



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

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

**Public Hearing**

**Audience publique**

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

**VOLUME 10**

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## II Appearances / Comparutions

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Procureure en chef de la commission

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Commission Counsel /  
Avocat(e)s de la commission

Gordon Cameron  
Erin Dann  
Matthew Ferguson  
Hubert Forget  
Howard Krongold  
Hannah Lazare  
Jean-Philippe Mackay  
Kate McGrann  
Lynda Morgan  
Siobhan Morris  
Annie-Claude Poirier  
Gabriel Poliquin  
Natalia Rodriguez  
Guillaume Rondeau  
Nicolas Saint-Amour  
Daniel Sheppard  
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commission

Paul Cavalluzzo  
Danielle Côté

### III

## Appearances / Comparutions

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Ukrainian Canadian Congress	Donald Bayne Jon Doody
Government of Canada	Gregory Tzemenakis Barney Brucker
Office of the Commissioner of Canada Elections	Christina Maheux Luc Boucher Nancy Miles
Human Rights Coalition	Hannah Taylor Sarah Teich
Russian Canadian Democratic Alliance	Mark Power Guillaume Sirois
Michael Chan	John Chapman Andy Chan
Han Dong	Mark Polley Emily Young Jeffrey Wang
Michael Chong	Gib van Ert Fraser Harland
Jenny Kwan	Sujit Choudhry Mani Kakkar

## IV Appearances / Comparutions

Churchill Society

Malliha Wilson

The Pillar Society

Daniel Stanton

Democracy Watch

Wade Poziomka  
Nick Papageorge

Canada's NDP

Lucy Watson

Conservative Party of Canada

Nando de Luca

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

Neil Chantler

Erin O'Toole

Thomas W. Jarmyn  
Preston Lim

Senator Yuen Pau Woo

Yuen Pau Woo

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Ottawa, Ontario

--- Upon commencing on Thursday, April 4, 2024 at 9:32 a.m.

L'audience débute le jeudi 4 avril 2024 à 9 h 32

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

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

Cette séance de la Commission sur l'ingérence étrangère est maintenant en cours. La Commissaire Hogue préside.

The time is 9:32 a.m. Il est 9 h 32.

**COMMISSAIRE HOGUE:** Alors, bonjour tout le monde. On s'attendait à 25 centimètres de neige, on y a échappé, je pense.

Alors, ce matin, c'est Me MacKay qui débute. And good morning to you.

**Me JEAN-PHILIPPE MacKAY:** Bonjour, Madame la commissaire. Jean-Philippe MacKay pour la Commission.

Commissioner, the witnesses before you this morning are Mr. David Morrison and Ms. Cindy Termorshuizen. And I would ask the witnesses be sworn or affirmed, please.

**THE REGISTRAR:** Mr. Morrison, would you prefer to be sworn or affirmed?

**MR. DAVID MORRISON:** Affirmed, please.

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

**MR. DAVID MORRISON:** Yeah. My name is David

1 Morrison. My last name is spelled M-O-R-R-I-S-O-N.

2 --- MR. DAVID MORRISON, Affirmed:

3 **THE REGISTRAR:** And will you, Ms. -- I forget  
4 your last name, but ---

5 **MS. CINDY TERMORSHUIZEN:** Termorshuizen.

6 **THE REGISTRAR:** Thank you very much. Could  
7 you please state your full name and spell your last name for  
8 the record.

9 **MS. CINDY TERMORSHUIZEN:** Yes. Cindy  
10 Termorshuizen, and the spelling of the last name is  
11 T-E-R-M-O-R-S-H-U-I-Z-E-N.

12 **THE REGISTRAR:** Okay. And will you be  
13 affirming or swearing in?

14 **MS. CINDY TERMORSHUIZEN:** I will be  
15 affirming.

16 **THE REGISTRAR:** Okay.

17 --- MS. CINDY TERMORSHUIZEN, Affirmed:

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

19 MR. JEAN-PHILIPPE MacKAY:

20 **MR. JEAN-PHILIPPE MACKAY:** Mr. Court  
21 Operator, can you pull up document WIT 37, please.

22 --- EXHIBIT No./PIÈCE No. WIT 37:

23 Public Summary of the Classified  
24 Interview of: Global Affairs Canada  
25 (Marta Morgan, Cindy Termoshuizen,  
26 Philippe Lafortune, Tara Denham, Gallit  
27 Dobner)

28 **MR. JEAN-PHILIPPE MACKAY:** So Ms.

1 Termorshuizen, do you recall being interviewed by Commission  
2 Counsel in a classified setting on February the 9th, 2024,  
3 with various individuals whose names appear on this document?

4 **MS. CINDY TERMORSHUIZEN:** Yes, I do.

5 **MR. JEAN-PHILIPPE MACKAY:** Have you reviewed  
6 this document before this morning?

7 **MS. CINDY TERMORSHUIZEN:** Yes, I do. Yes, I  
8 have.

9 **MR. JEAN-PHILIPPE MACKAY:** And do you have  
10 any corrections, additions, or deletions that you would like  
11 to make to this document?

12 **MS. CINDY TERMORSHUIZEN:** I have no  
13 corrections.

14 **MR. JEAN-PHILIPPE MACKAY:** Okay. And is it a  
15 reflection of the information you have given to the  
16 Commission?

17 **MS. CINDY TERMORSHUIZEN:** Yes, it's a  
18 reflection of the information I gave.

19 **MR. JEAN-PHILIPPE MACKAY:** Okay.

20 Now, Mr. Court Operator, can you pull up  
21 CAN.DOC 7, please.

22 **--- EXHIBIT No./PIÈCE No. CAN.DOC 7:**

23 Global Affairs Canada (GAC)

24 Institutional Report - UNCLASSIFIED

25 **MR. JEAN-PHILIPPE MACKAY:**

26 Madam Commissioner, this is the institutional report prepared  
27 by Global Affairs Canada, GAC.

28 Both of you, have you had the chance to

1 review the document before this morning?

2 MR. DAVID MORRISON: Yes.

3 MS. CINDY TERMORSHUIZEN: Yes.

4 MR. JEAN-PHILIPPE MACKAY: And can you  
5 confirm that GAC prepared the report and that it represents  
6 GAC's evidence before the Commission?

7 MR. DAVID MORRISON: Yes.

8 MR. JEAN-PHILIPPE MACKAY: So this document  
9 will be filed along an annex identified as CAN.DOC 7.001.

10 If we can pull that up, please.

11 --- EXHIBIT No./PIÈCE No. CAN.DOC 7.001:

12 Annex to the GAC Institutional Report

13 - UNCLASSIFIED

14 MR. JEAN-PHILIPPE MACKAY: So the same is  
15 true for the annex, the unclassified annex that we see here.  
16 This was prepared by GAC, and you confirm that it represents  
17 GAC's evidence before the Commission?

18 MR. DAVID MORRISON: Yes, I do.

19 MR. JEAN-PHILIPPE MACKAY: Okay. So  
20 Madam Commissioner, we don't need to pull the French versions  
21 of those documents up, but they will be filed as CAN.DOC 8.0  
22 -- CAN.DOC 8 and CAN.DOC 8.001. So both the report and the  
23 annex are filed before you in their French version.

24 --- EXHIBIT No./PIÈCE No. CAN.DOC 8:

25 Affaires Mondiales Canada (AMC)

26 Rapport Institutionnel - NON

27 CLASSIFIÉ

28 --- EXHIBIT No./PIÈCE No. CAN.DOC 8.001:

1 Annexe du Rapport Institutionnel  
2 d'Affaires Mondiales Canada (AMC) -  
3 NON CLASSIFIÉ

4 **COMMISSIONER HOGUE:** Thank you.

5 **MR. JEAN-PHILIPPE MACKAY:** And before I  
6 begin, Madam Commissioner, I'd like to say a word about the  
7 scope of this examination.

