it seemed to be more
13 happenstance where they agreed with the ideology of the
14 candidate versus trying to amplify the candidate for the sake
15 of the candidate themselves.

16 And these accounts had extremely low
17 followership, so had very little impact on the overall media
18 ecosystem. Because they had so few followers, it's kind of
19 like the proverbial tree that falls in the forest with no one
20 around to hear it, right.

21 So again, this was -- this was the judgment
22 of this private sector partner that we had contracted, but we
23 weren't able to re-create those results and draw the same
24 conclusions.

25 **MR. GUILLAUME SIROIS:** Okay. And do we know
26 how many accounts ---

27 **COMMISSIONER HOGUE:** It will be your last
28 question because your time's up.

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

2 I just want to know on an order of scale, do
3 we know -- because this document doesn't specify it and I was
4 ---

5 **MS. GALLIT DOBNER:** I'm sorry. I don't have
6 those offhand. I wish I did. I don't.

7 But it was the judgment of our analyst that
8 it was extremely low level.

9 **MR. GUILLAUME SIROIS:** Here it says low
10 levels.

11 **MS. GALLIT DOBNER:** It was low level was the
12 judgment of our analyst.

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

14 **MS. GALLIT DOBNER:** Thank you.

15 **COMMISSIONER HOGUE:** Counsel for the Sikh
16 Coalition.

17 **MS. NATALIA RODRIGUEZ:** Commissioner, I'm
18 sorry to interrupt. It's Natalia Rodriguez, Commission
19 counsel here.

20 We just -- I just want to take the time to
21 remind the parties that in order to put a document that's not
22 on the list of documents for the witness, leave needs to be
23 sought in accordance with Rules 58 and 60. I appreciate
24 counsel for the RCDA had sent us an email to let us know, but
25 that's not sufficient. Leave must be sought and granted by
26 the Commissioner.

27 Thank you.

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

1 It's Prabhjot Singh, counsel for the Sikh Coalition.

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

3 MR. PRABJOT SINGH:

4 MR. PRABJOT SINGH: Ms. Dobner, I'm going to
5 direct my questions towards yourself today because my primary
6 line of inquiry is going to be revolving around the
7 observations of the Rapid Response Mechanism.

8 MS. GALLIT DOBNER: Sure.

9 MR. PRABJOT SINGH: And as I understand it,
10 the documents that I'm referring to were all approved by
11 email.

12 I'm going to draw your attention to some of
13 the reports generated in the lead-up to the 2021 election
14 just to confirm some of the findings in those reports and
15 then I'll ask some follow-up questions.

16 So Mr. Operator, if we can have CAN 016857.

17 And my understanding that these are monthly
18 information ecosystem reports, I think they're called, to try
19 and set a baseline prior to the ---

20 MS. GALLIT DOBNER: Exactly right. You're
21 100 percent right.

22 MR. PRABJOT SINGH: And so looking at this
23 one, if we scroll down. I believe it's on the second page,
24 perhaps.

25 A little bit further down. That subsection
26 right there.

27 This is a December 2020 report which notes
28 specifically that:

1 "Following comments by Prime Minister
2 Trudeau on November 30th about the
3 right to protest in India, Indian
4 media and online networks began
5 targeting Prime Minister Trudeau and
6 the Liberal government with false and
7 misleading narratives."

8 If we could scroll down further to see the
9 list.

10 Some of those misleading narratives revolved
11 around the Prime Minister's 2018 visit to India, narratives
12 around Canadian vote bank politics, attempting to appeal to
13 the Sikh and Punjabi diaspora specifically, depictions of the
14 Prime Minister as a sympathizer of Khalistani separatism,
15 notions that Canada is an overall for "terrorists" and other
16 COVID-related narratives.

17 Is that an accurate reflection of what's
18 reported in the document?

19 **MS. GALLIT DOBNER:** Yeah, that's what the
20 document says, indeed.

21 **MR. PRABJOT SINGH:** And later, the report
22 also comments that these topics may be vulnerabilities that
23 could be exploitable by foreign hostile actors, particularly
24 those targeting diaspora communities.

25 Is that an accurate statement?

26 **MS. GALLIT DOBNER:** Yeah, that's fair.

27 **MR. PRABJOT SINGH:** So I think you would
28 agree with me that the misleading narratives could suggest

1 that the Prime Minister is more closely aligned to one
2 specific cultural community, the Sikh community in this case,
3 and more specifically holds some kind of sympathy for the
4 political movement for an independent Sikh state. A lay
5 person could come to that conclusion based off of those
6 narratives.