8 The witnesses before you today will testify  
9 concerning the distinction between foreign interference and  
10 foreign influence. That is the scope of the examination.  
11 Other areas of GAC's mandate and activities may be relevant  
12 to other aspects of your mandate, but this evidence will not  
13 be heard today through those witnesses.

14 Other GAC witnesses will be appearing before  
15 you tomorrow and next week to discuss topics related to the  
16 Panel of Five, the SITE Task Force, and the Rapid Response  
17 Mechanism in relation to general elections in 2019, 2021.  
18 And Mr. Morrison will be back with us on Monday to testify in  
19 relation to his participation on the Panel of Five in 2021 in  
20 his role as a former national security and intelligence  
21 advisor to the Prime Minister.

22 **COMMISSIONER HOGUE:** Thank you.

23 **Me GUILLAUME SIROIS:** Guillaume Sirois pour  
24 l'Alliance des Russes du Canada.

25 J'aurais un point de questions avant qu'on  
26 commence, si vous le permettez, Madame la commissaire.

27 **COMMISSAIRE HOGUE:** Allez-y, puis je verrai  
28 si c'est opportun d'en discuter maintenant.

1                   **Me GUILLAUME SIROIS:** Merci.

2                   Dans le résumé d'entrevue qui a été soumis  
3 hier soir à 10 heures, on mentionne qu'il a été déposé en  
4 preuve lors des audiences à huis clos de la Commission qui  
5 ont été tenues en février et mars 2024. J'ai pas trouvé de  
6 résumé de ces audiences à huis clos là dans le Party  
7 database. Je me demande s'il a été produit ou quand il va  
8 être produit, le cas échéant.

9                   **Me JEAN-PHILIPPE MacKAY:** Si je peux me  
10 permettre, Madame la commissaire.

11                   **COMMISSAIRE HOGUE:** Oui, allez-y, Maitre  
12 MacKay.

13                   **Me JEAN-PHILIPPE MacKAY:** La raison est que  
14 cette question-là par rapport à... en fait, les témoins  
15 d'Affaires mondiales Canada n'ont pas comparu lors de ces  
16 audiences, donc madame Termorshuizen n'était pas un témoin  
17 lors des audiences.

18                   **COMMISSAIRE HOGUE:** Ça répond à votre  
19 question?

20                   **Me GUILLAUME SIROIS:** Peut-être juste une  
21 question de clarification encore. Si un... je comprenais qu'un  
22 résumé d'entrevue était déposé en preuve par le témoin qui  
23 avait fait l'entrevue, donc j'ai un peu de difficulté à  
24 comprendre comment ce résumé d'entrevue là peut être mis en  
25 preuve alors qu'il concerne le témoignage de madame Cindy  
26 Termorshuizen, si madame Cindy Termorshuizen n'était pas  
27 présente lors de l'audience.

28                   **Me JEAN-PHILIPPE MacKAY:** En fait, Madame la

1 commissaire, le document que vous avez, WIT 37, est un résumé  
2 d'entrevue.

3 **COMMISSAIRE HOGUE:** D'entrevue.

4 **Me JEAN-PHILIPPE MacKAY:** ...et non un résumé  
5 d'interrogatoire à huis clos, et simplement pour fins  
6 d'information pour mon confrère, madame Morgan, madame  
7 Denham, madame Dobner seront des témoins devant vous au  
8 courant de cette ronde d'audiences, et pour ce qui est de  
9 monsieur Lafortune, un affidavit sera déposé devant vous  
10 également. Donc, pour les fins du document, oui, il est en  
11 preuve devant vous en ce qui concerne madame Termorshuizen,  
12 mais pour les autres témoins, ils vont... on va faire la même  
13 procédure avec ces témoins-là et ils nous diront s'ils  
14 adoptent ou non ou s'ils ont des corrections à apporter aux  
15 documents.

16 **COMMISSAIRE HOGUE:** D'accord. Et les  
17 sommaires des audiences à huis clos en ce qui concerne ces  
18 témoins-là seront déposés en temps...

19 **Me JEAN-PHILIPPE MacKAY:** En temps...

20 **COMMISSAIRE HOGUE:** ...en temps opportun.

21 **Me JEAN-PHILIPPE MacKAY:** Absolument, Madame  
22 la commissaire. Donc...

23 I will begin my examination with a general  
24 question concerning your current roles within GAC.

25 **MR. DAVID MORRISON:** I am currently the  
26 Deputy Minister of Foreign Affairs at Global Affairs Canada.

27 **MS. CINDY TERMORSHUIZEN:** And I'm the  
28 Associate Deputy Minister of Foreign Affairs and also the G7

1 Personal Representative of the Prime Minister.

2 **MR. JEAN-PHILIPPE MacKAY:** And when were you  
3 appointed in those positions?

4 **MR. DAVID MORRISON:** I was appointed in  
5 October 2022 to my current position.

6 **MS. CINDY TERMORSHUIZEN:** And I was appointed  
7 in January 2022 as Associate Deputy Minister of Foreign  
8 Affairs.

9 **MR. JEAN-PHILIPPE MacKAY:** And if we can pull  
10 up CAN.DOC 7, please. It's the institutional report. And  
11 I'll bring you to page 2 of that document.

12 I'll just give a moment to Mr. Court Operator  
13 to pull it up.

14 So at the beginning of page 2. Thank you.

15 We see that the first topic addressed in the  
16 institutional report is an overview of GAC's mandate. Could  
17 you please -- you can refer to the document, but you can also  
18 just explain what is the mandate and what are the activities,  
19 broadly, that GAC is undertaking?

20 **MR. DAVID MORRISON:** Thank you.

21 GAC is, as the document says, responsible for  
22 the conduct of Canada's international relations for advancing  
23 Canada's international relations. Every country in the world  
24 has a foreign ministry. In Canada it's called Global Affairs  
25 Canada.

26 We are a little bit unique in that we have a  
27 very broad mandate. We have three Ministers responsible for  
28 three parts of our overall mandate to advance international

1 relations.

2 There's the Foreign Minister, who takes the  
3 lead on foreign policy. There's the Trade Minister, who  
4 takes the lead on international trade policy and the  
5 promotion of Canadian exports abroad and the attraction of  
6 investment into Canada. And there's the Minister of  
7 International Development, who oversees Canada's spending  
8 around the world.

9 All of this is to the greater objective of  
10 promoting and protecting Canada's prosperity and security.

11 One final part of the -- two final parts of  
12 the mandate. The first is consular affairs. We are  
13 responsible -- through our network of missions around the  
14 world represented in 112 countries with about 180 offices, we  
15 are responsible for looking after Canadians in distress, so  
16 that may be a new passport, it may be an evacuation such as  
17 we're doing in Haiti as we speak.

18 The final part of the mandate has to do with  
19 assistance and support for foreign embassies here in Canada,  
20 so embassies, consulates, consulates general, high  
21 commissions. Just for the record, an embassy or a high  
22 commission is in a capital city. Consulates tend to be  
23 across the country. So Global Affairs Canada has a liaison  
24 function with diplomats posted here in Canada and foreign  
25 ministries around the world perform that same function for  
26 our diplomats posted abroad.

27 **MR. JEAN-PHILIPPE MacKAY:** I will take you to  
28 document CAN008822. Can we pull it up, please?

1 --- EXHIBIT No./PIÈCE No. CAN 8822:

2 Influence and Interference:  
3 distinctions in the context of  
4 diplomatic relations and democratic  
5 processes

6 **COURT OPERATOR:** Can you repeat that again,  
7 please?

8 **MR. JEAN-PHILIPPE MacKAY:** 8822.

9 Do you recognize this document?

10 **MR. DAVID MORRISON:** Yes.

11 **MR. JEAN-PHILIPPE MacKAY:** Okay. So we see -  
12 - we can scroll down a little bit, please.

13 Thank you.

14 We see here definitions, interference, malign  
15 foreign influence and foreign influence. Could you please  
16 describe those notions for us, please?

17 **MR. DAVID MORRISON:** Yes, I will. And I'll  
18 begin with foreign influence because that is the business of  
19 diplomacy.

20 Canada has diplomats all over the world. We  
21 pay them to develop relationships, to build networks, to get  
22 to know everyone they can in a -- in the country to which  
23 they're posted, call it Guatemala, so that they can have  
24 influence. So there's an old joke about diplomacy is letting  
25 the other fellow have things your way. That's about  
26 influence. So we have diplomats posted around the world so  
27 that we can promote and protect Canada's interests with  
28 proactively by encouraging governments and others,

1 influencers within society to take positions or defensively,  
2 dissuading for -- from taking positions that would be  
3 contrary to Canada's interest.

4 We do this in a general sense. We want  
5 Canada to be well thought of around the world. I said we're  
6 -- or I'll say we're a trading nation, so our reputation  
7 abroad matters. It matters to whether students want to come  
8 here, whether people want to trade with us, whether people  
9 want to invest in Canada.

10 So there's broad foreign policy goals around  
11 broad issues like climate change.

12 We also try to exercise influence against  
13 very specific objectives that come up in all countries from  
14 time to time. The first example I will give is at the United  
15 Nations every fall, Canada leads on a resolution to condemn  
16 Iran's human rights record. So we do that through building  
17 relationships all year long that can then be deployed when  
18 that issue comes to a vote.

19 Another example which I think is given in the  
20 paper that is in front of us is when we do a trade agreement.  
21 We negotiate the agreement, we sign the agreement with the  
22 counterpart government, but very often then that agreement  
23 has to pass through a legislative process. So we seek to  
24 have influence with the people that will eventually be voting  
25 for or against the trade agreement that the executive of the  
26 government has signed.

27 So we target all kinds of influencers on that  
28 decision, be they legislators, be they staff members of

1 legislators. In some cases, it may be a mayor or a farmers'  
2 group, depending on exactly the issue before us in the trade  
3 agreement.

4 I mentioned the evacuation that is going on  
5 right now in Haiti as part of our consulate functions. We  
6 have needed to exercise our influence with the government of  
7 the Dominican Republic because up until very recently, we  
8 were taking people out of the embassy in Port-au-Prince and  
9 flying them into the territory of the Dominican Republic for  
10 onward transport to Santo Domingo, so we need to use those --  
11 that influence and those relationships with government  
12 authorities in the neighbouring country to Haiti.

13 There's another example in the paper in front  
14 of us about the White Helmets, which were a group of human  
15 rights workers in Syria that we had to bring all of the  
16 influence we had to bear in the course of a very constrained  
17 two-day period when everything came together on a single  
18 night to ensure that those human rights workers who had saved  
19 lives could be let out of Syria, cross a third country and  
20 into Jordan where they ended up. And we -- there's some of  
21 the document redacted, but we pulled out all of the -- pulled  
22 out all of the stops in terms of using our influence with  
23 three governments in that case in order to effectuate that  
24 evacuation.

25 So that's -- those are examples of how  
26 diplomats use influence.

27 If I might, I would say that -- I would say  
28 two final things. The influence doesn't happen by accident.

1 It is in the nature of any relationship, you need to have  
2 laid the track, you need to have built up the relationship  
3 over time in order to be able to deploy the influence.

4 And you know, there was a program some time  
5 ago when we were trying to get out the word about Canada's  
6 fossil fuel industry. We flew congressional staffers up from  
7 Washington to the oil sands in Alberta so that they could see  
8 that -- so that they could see that for themselves. We paid  
9 their way up so that they could not be unduly influenced by  
10 other forms of information. They could see things  
11 themselves. So there's nothing untoward about paying, as  
12 long as it is overt.

13 It's sometimes not very polite when I mention  
14 trade agreements. We threaten retaliation when we're doing  
15 trade agreements. We put up lists of products publicly that  
16 we'll retaliate against if things don't go our way. It's a  
17 contact sport sometimes and we go into the corners with our  
18 elbows up when Canada's interests are at threat.

19 But Canadian diplomats -- it's not always in  
20 the public domain. We do do things behind closed doors. But  
21 we don't do things covertly. We don't do things  
22 clandestinely. And we don't threaten people. We don't say,  
23 "If you don't vote for this Canadian trade agreement, the  
24 following will happen to your family."

25 **MR. JEAN-PHILIPPE MacKAY:** And I presume that  
26 what you describe as being the conduct that Canada's adopting  
27 in its diplomatic relations, those rules are -- derive from  
28 certain sources, international sources, that also apply to

1 diplomats working in Canada? That's correct?

2 **MR. DAVID MORRISON:** Absolutely.

3 **MR. JEAN-PHILIPPE MacKAY:** Okay.

4 **COMMISSIONER HOGUE:** I have one question. Is  
5 there any limitation as to what the diplomats can do in that  
6 context? If it's an electoral context in the foreign country  
7 where they are located?

8 **MR. DAVID MORRISON:** We will never get  
9 involved in the election of a foreign country. And my  
10 colleague Cindy can take us through the relevant parts of the  
11 Vienna Convention, which is the covenant that governs  
12 diplomatic behaviour that is in bounds and diplomatic  
13 behaviour that is out of bounds and we would argue crosses  
14 the line into foreign interference.

15 We can -- all diplomats cover elections.  
16 Diplomats can go and report on electoral events. As we all  
17 know, 2024 is a year that will have a huge number of  
18 elections. Some of them very consequential for Canadian  
19 interests. So I can guarantee you that our teams, for  
20 example, across the United States, are covering the election  
21 very closely.

22 Our Ambassador to the United States has, in  
23 the past, attended the nominating conventions of the  
24 political parties in the United States.

25 But no Canadian diplomat will ever suggest to  
26 foreigners how they should vote. No Canadian diplomat will  
27 ever get financially involved in another country's election.

28 **COMMISSIONER HOGUE:** But can they try to

1 influence the way people will vote?

2 **MR. DAVID MORRISON:** No.

3 **COMMISSIONER HOGUE:** No?

4 **MR. DAVID MORRISON:** No, they cannot. They  
5 can speculate on who might win, which is kind of a water  
6 cooler activity throughout the world. They can opine on  
7 whether if Party A wins, as opposed to Party B, that would be  
8 better or worse for their country's interests, but they must  
9 refrain from making public statements and they must refrain  
10 from getting directly involved.

11 And again, Cindy, will take us through what  
12 we remind diplomats in Canada of before every General  
13 Election, which is it's simply reminding them of the rules  
14 that they're meant to abide by at all times.

15 **COMMISSIONER HOGUE:** Okay. So their role is  
16 much more limited when there's an election going on abroad?

17 **MR. DAVID MORRISON:** Yes. They are meant to  
18 be very very cautious. We don't take kindly when diplomats  
19 opine on our democratic processes at any time, but we  
20 explicitly remind them not to get involved in our elections.

21 I distinguish that from policy positions.  
22 Diplomats might like or not like what Canada is -- a law  
23 Canada is going to pass or is thinking of passing. That's  
24 advocacy, and if it's done openly. Advocacy and lobbying are  
25 very close. That's the business of diplomats. But getting  
26 involved in the outcome of an election is off bounds.

27 **MR. JEAN-PHILIPPE MacKAY:** If I may,  
28 Commissioner, your question is a good segue for the next

1 document.

2 If we can pull up CAN5551? CAN5551.

3 --- EXHIBIT No./PIÈCE No. CAN 5551:

4 REMINDER: UPCOMING FEDERAL ELECTIONS:  
5 Non-interference by foreigners in  
6 Canadian elections | RAPPEL:  
7 PROCHAINES ÉLECTIONS FÉDÉRALES: Non-  
8 ingérence étrangère dans les  
9 élections canadiennes

10 **MR. JEAN-PHILIPPE MacKAY:** And as Mr.