7 **MS. GALLIT DOBNER:** Could, yes.

8 **MR. PRABJOT SINGH:** And naturally, if that
9 was the case, this would conceivably have the impact of
10 alienating other members of other diaspora groups from the
11 Prime Minister or the government or the Liberal Party. Is
12 that fair?

13 **MS. GALLIT DOBNER:** Could, yes.

14 **MR. PRABJOT SINGH:** And if we can pull up CAN
15 016858.

16 This is a February 2021 report. And if you
17 can go to page 4.

18 **MS. GALLIT DOBNER:** Sorry. Could I just see
19 the title and the date again for my context?

20 **MR. PRABJOT SINGH:** Sure.

21 **MS. GALLIT DOBNER:** Thank you.

22 Oh, the monthly for February. Got it.

23 **MR. PRABJOT SINGH:** I believe it's the same
24 report, it's just two months later.

25 **MS. GALLIT DOBNER:** Super. Thank you.

26 **MR. PRABJOT SINGH:** So if we go back to
27 page 4. And the last line of that second body paragraph, the
28 report noted reports that tied together a Canadian activist

1 named Mo Dhaliwal, a Sikh advocacy group, the WSO, which is a
2 member of the Sikh Coalition, and NDP leader Jagmeet Singh in
3 a narrative about a criminal investigation entity. Correct?

4 **MS. GALLIT DOBNER:** Yes.

5 **MR. PRABJOT SINGH:** And if we move to page 5,
6 this page notes that Indian influencers and media outlets,
7 including Zee News, ABP News, OpIndia, and Republic TV,
8 worked in concert, likely employing covert or automated
9 accounts to target Mr. Dhaliwal. Do you see that there in
10 the first paragraph?

11 **MS. GALLIT DOBNER:** Sorry, could you read the
12 line again? Which -- the beginning, the first line of the
13 paragraph, is that where you're reading?

14 **MR. PRABJOT SINGH:** In that section there,
15 yeah, like that second line, the:

16 "...pro-BJP influencers media outlets
17 and journalists worked in concert,
18 likely employing covert or automated
19 accounts..."

20 **MS. GALLIT DOBNER:** Right. Yes.

21 **MR. PRABJOT SINGH:**

22 "...to target Mr. Dhaliwal..."

23 **MS. GALLIT DOBNER:** Yeah. That's correct.

24 **MR. PRABJOT SINGH:** And if you go I think two
25 lines later.

26 **MS. GALLIT DOBNER:** Yeah.

27 **MR. PRABJOT SINGH:**

28 "According to the analysis...Zee

1 News, ABP...Republic TV, as well as
2 [others]..."

3 Furthered those allegations.

4 **MS. GALLIT DOBNER:** That's right. That's
5 what it says.

6 **MR. PRABJOT SINGH:** And in the next
7 paragraph, it says that the RRM reviewed reports that
8 Mr. Dhaliwal's inbox was:

9 "...flooded with threatening
10 messages, including images of dead
11 Sikhs."

12 Is that correct?

13 **MS. GALLIT DOBNER:** That's what it says, yes.

14 **MR. PRABJOT SINGH:** And if we go further down
15 on that same page, it says:

16 "By late February, and into
17 March 2021, pro-BJP media outlets
18 began to coalesce on a narrative that
19 Indo-Canadians of the Hindu faith are
20 increasingly threatened by, [quote]
21 Sikh extremists' throughout Canada."

22 Is that observation recorded there in that
23 report?

24 **MS. GALLIT DOBNER:** That's right.

25 **MR. PRABJOT SINGH:** So combined with the
26 misleading narratives in December 2020, and then these
27 narratives in February 2021, targeting the Prime Minister
28 with narratives aligning him with the Sikh community and

1 sympathies with the Sikh Sovereignty Movement, and then
2 amplification of Indian media, that suggest that members of
3 the Hindu community in Canada feel unsafe, logically, this
4 could have direct impacts on the formulation of voters'
5 political opinions, their party preferences, and their
6 decisions at the ballot box. Not something that's observed,
7 but logically based off of these narratives that is something
8 that is an impact that could be seen.

9 **MS. GALLIT DOBNER:** Yeah. So certainly
10 everything you've said is correct. You've read from all of
11 the reports. That's a correct interpretation of -- sorry,
12 it's a correct recount of everything that's in these reports.