11 Morrison mentioned, this question is for you, Ms.

12 Termorshuizen. It's a notice to Diplomatic Corps in the  
13 context of the General Election in 2019.

14 If we can scroll down a little bit, please?

15 So just briefly, we had a preview from Mr.  
16 Morrison briefly what is this document. And could you please  
17 expand on this? My time is almost up. I have, like, seven  
18 minutes left. So I'll invite you to answer that question  
19 within the five to seven minutes.

20 **MS. CINDY TERMORSHUIZEN:** Okay. Great.

21 Thank you. So yes, indeed. In advance of both the 2019 and  
22 2021 elections, a notice like this was sent out to the entire  
23 diplomatic corps.

24 And as Mr. Morrison said earlier, one of the  
25 responsibilities of Global Affairs Canada is to provide the  
26 supports for the diplomatic and consular community here in  
27 Canada.

28 There are about 8,000 diplomatic and consular

1 officials in Canada, so it's a large group of people. We  
2 have a variety of responsibilities around them, but one of  
3 the things we do is provide information to them about a range  
4 of issues. And we have a tradition of sending out a message  
5 in advance of an election to ensure that diplomats and  
6 consular officials are reminded of the particular constraints  
7 we expect them to abide by in an electoral period, given the  
8 sensitivities that Mr. Morrison has just spoken about.

9 The basis upon which we do this is the *Vienna*  
10 *Convention on Diplomatic Relations* and the *Vienna Convention*  
11 *on Consular Relations*. These two conventions are enshrined  
12 in Canadian law under the *Foreign Missions and International*  
13 *Organizations Act*. And those conventions prohibit  
14 interference in the internal affairs of the state in which  
15 diplomats and consular officials are located.

16 And so with respect to electoral periods in  
17 particular, the notice, for instance, and you'll see that in  
18 the first paragraphs, makes clear that diplomatic and  
19 consular representatives should not conduct activities which  
20 could be perceived as inducing electors to vote for a  
21 particular candidate, or prohibiting them from voting for a  
22 candidate in any way during an election period.

23 And then we also note in the message that  
24 they are prohibited from making financial contributions to a  
25 candidate, political party, or political event.

26 So we're quite specific here because we want  
27 to be clear on, in Canada, what we -- what our kind of  
28 detailed understanding is of that requirement not to

1 interfere in the internal affairs of the state.

2 **COMMISSIONER HOGUE:** I'm just curious. Do  
3 you know how many countries signed these two conventions?

4 **MS. CINDY TERMORSHUIZEN:** I don't.

5 **COMMISSIONER HOGUE:** Roughly. Roughly. Are  
6 we talking about a large number of countries throughout the  
7 world? Or ---

8 **MS. CINDY TERMORSHUIZEN:** I would suspect so,  
9 but I don't the exact numbers.

10 **COMMISSIONER HOGUE:** You don't know.

11 **MR. DAVID MORRISON:** I think it would be safe  
12 to say that almost every single country in the world is a  
13 party, because these conventions, the larger conventions of  
14 the -- that govern diplomatic relations and consular  
15 relations, are the conventions that give effect to diplomatic  
16 communities. So if you're not a party, you're not sending  
17 people abroad.

18 **COMMISSIONER HOGUE:** I see.

19 **MR. DAVID MORRISON:** So I think we can safely  
20 assume that every country or almost every country.

21 **COMMISSIONER HOGUE:** Thank you.

22 **MR. JEAN-PHILLIPE MacKAY:** And  
23 notwithstanding the international law, diplomats and  
24 officials working in Canada must respect the host state's  
25 laws and ---

26 **MR. DAVID MORRISON:** Yes.

27 **MS. CINDY TERMORSHUIZEN:** Correct. And that  
28 applies to Canadian diplomats and consular officials abroad

1 as well with respect to the laws of the countries to which  
2 they are assigned.

3 **MR. JEAN-PHILIPPE MACKAY:** So unless my lead  
4 counsel has a note for me.... Yeah, we'll go back to the  
5 discussion about foreign interference and foreign influence  
6 and malign foreign influence.

7 Mr. Morrison, you provided explanations, but  
8 could you go back, either of you, on the distinction between  
9 those notions and how foreign influence can slide into malign  
10 foreign influence and then into foreign interference?

11 **MR. DAVID MORRISON:** Sure. The difference,  
12 and I hope it was implied in what I said in my original  
13 remarks, is that foreign interference is covert, which you  
14 could take that to mean deceptive, it is clandestine, which  
15 you could take that to mean as entirely secret, or it  
16 involves threats to an individual.

17 Now, clearly there -- an example of  
18 clandestine foreign interference would be secretly funding a  
19 political party for a candidate. Covert would be disguising  
20 the fact that you are funding a candidate by having the  
21 funding run through an entirely legitimate person or  
22 organisation, like a proxy, in the -- is the term that we  
23 use. And a threat would be "If you don't vote, or if you  
24 vote one way or another on a certain bill, we will ensure  
25 your relatives don't get a visa so they can't visit you or  
26 your offspring are denied a place in university."

27 Your question had to do with also malign  
28 foreign influence, or this middle ground, which makes it hard

1 sometimes to distinguish what is foreign interference and  
2 what is not foreign interference. So an example I would give  
3 is during an election campaign a diplomat posted in Canada  
4 attends a community event. A diaspora community has an event  
5 in a banquet hall and the diplomat attends that. There's  
6 nothing wrong with that, even during a writ period. It's not  
7 an explicitly political event, it's just an event.

8 If the person stands up and makes a speech  
9 and says, "vote for this party and not that party", that's  
10 foreign interference. If the person goes into a back room  
11 and meets with candidates, we don't know unless, unless we  
12 know exactly what was said. And in general diplomats should  
13 not be meeting privately with candidates during an election  
14 campaign.

15 So there is kind of a ambiguous area or a  
16 grey zone where legitimate diplomatic activity can be -- can  
17 transition into -- can transition into foreign interference.

18 I'll give you one more example, and that  
19 would be an academic who writes op-eds or articles or is  
20 interviewed, and adopts -- and advocates policies very much  
21 in line with a foreign government, and we know that that  
22 diplomat has a relationship with the representatives of that  
23 foreign government in Canada. That academic may simply share  
24 the ideological view, maybe there is a free trip in it for  
25 that person, but maybe that person has a reason for wanting  
26 to visit the country anyhow.

27 So we need to be very cautious when assuming  
28 that because somebody meets with a diplomat that is -- even a

1 diplomat from a country that doesn't share values with  
2 Canada, that is necessarily nefarious. A person might attend  
3 a community meeting at the bidding of a diplomat, or they may  
4 be starting a business, and they may be handing out business  
5 cards in support of that business, or it may be a combination  
6 of the two.

7 So it's -- there is an area of ambiguity, I  
8 would say, between clear-cut diplomacy, and the business of  
9 influence, and clear-cut foreign interference, which is  
10 against the relevant conventions and laws.

11 **MR. JEAN-PHILIPPE MACKAY:** Do you have  
12 anything to add to that, Ms. Termorshuizen?

13 **MS. CINDY TERMORSHUIZEN:** No. Thank you.

14 **MR. JEAN-PHILIPPE MACKAY:** Those were my  
15 questions, Madam Commissioner.

16 **COMMISSIONER HOGUE:** Thank you.

17 So first cross-examination will be conducted  
18 by Human Rights Coalition.

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

20 **MS. HANNAH TAYLOR:**

21 **MS. HANNAH TAYLOR:** Good morning. Could I  
22 ask the Court Operator to please call up CAN 008822.

23 My friend pulled it up this morning, and I  
24 believe we confirmed you're familiar, but you can correct me,  
25 of course.

26 If we could turn to page 3, please.

27 There is a header...

28 Right there.

1                   ...Examples of Canada's Foreign Influence In  
2 Other Countries, and then a number of examples, of course.  
3 And then if we scroll to page 4, we see a section called  
4 Lines That Canada Never Crosses. And the final line...

5                   A little lower.

6                   Then the final line there reads:

7                   "Canada never engages into  
8 transnational repression, i.e.  
9 intimidating or threatening  
10 individuals, or coercing them to take  
11 particular action."

12                   You would agree this is because transnational  
13 repression is a form of foreign interference and/or malign  
14 foreign influence?

15                   **MR. DAVID MORRISON:** Yes.

16                   **MS. HANNAH TAYLOR:** We heard earlier this  
17 week from Mr. Mehmet Tohti, who's a Uyghur activist in  
18 Canada, who told us that last year, right before he was meant  
19 to appear in Parliament for the vote on M-62 -- on the M-62  
20 motion for the resettlement Uyghur refugees in Canada, he  
21 received a call from Chinese State Police. The police put a  
22 relative of his on the phone, who told Mehmet that his mother  
23 and two sisters were dead. Mr. Tohti explained that this  
24 call was meant to send a message to him, implying that this  
25 is the cost he would keep paying if he continued his  
26 advocacy.

27                   Is this foreign interference?

28                   **MR. DAVID MORRISON:** Yes.

1           **MS. HANNAH TAYLOR:** I'll pose a hypothetical  
2 to you. Say a campaign volunteer goes to a community member  
3 and says, "You better not vote for a certain candidate."  
4 They don't say explicitly "or else there will be  
5 repercussions for your loved ones back home." Is this  
6 foreign interference?

7           **MR. DAVID MORRISON:** The question of whether  
8 someone directs voting or simply implies the way they would  
9 like you to vote is -- is a tricky one to answer. The threat  
10 or the -- an -- a threat, explicit or implied, in my books  
11 would put that over the line into foreign interference.

12           **MS. HANNAH TAYLOR:** And one more  
13 hypothetical. Say that person then goes to another community  
14 member and talks about the experience, and that second  
15 community member feels pressured to do the same, though no  
16 one ever spoke to them directly about it. Is this foreign  
17 interference?

18           **MR. DAVID MORRISON:** I don't think that's  
19 direct foreign interference, but I think the essence of the  
20 question gets to what, in my personal view, is an -- a aspect  
21 of foreign interference and the ecosystem around foreign  
22 interference, which is not well enough understood in Canada.  
23 The chilling effect is how I would think of it.

24                           It was meant to have been the second part of  
25 the mandate of the independent special rapporteur that took -  
26 - whose work took place a year ago, and I know it's a larger  
27 area that this Commission will get into. It is not right  
28 that certain people in Canada, Canadian citizens, or

1 permanent residents of Canada, should feel any fear, fear of  
2 repression for exercising the rights that all Canadians  
3 should enjoy.

4 **MS. HANNAH TAYLOR:** Thank you very much.  
5 Thank you, Commissioner.

6 **COMMISSIONER HOGUE:** Thank you.  
7 Next one is RCDA.

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

9 **COMMISSIONER HOGUE:** Good morning.

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

11 **MR. GUILLAUME SIROIS:**

12 **MR. GUILLAUME SIROIS:** I want to discuss  
13 about -- I'm Guillaume Sirois, counsel for the RCDA.

14 I want to discuss about social media or  
15 internet influence campaigns by foreign state actors.

16 Do you believe that the identification of  
17 divisive events and trends in rival states to conduct  
18 influence campaigns by Russia, for instance, would constitute  
19 foreign interference?

20 **MR. DAVID MORRISON:** So your question is  
21 about internet campaigns and promoting divisions within  
22 societies, and you're clear that that internet campaign is  
23 sponsored by Russia. I just want to make certain I've  
24 understood your ---

25 **MR. GUILLAUME SIROIS:** Yes. Let's say  
26 there's -- for now, let's assume there's a clear link between  
27 Russia and this influence campaign. For instance, we see  
28 that it's a URL that links to the Russian Federation, for

1 instance.

2 **MR. DAVID MORRISON:** Yes. State-sponsored  
3 disinformation that is designed to sew cleavages within  
4 societies, democratic societies like Canada, that is foreign  
5 interference.

6 **MR. GUILLAUME SIROIS:** And let's say that --  
7 trying to blur the lines a little bit. Let's say there was  
8 no direct link with Russia because there was no, for  
9 instance, URL that links to the Russian Federation. But  
10 let's say it was a lot of social media accounts that seem  
11 friendly to Russia but that are based in Canada that promote  
12 these divisive events and trends on the social media at a  
13 large scale. Would that possibly constitute foreign  
14 interference as well?

15 **MR. DAVID MORRISON:** That could constitute  
16 foreign interference if it was more likely than not that the  
17 amplification of the information was being done  
18 inauthentically, whether from abroad or here in Canada.

19 I think you said that the accounts were here  
20 in Canada.

21 **MR. GUILLAUME SIROIS:** Okay. And how does --  
22 how can we determine that this influence campaign is done  
23 inauthentically rather than an authentic campaign?

24 **MR. DAVID MORRISON:** It's challenging. The  
25 online space is challenging, including during electoral  
26 campaigns. There are -- there is a body of scholarship  
27 existing in Canada at places like McGill and the University  
28 of Toronto that has devised methodologies to try to be able

1 to determine with some degree of certainty whether something  
2 is -- simply goes viral, which I would call organic. It's a  
3 topical issue and people are interested, especially in an  
4 election campaign, in discussing things about the election.  
5 Or whether it is being inauthentically amplified by people  
6 that aren't even people, bots or, in other cases, people that  
7 are, for example, working for a foreign government and  
8 deliberately amping up information which is -- might be  
9 misinformation which is simply erroneous information or it  
10 might be disinformation, which is information that is  
11 deliberately designed to -- well, it's fake, it's false.  
12 It's deliberately designed to distort and create impressions  
13 that are incorrect.

14 **MR. GUILLAUME SIROIS:** Okay. I want to show  
15 you a document. It's CAN 000134, just to give you a concrete  
16 example of what the Commission will be dealing with.

17 **--- EXHIBIT No./PIÈCE No. CAN 134:**

18 RRM Canada Weekly Trend Analysis

19 **MR. GUILLAUME SIROIS:** It's at page 2. And  
20 again, it's on the same topic.

21 We see here that there's -- there has been  
22 reports of Russia-friendly accounts on the internet  
23 amplifying People's Party of Canada related content in the  
24 final weeks leading up to the election, 2021.

25 I'm giving you the time to read the document.

26 **MR. DAVID MORRISON:** Okay.

27 **MR. GUILLAUME SIROIS:** Do you see any  
28 indications that there may be foreign interference?

1           **MR. DAVID MORRISON:** I'm not certain that in  
2 this short write-up there's enough information. It says  
3 Russian-friendly accounts. There can be Canadian citizens  
4 and permanent residents in Canada that are friendly to Russia  
5 and they might simply agree with something and, therefore,  
6 reTweet it or whatever the equivalent is on Yonder.

7           And again, just in terms of the lack of  
8 certainty here, the end of the sentence says "RRM Canada  
9 judges that, at the individual account level, analytic  
10 confidence of attribution is low", so this can't necessarily  
11 be tied directly back to Russia. And it says they hope that  
12 confidence will grow in the future.

13           So the online space is, I would say,  
14 devilishly difficult because you need to make a tie to a  
15 foreign government and there's a -- Canadian citizens in an  
16 electoral context are allowed to talk about the election and  
17 they are allowed to have a full range of views on electoral  
18 issues and they are allowed to debate and explain those views  
19 online.

20           **COMMISSIONER HOGUE:** And actually, in Canada,  
21 freedom of expression is protected.

22           **MR. DAVID MORRISON:** Absolutely.

23           **COMMISSIONER HOGUE:** So you have to take into  
24 consideration, I guess?

25           **MR. DAVID MORRISON:** We absolutely have to  
26 take that right of Canadians and permanent residents, people  
27 living in Canada into account. So while some people might  
28 think something is linked to a foreign government or being

1 inauthentically amplified, actually, acting without a certain  
2 degree of confidence might deny Canadians their right to  
3 freedom of expression. And that's a right that I would argue  
4 is particularly important in the context of Canada's  
5 democratic institutions and especially during an election  
6 campaign.