13 I don't want to sort of go down the road in
14 terms of what impact this may or may not have had on voters.
15 I feel very uncomfortable, and I think it would be very
16 disingenuous of me to start to opine on that. But what I
17 think -- and if I'm -- if you might permit me, and just for
18 the benefit of everybody in this room, because these reports
19 paint a very complex story. So I just want to step back to
20 give folks a little of context for what they are seeing.

21 Is that as of November 2020, when we started
22 to do these monthly reports to establish a baseline of the
23 ecosystem, what we noticed is there was a pickup in coverage
24 in sort of state, Indian state aligned media of politics in
25 Canada, and particularly focussed on the Prime Minister of
26 Canada and very critical of the Prime Minister of Canada.

27 And what we saw in February is that shifted,
28 and one of our civil society partners cited here,

1 specifically shared with us an assessment that this was
2 directed towards a Canadian activist of Sikh heritage in
3 Canada, and some personal attacks, and that's what you see in
4 this report. And at the same time, my team also noted that
5 their state aligned media was very critical of other well
6 known personalities who had made statements supportive of the
7 farmers' protests in India. So we were seeing these trends.

8 And then what we saw happen after February is
9 that the state aligned media interest in Canada dropped off
10 and we didn't see it continue throughout the rest of the year
11 or into the election. So just to provide some context for
12 what it is that we were seeing.

13 Specific to your question, could this
14 absolutely -- I mean false narratives like these always run
15 the risk of influencing the way people see things and
16 understand things, and that is the danger of disinformation.
17 So yes.

18 **MR. PRABJOT SINGH:** Yeah. no, and I
19 appreciate that clarification, and I don't want to mislead
20 Madam Commissioner or yourself. These reports don't make
21 these conclusions, they don't make these observations. I
22 just wanted to confirm the narratives that were being seen,
23 and just, you know, following along, that these are plausible
24 outcomes.

25 And Madam Commissioner, with your leave, I'd
26 like to also request that CAN 016818 also be made an exhibit,
27 just for additional context. It's the January 2021 report,
28 and I don't want to spend time today going into that.

1 So in terms of the exhibit, it would be
2 CAN 016818.

3 **MR. PRABJOT SINGH:** But for the time being,
4 I'd like to return to CAN 016857.

5 **MS. GALLIT DOBNER:** Which is the February
6 report?

7 **MR. PRABJOT SINGH:** Six-eight-five-seven, I
8 believe might be December, actually.

9 **MS. GALLIT DOBNER:** Okay.

10 **MR. PRABJOT SINGH:** So I'm jumping back now.
11 I wanted to cover the context.

12 **MS. GALLIT DOBNER:** Just to keep me on my
13 toes.

14 **MR. PRABJOT SINGH:** Madam Commissioner, I'm
15 mindful that I'm running out of time. I don't believe I'll
16 be too much longer, but if I could have your ---

17 **COMMISSIONER HOGUE:** No, because I'm going to
18 tell you if you go too long.

19 **MR. PRABJOT SINGH:** Sure.

20 **COMMISSIONER HOGUE:** You have another two
21 minutes.

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

23 Ms. Dobner, if you go to page 2, footnote 9.

24 Mr. Operator, if you can scroll down to that.

25 I know it's tiny there in the fine print, but
26 it states that a comment from the RRM:

27 "...notes that our analysts are less
28 familiar with non-western digital

1 information ecosystems including
2 India's - this is a potential
3 vulnerability that could be exploited
4 by foreign threat actors to shape
5 opinions among diaspora audiences..."

6 So just looking at that comment, there are
7 admittedly some vulnerabilities when it comes to foreign
8 ecosystems and how they interact with diaspora communities
9 that haven't been fully addressed or unpacked by the RRM at
10 this time or at the time of this report.

11 **MS. GALLIT DOBNER:** Yeah. That's very true,
12 and I just -- I wanted to explain that for a second.

13 When I spoke about some of the challenges
14 before, I spoke about, for instance, the lack of
15 off-the-shelf tools to monitor social media that is not
16 American social media. There are not off-the-shelf tools for
17 this kind of media. And in recognition of some of these
18 vulnerabilities, we did bring new expertise onto the team,
19 and that was, for instance, when I spoke about bringing in an
20 analyst who had experience in Chinese social media, for
21 example. Yeah.