7 **MR. GUILLAUME SIROIS:** And I'm almost done,  
8 but I have like maybe one or two questions more.

9 The paragraph also says that there is more  
10 engagement from accounts that generally amplify Russian state  
11 forces and also, as you noted, analytic confidence should  
12 increase with aggregate monitoring of many accounts.

13 I think you concur that this, in itself, does  
14 not constitute foreign interference, but is it enough to  
15 justify inquiring further into the situation maybe to try to  
16 find a link or attribute this campaign to the Russian  
17 government?

18 **MR. DAVID MORRISON:** So there's a group of  
19 people that are going to appear before the Commission  
20 tomorrow from the SITE Task Forces for the 2019 and the 2021  
21 elections, and I think you would be better placed to pose  
22 those questions to the real experts. RRM, which is one of  
23 the entities that monitors the online space, is part of  
24 Global Affairs, which is why I have gone ahead and answered  
25 your questions, but whether there emerged a greater degree of  
26 certainty on the Russia-friendly accounts that you're  
27 inquiring about I think is a question better put to the SITE  
28 Task Force tomorrow.

1           **MR. GUILLAUME SIROIS:** Okay. Then this will  
2 be my last question.

3           On the very specific subject matter of your  
4 testimony today, the difference between foreign influence and  
5 foreign interference, can we say, at the very least, that  
6 this is maybe on the fence both definitions? It's not  
7 clearly foreign influence, it's not clearly legitimate, it's  
8 not clearly ---

9           **MR. DAVID MORRISON:** I simply do not have  
10 enough information to say. I didn't -- I've forgotten what's  
11 at the top of whether this is a weekly report or a daily  
12 report.

13           **MR. GUILLAUME SIROIS:** Weekly.

14           **MR. DAVID MORRISON:** Okay. It is not -- it  
15 is not an issue that I believe emerged as a significant  
16 issue. We have a summary -- or a summary was produced as  
17 part of the papers produced for this Commission that does go  
18 into some detail on a couple of incidents that did seem to be  
19 at least potentially significant. This wasn't one of them.

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

21           **COMMISSIONER HOGUE:** Thank you.

22           Counsel for Jenny Kwan.

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

24           **MR. SUJIT CHOUDHRY:**

25           **MR. SUJIT CHOUDHRY:** Good morning. For the  
26 record, my name is Sujit Choudhry; I'm counsel for Jenny  
27 Kwan.

28           So I'd like to take the panel to a document

1 that Commission counsel put up, which is the Note to the  
2 Diplomatic Corps, if we may.

3 And so Mr. Registrar, that's CAN 5551. Thank  
4 you.

5 And so just to kind of reiterate, so in the  
6 first paragraph this Note to the Diplomatic Corps invokes and  
7 reminds them of their obligations under Articles 41 of the  
8 *Vienna Convention on Diplomatic Relations*, and Article 55 on  
9 the *Vienna Convention on Consular Relations*; correct?

10 **MS. CINDY TERMORSHUIZEN:** Correct.

11 **MR. SUJIT CHOUDHRY:** And it's also your  
12 evidence that those two -- the relevant portions of those two  
13 conventions have been incorporated into domestic law by a  
14 federal statute.

15 **MS. CINDY TERMORSHUIZEN:** Correct.

16 **MR. SUJIT CHOUDHRY:** Right, the *Foreign*  
17 *Missions and International Organizations Act*.

18 **MS. CINDY TERMORSHUIZEN:** Correct.

19 **MR. SUJIT CHOUDHRY:** Good. So now can we  
20 scroll down to the second paragraph that we didn't discuss  
21 but I just want to draw your attention to it?

22 So if you look three lines from the bottom,  
23 is it true that in this paragraph you also bring to the  
24 attention of the Diplomatic Corps certain provisions of the  
25 *Canada Elections Act*.

26 **MS. CINDY TERMORSHUIZEN:** That's correct.

27 **MR. SUJIT CHOUDHRY:** And could you please  
28 explain what those provisions are, and why you brought them

1 to the attention of the Diplomatic Corps?

2 **MS. CINDY TERMORSHUIZEN:** I mean, what was  
3 important for us is just to draw the attention of the  
4 Diplomatic Corps to the various provisions in Canadian law  
5 with respect to elections, and the prohibitions in those. So  
6 in the *Canada Elections Act* there are specific provisions,  
7 for instance, with respect to foreign financing of campaigns  
8 and so on.

9 So we wanted to ensure that if diplomats were  
10 not already familiar with that legislation, that they were  
11 given an opportunity to familiarize themselves with it, given  
12 that we were entering a writ period at the time that this  
13 documentation was sent out to all missions.

14 **MR. SUJIT CHOUDHRY:** So if foreign diplomats,  
15 then, violate Articles 41 or 55 of the two *Vienna*  
16 *Conventions*, or if they violate these provisions of the  
17 *Canada Elections Act*, they are breaking the law, is that  
18 right?

19 **MS. CINDY TERMORSHUIZEN:** Yes.

20 **MR. SUJIT CHOUDHRY:** And they are not just  
21 breaking international law, they're breaking Canadian law;  
22 right?

23 **MS. CINDY TERMORSHUIZEN:** Correct.

24 **MR. SUJIT CHOUDHRY:** And so then the question  
25 that I think we'd like to have some guidance on is, what are  
26 the consequences for breaking Canadian law for a foreign  
27 diplomat? If a foreign diplomat breaks Canadian law by  
28 funding a campaign; paying for a campaign event; providing

1 funding to a political party; any one of a number of  
2 activities either prohibited by international directly, or  
3 specifically by prohibitions in the *Elections Act*, what flows  
4 as a consequence? Are they charged; are they prosecuted; are  
5 they expelled; are they cautioned? Could you please tell us?

6 **MS. CINDY TERMORSHUIZEN:** So a lot will  
7 depend on the specific violation and that would -- in terms  
8 of actual violations of law, if that becomes a criminal  
9 offence, for instance, that would fall under the purview of  
10 the RCMP or police of jurisdiction -- in this case probably  
11 the RCMP -- to investigate. But -- so a lot would -- I guess  
12 I would just say without having a specific example, a lot  
13 would depend on the case, the evidence behind it, and then  
14 the consequences would flow from that.

15 **MR. SUJIT CHOUDHRY:** And they might be  
16 expelled, or asked to leave?

17 **MS. CINDY TERMORSHUIZEN:** Again, I don't want  
18 to speculate on the particular situation but there certainly  
19 is a provision that would enable a diplomat to be expelled if  
20 the conditions warranted that.

21 **MR. SUJIT CHOUDHRY:** And then what...

22 **MR. MATTHEW FERGUSON:** Excuse me.

23 **MR. SUJIT CHOUDHRY:** Yes.

24 **MR. MATTHEW FERGUSON:** We're just getting a  
25 message from the interpreters to -- if we could just slow  
26 down the -- thank you.

27 **MR. SUJIT CHOUDHRY:** Yes, of course. Sorry.  
28 And maybe just one last question. And so

1 would this type -- would foreign interference, as you've  
2 describe it very helpfully, either as defined by Articles 41  
3 and 55 of the two *Vienna Conventions*, or as specifically  
4 prohibited by certain provisions of the *Canada Elections Act*,  
5 would those fall within or outside the scope of diplomatic  
6 immunity for criminal prosecution?

7 **MS. CINDY TERMORSHUIZEN:** Again, ---

8 **COMMISSIONER HOGUE:** If you know.

9 **MS. CINDY TERMORSHUIZEN:** Yeah.

10 **MR. SUJIT CHOUDHRY:** If you know.

11 **MS. CINDY TERMORSHUIZEN:** I think a lot would  
12 depend on the particular situation at hand. So I wouldn't  
13 want to speculate broadly, but I do think that there -- yeah,  
14 a lot would depend on the particular situation.

15 **MR. SUJIT CHOUDHRY:** Okay, thank you for your  
16 time.

17 **COMMISSIONER HOGUE:** Thank you.

18 AG?

19 **MS. HELENE ROBERTSON:** No questions for these  
20 witnesses. Thank you.

21 **COMMISSIONER HOGUE:** Re-examination, Maître  
22 MacKay?

23 **Me JEAN-PHILIPPE MacKAY:** Non, Madame la  
24 Commissaire.

25 **COMMISSIONER HOGUE:** Thank you.

26 So thank you to both of you, you're free to  
27 go.

28 **MR. MATTHEW FERGUSON:** For now.

1                   **COMMISSIONER HOGUE:** Do we have to break for  
2 -- yes, five minutes for having the new witnesses with us?

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

5                   This hearing is now in recess until 10:30. La  
6 séance est en pause jusqu'à 10 h 30.

7 --- Upon recessing at 10:25 a.m./

8 --- La séance est suspendue à 10 h 25

9 --- Upon resuming at 10:33 a.m./

10 --- La séance est reprise à 10 h 33

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

13                   This sitting of the Foreign Interference  
14 Commission is back in session. Cette séance de la Commission  
15 sur l'ingérence étrangère a repris.

16                   **COMMISSIONER HOGUE:** Ça va bien, merci.

17                   Now Ms. Morgan?

18                   **MS. LYNDIA MORGAN:** Good morning,  
19 Commissioner. Yes, so it's Lynda Morgan, Commission counsel.  
20 Commissioner, the witnesses before you are Commissioner  
21 Duheme and Deputy Commissioner Flynn. Could both witnesses  
22 please be sworn or affirmed?

23                   **THE REGISTRAR:** Mr. Duheme, do you wish to be  
24 sworn or affirmed?

25                   **COMM MICHAEL DUHEME:** I can swear in.

26                   **THE REGISTRAR:** Okay.

27                   **COMM MICHAEL DUHEME:** Yeah.

28                   **THE REGISTRAR:** Please state your name and

1 spell your last name for the record.

2 **COMM MICHAEL DUHEME:** My name is Michael  
3 Robert Duheme. Last name is spelled D-U-H-E-M-E.

4 **--- COMM MICHAEL DUHEME, Sworn/Assertmenté:**

5 **THE REGISTRAR:** Thank you.

6 And, Mr. Flynn, it's your turn.

7 **D/COMM MARK FLYNN:** I'll swear as well.

8 **THE REGISTRAR:** You'll be swearing? Please  
9 state your name and spell your last name for the record.

10 **D/COMM MARK FLYNN:** It's Mark Andrew Flynn,  
11 F-L-Y-N-N.

12 **THE REGISTRAR:** Thank you.

13 **--- D/COMM MARK FLYNN, Sworn/Assertmenté:**

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

15 Counsel, you may proceed.

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

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

18 **MS. LYNDA MORGAN:**

19 **MS. LYNDA MORGAN:** Commissioner Duheme, you  
20 have a lengthy history of service with the RCMP. For today's  
21 purposes, I just want to focus on a brief snapshot of your  
22 career. So I understand you were appointed Commissioner of  
23 the RCMP in March of 2023?

24 **COMM MICHAEL DUHEME:** I have, but do you want  
25 us to correct some of the records I have here?

26 **MS. LYNDA MORGAN:** I will. I ---

27 **COMM MICHAEL DUHEME:** Okay. Sorry. Sorry.

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

1                   **COMM MICHAEL DUHEME:** Okay, yes, that's  
2 correct.

3                   **MS. LYNDA MORGAN:** Okay. Thank you. And you  
4 were Deputy Commissioner of federal policing from June 2019  
5 to March 2023?

6                   **COMM MICHAEL DUHEME:** That's correct.

7                   **MS. LYNDA MORGAN:** And Deputy Commissioner  
8 Flynn, I understand that you were appointed Deputy  
9 Commissioner for federal policing in March of 2023; is that  
10 right?

11                   **D/COMM MARK FLYNN:** That's correct.

12                   **MS. LYNDA MORGAN:** And before that, you were  
13 the Assistant Commissioner responsible for governance and  
14 oversight of the RCMP federal policing national security and  
15 protected policing programs; is that correct?

16                   **D/COMM MARK FLYNN:** That's correct.

17                   **MS. LYNDA MORGAN:** I'd ask that document WIT,  
18 W-I-T 42 be pulled up, please?

19                   **--- EXHIBIT No./PIÈCE No. WIT 42:**

20   Michael Duheme Public Summary of  
21   Classified Interview

22                   **MS. LYNDA MORGAN:** And, Commissioner Duheme,  
23 you were interviewed by Commission counsel on February 5<sup>th</sup>,  
24 2024 in a classified environment?

25                   **COMM MICHAEL DUHEME:** That's correct.

26                   **MS. LYNDA MORGAN:** And did you review a  
27 classified version of a summary of your evidence after that  
28 interview?

1                   **COMM MICHAEL DUHEME:** I have.

2                   **MS. LYNDA MORGAN:** And the document on the  
3 screen in front of you is a publicly disclosable version of  
4 the classified summary. Have you reviewed this document?

5                   **COMM MICHAEL DUHEME:** I've reviewed it.

6                   **MS. LYNDA MORGAN:** And do you agree that the  
7 summary accurately reflects your evidence?

8                   **COMM MICHAEL DUHEME:** There's actually one  
9 minor change to bring at page 4. The paragraph just above  
10 RCMP Investigation. It says,

11                                   "The RCMP is both a producer and a  
12                                   consumer intelligence. While the RCMP  
13                                   is a contributor SITE DF, it is more  
14                                   often the consumer." (As read)

15                                   The next line, "The RCMP had no..." We  
16                                   should have "foreign interference election related  
17                                   investigation."

18                   **MS. LYNDA MORGAN:** Okay. Thank you. So the  
19 insertion of the word ---

20                   **COMM MICHAEL DUHEME:** And the word.

21                   **MS. LYNDA MORGAN:** --- a few words, foreign  
22 interference.

23                   **COMM MICHAEL DUHEME:** Yeah. The rest is  
24 correct.

25                   **MS. LYNDA MORGAN:** Okay. Thank you. And so  
26 with that correction, do you adopt the summary as part of  
27 your evidence before the Commission today?

28                   **COMM MICHAEL DUHEME:** Yes.

1 MS. LYNDA MORGAN: Thank you.

2 I'll ask as well for CAN.DOC 19 to be pulled  
3 up, please.

4 --- EXHIBIT No./PIÈCE No. CAN.DOC 19:

5 Institutional Report - RCMP

6 MS. LYNDA MORGAN: And this is a RCMP  
7 institutional report. Commissioner Duheme, have you had a  
8 chance to review that document?

9 COMM MICHAEL DUHEME: I have.

10 MS. LYNDA MORGAN: And I understand there's  
11 one correction to be made to this document. If we could pull  
12 up page 24, please? And I understand there's a date entry in  
13 this table that states May 6, 2023?

14 COMM MICHAEL DUHEME: Yeah, if we can go up?  
15 Exactly.

16 MS. LYNDA MORGAN: And stop there, please.

17 COMM MICHAEL DUHEME: That first line -- I  
18 just want to make sure I have the right document. Yeah.  
19 That first line should read "May 6, 2022" and not "2023".

20 MS. LYNDA MORGAN: 2022. Okay. And with  
21 that correction being made, can you confirm that this  
22 accurately reflects the RCMP's evidence?

23 COMM MICHAEL DUHEME: I confirm.

24 MS. LYNDA MORGAN: Thank you. One last  
25 document I'll ask be pulled up is WIT, W-I-T 38, please.

26 --- EXHIBIT No./PIÈCE No. WIT 38:

27 Mark Flynn Public Summary of  
28 Classified Interview

1                   **MS. LYNDA MORGAN:** Thank you. And Deputy  
2 Commissioner Flynn, you were interviewed by Commission  
3 counsel on February 15<sup>th</sup>, 2024 in a classified space?