22 **MR. PRABJOT SINGH:** So -- yeah. I just
23 wanted to kind of emphasise the point, and despite the best
24 efforts and intentions of the mechanism, there are some
25 vulnerabilities that can be exploited, is all I wanted to
26 kind of get across, and ---

27 **MS. GALLIT DOBNER:** I think -- I guess the
28 point that I was trying to make is I think that the

1 vulnerability across the board, not just for the Rapid
2 Response Mechanism, but for our partners.

3 **MR. PRABJOT SINGH:** Oh, of course. Yeah,
4 yeah. Yes. No, that's a -- you know, the Rapid Response
5 isn't looking at instant messaging and how this might be
6 amplified within groups. It's not looking at how those cable
7 TV networks are subscribed by Canadian households.

8 So in light of this ---

9 **COMMISSIONER HOGUE:** It's going to be the
10 last one.

11 **MR. PRABJOT SINGH:** Sure. Sure.

12 If we can just pull up CAN 003707. And I
13 believe it's page 3 or potentially 4. Or if you could just
14 show the panelists that first page so that they can identify
15 the document. And there should be now a page 3 or 4 where it
16 specifically talks about India. There you go.

17 So you know, this is similar to some of the
18 observations we have seen from the security and intelligence
19 earlier this week, and it notes that, you know, Indian
20 foreign interference seeks to further their pro-India agenda
21 and counter perceived pro-Khalistani elected officials.

22 So in light of the clear conclusions by SITE
23 and the broader community, that India targets individual
24 elections and sitting elected officials, it's fair to say
25 that the Rapid Response Mechanism, as well as other tools,
26 Ms. Dobner, as you've mentioned, is not currently suited to
27 actually monitor or combat that specific threat, the one
28 that's posed by India in terms of targeting specific

1 individual ridings. Is that fair?

2 **MS. GALLIT DOBNER:** So the RRM was just about
3 the online ecosystem. I don't know if my colleagues from CSE
4 or CSIS want to speak to the broader judgement that's in this
5 document, but just keeping in mind that we're only looking at
6 the online ecosystem, and this appears to be broader
7 judgement.

8 **MR. PRABJOT SINGH:** And that's my question --
9 my question is focussed purely on RRM. That based on India-
10 specific threat activity, RRM is not, as it stood at this
11 time, was not equipped to fully monitor, or combat the
12 specific threat emanating from foreign interference.

13 **MS. GALLIT DOBNER:** So -- and I feel that I
14 need to also take a step back. I don't think that there is
15 any team like RRM Canada who could claim to be able to fully
16 monitor the online ecosystem. It is a very big place; it is
17 global. And so I -- as -- you know, yes, but yes across the
18 board. I don't think that any team could claim to be able to
19 cover the entire online ecosystem.

20 **MR. PRABJOT SINGH:** Thank you. Those are my
21 questions.

22 **COMMISSIONER HOGUE:** Thank you.
23 So counsel for Human Rights Coalition.

24 **(SHORT PAUSE/COURTE PAUSE)**

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

26 **MS. SARAH TEICH:**

27 **MS. SARAH TEICH:** Good afternoon.

28 Did you either, collectively as SITE or to

1 your individual agency's complaints mechanisms, receive
2 reports from members of diaspora community groups about
3 harassment or intimidation in the lead-up to the 2021
4 elections?

5 **MR. LYALL KING:** SITE, to my knowledge, did
6 not receive -- sorry; you said complaints from specific
7 diaspora communities? Not directly to SITE from a CSE
8 perspective, but I can definitively say that was not -- that
9 did not happen.

10 **MS. SARAH TEICH:** Sure. And I should
11 actually clarify, I mean beyond Members of Parliament; I mean
12 members of the public, in case that wasn't clear.

13 **MR. LYALL KING:** Yeah, my same answer
14 applies.

15 **MS. SARAH TEICH:** Okay. Could I also ask
16 specifically the CSIS representative the same question?

17 **CSIS REPRESENTATIVE:** I echo my CSE
18 colleague; in my capacity as SITE is the only way in which I
19 can describe that, and that would be no.

20 **MS. SARAH TEICH:** Okay.

21 **MS. LISA DUCHARME:** Speaking from the RCMP
22 perspective, so there is an RCMP representative to the SITE
23 Task Force but the RCMP itself may have received complaints
24 from diaspora communities, but that would be outside the
25 purview of this, and I would not be privy to that. That's in
26 the investigation side.

27 **MS. SARAH TEICH:** Okay, thank you.

28 Can we please pull up HRC 30? And I'd just

1 like to jump to page 4, second-to-last paragraph.

2 This is a document from Global Affairs Canada
3 about RRM. And it states:

4 "In March 2022, the Prime Minister
5 announced additional funding for RRM
6 Canada. In August 2022, he announced
7 the creation of a dedicated Eastern
8 Europe unit at RRM Canada. It will
9 monitor and detect Russian
10 disinformation."

11 Was this based on a lesson learned from the
12 2021 general election?

13 **MS. GALLIT DOBNER:** Yes; in part it was, yes.
14 I think you also have to think about the context of when the
15 announcement was made, and Russia's illegal invasion of
16 Ukraine and the enormous uptick that we saw in disinformation
17 to support its invasion.

18 **MS. SARAH TEICH:** All right.

19 **MS. GALLIT DOBNER:** I would -- I just wanted
20 to go back because I didn't have an opportunity to answer
21 your first question, and I would just say that much like my
22 colleagues, not in the context of the elections and SITE's
23 work, but wearing my regular hat, of Centre -- Director for
24 the Centre for International Digital Policy, I did have
25 occasion to meet with some members of diaspora and hear about
26 some of their experiences with foreign interference.

27 **MS. SARAH TEICH:** I would like to ask follow-
28 up questions about that, but I recognize that's beyond the

1 scope of this panel, so I'll refrain, but thank you for that.

2 On this country unit, in your opinions, would
3 other dedicated country units; for example, a dedicated China
4 unit, have been valuable in the lead-up to the 2021 general
5 election?

6 **MS. GALLIT DOBNER:** So as I understand it,
7 there are now dedicated units. The team is much larger. But
8 all of this happened after I left, so unfortunately I can't
9 speak to it firsthand. I just don't have the knowledge; I
10 now lead a different team at Global Affairs Canada. But I
11 understand that the team has pretty much, I think, more than
12 doubled in size and that there are different geographical
13 leads. But, again, I can't speak from a place of knowledge
14 on this because I no longer lead the team.

15 **MS. SARAH TEICH:** I appreciate that, but
16 would that have been valuable in your capacity when you were
17 leading the team for the 2021 general election?

18 **MS. GALLIT DOBNER:** Well, we did have a few
19 Asia experts on the team who assisted. We didn't have as
20 many resources as RM Canada now has, so of course the more
21 the merrier and the more effective we can be. But we did
22 have a team at the time, but of course, the more resources we
23 have, the more expertise we have, the more eyes we have the
24 better, yes.

25 **MS. SARAH TEICH:** All right. My final
26 question; in the lead-up to the 2021 general election, did
27 RRM Canada continue to contract out of the Atlantic Council's
28 Digital Forensic Research Lab?

1 **MS. GALLIT DOBNER:** So we had a second
2 contract with DFR Lab after the election. We did not -- as I
3 recall, to the best of my recollection, we did not
4 specifically contract them for the 2021 election. We rather
5 contracted, as I spoke to earlier, Yonder and the Media
6 Ecosystem Observatory, particularly because the media
7 Ecosystem Observatory had a very strong basis in the Canadian
8 media environment.

9 **MS. SARAH TEICH:** All right, thank you.
10 Those are all my questions.

11 **COMMISSIONER HOGUE:** Thank you. AG?

12 **MR. MATTHEW JOHNSON:** The AGC has no
13 questions for these witnesses.

14 Thank you.

15 **COMMISSIONER HOGUE:** Thank you.

16 Re-examination?

17 **MR. JEAN-PHILIPPE MacKAY:** No.

18 **COMMISSIONER HOGUE:** So we did it.

19 Thank you very much ---

20 **MR. LYALL KING:** Thank you.

21 **COMMISSIONER HOGUE:** --- for your time today.
22 And thank you all. You have been very
23 disciplined, and I appreciate.

24 Have a very good weekend.

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

27 This sitting of the Foreign Interference
28 Commission has adjourned until Monday. Cette séance de la

1 Commission de l'ingérence étrangère est levée jusqu'à lundi.

2 --- Upon adjourning at 6:19 p.m./

3 --- L'audience est suspendue à 18 h 19

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C E R T I F I C A T I O N

7

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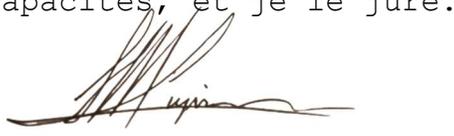
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