4                   **D/COMM MARK FLYNN:** That's correct.

5                   **MS. LYNDA MORGAN:** And this is a summary of  
6 the publicly disclosable content from that interview. Have  
7 you had an opportunity to review it?

8                   **D/COMM MARK FLYNN:** Yes, I have.

9                   **MS. LYNDA MORGAN:** And do you have any  
10 addition, changes, or deletions to be made?

11                   **D/COMM MARK FLYNN:** One minor change on page  
12 5 in the section that is titled "Relationship With CSE". The  
13 last sentence in that section says,

14                                   "While the RCMP can ask for  
15                                   unsuppressed identities. "That request  
16                                   renders" is the language in the report,  
17                                   and it should read "That request  
18                                   frequently renders".

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

20                   **D/COMM MARK FLYNN:** So the addition of the  
21 word "frequently".

22                   **MS. LYNDA MORGAN:** And with that addition  
23 being made, does this accurately reflect your evidence?

24                   **D/COMM MARK FLYNN:** Yes, it does.

25                   **MS. LYNDA MORGAN:** And are you prepared to  
26 adopt the summary as part of your evidence today?

27                   **D/COMM MARK FLYNN:** Yes, I am.

28                   **MS. LYNDA MORGAN:** Thank you. So I want to

1 first ask about the RMCP's mandate in relation to foreign  
2 interference, specifically relating to elections.

3 Commissioner Duheme, can you start by  
4 describing the RCMP's working definition of foreign  
5 interference?

6 **COMM MICHAEL DUHEME:** I will. It is in my  
7 statement as well.

8 **MS. LYNDA MORGAN:** So you're making reference  
9 to your witness summary, which is WIT42?

10 **COMM MICHAEL DUHEME:** My witness summary at  
11 page 2. I explain that foreign interference is any overt or  
12 covert illegal activity conducted at the direction or the  
13 benefit of a foreign entity which targets Canadian interests  
14 or interferes with Canadian society.

15 **MS. LYNDA MORGAN:** And with that  
16 understanding, what is the RCMP's mandate in relation to  
17 foreign interference?

18 **COMM MICHAEL DUHEME:** Well the RCMP's  
19 mandate, it's through our National Security Program, which  
20 reports under D/Comm Flynn, has the responsibility to  
21 investigate, under our National Security Program, there's the  
22 responsibility to investigate any terrorism incidents, money  
23 laundering incidents when it comes to financing, and also the  
24 foreign interference side of any offence, criminal offence.

25 **MS. LYNDA MORGAN:** Does the RCMP have a  
26 narrower or more specific mandate in relation to election  
27 related foreign interference?

28 **COMM MICHAEL DUHEME:** The RCMP has a

1 memorandum of understanding with the Commissioner of Canada  
2 Elections, which we can share resources, can investigate  
3 jointly, share technology, and work together. But really,  
4 anything to do with the electoral process usually goes to the  
5 OCC.

6 **MS. LYNDA MORGAN:** Okay. And when you've --  
7 oh.

8 **D/COMM MARK FLYNN:** If I may ---

9 **MS. LYNDA MORGAN:** Yes.

10 **D/COMM MARK FLYNN:** --- add to that, back  
11 when the RCMP first started in foreign actor interference  
12 investigations with respect to the election, we were focused  
13 on very specific types of offences, and as the Commissioner  
14 said, we did look at it from the point of view of offences  
15 under the *Election Act*, as well as *Security of Information*  
16 *Act*.

17 However, I would say it is important to look  
18 even post GE 43 and 44 and what we are doing today. We've  
19 expanded our understanding of the threat and how it does come  
20 into even frontline policing type responses with respect to  
21 threats and intimidation, diaspora, and in more subtle  
22 elements that overtime combine to have a more significant  
23 impact.

24 **MR. MATTHEW FERGUSON:** I just have a small  
25 request from the interpreters again to please slow down.

26 **D/COMM MARK FLYNN:** I'll just write this  
27 down.

28 **MS. LYNDA MORGAN:** Thank you. We can do

1 that.

2 **D/COMM MARK FLYNN:** I apologize for that.

3 **MS. LYNDA MORGAN:** And when we talked about  
4 the RCMP's mandate in relation to foreign interference, did  
5 it change, formally change, between GE 43 and GE44?

6 **COMM MICHAEL DUHEME:** I think Mark just  
7 covered some of it, but in reality, the mandate as such  
8 hasn't changed. We've learned a lot more. That's for sure.  
9 And we've actually brought about some changes to our internal  
10 structure to better address what we're seeing.

11 **MS. LYNDA MORGAN:** Thank you. And during --  
12 I'll focus my questions on kind of stepping back into 2019  
13 and 2021. What tools during GE 43 and GE 44 did the RCMP  
14 have available to it to respond to election related  
15 allegations of foreign interference?

16 **D/COMM MARK FLYNN:** Yes, I can answer that.  
17 So the RCMP uses a broad number of authorities, and I would  
18 say in 2019 and into 2021, the primary focus was looking at  
19 *Criminal Code* offences or *Security of Information Act*  
20 offences in relation to foreign states and their involvement  
21 in Canada.

22 However, our tool set included general  
23 authorities that we have to keep the peace, public safety,  
24 various case law authorities as well, under which we could  
25 act.

26 Post 2021, as I already spoke about, our  
27 thinking has evolved and when we are looking at foreign  
28 interference activities, we are looking at leveraging the

1 full extent of the *Criminal Code*, such as uttering threats,  
2 intimidation, harassment type offences that we would look at  
3 that traditionally were not considered National Security  
4 tools.

5 **MS. LYNDIA MORGAN:** Thank you. So I want to  
6 move on now to ask you, kind of high level, about the RCMP's  
7 relationship with other agencies. So we'll start with CSIS.

8 Comm Duheme, are you able to describe, again,  
9 kind of high level, the RCMP's relationship with CSIS?

10 **COMM MICHAEL DUHEME:** La relation que nous  
11 avons avec le Service est excellente. Avec le directeur, on  
12 se côtoie au moins une fois par semaine à les différentes  
13 réunions de sous-ministres. Et puis lorsque le besoin se  
14 présente d'avoir une discussion sur un dossier ou sur un  
15 sujet, on ramasse le téléphone puis on s'appelle.

16 Mais je vous dirais que la relation de la GRC  
17 avec le Service général est très bonne. Nous avons des  
18 mandats un petit peu différents, mais ils sont  
19 complémentaires. On travaille bien ensemble.

20 **Me MATTHEW FERGUSON:** Monsieur Duheme, s'il  
21 vous plaît, si vous pouvez ralentir.

22 **COMM MICHAEL DUHEME:** Je suis désolé. Je  
23 suis désolé. C'est pire en français. C'est plus vite.

24 **(LAUGHTER/RIRES)**

25 **COMMISSAIRE HOGUE:** Je commets le même péché.

26 **MS. LYNDIA MORGAN:** I'd like to ask you about  
27 the One Vision framework. Can you explain what it is and  
28 practically how it operates?

1                   **COMM MICHAEL DUHEME:** So I'll look to Mark  
2 there to further explain.

3                   One Vision came about where we want to make  
4 sure that both organizations are in lockstep as to what's  
5 going on, who is doing what. Like a deconfliction, but it's  
6 also an opportunity to share some information.

7                   And I invite Mark to share some, because he's  
8 participated in some One Visions.

9                   **D/COMM MARK FLYNN:** Yes, given the role that,  
10 and distinct role, that our two organizations play in public  
11 safety, and very complimentary roles that we play, it's  
12 important as we are both working primarily domestically with  
13 respect to this type of activity. We have the One Vision  
14 process that ensures that we are focused on the vision being  
15 public safety and prevention of harm to Canada. And it  
16 allows us to discuss in a headquarters environment, not in a  
17 primarily investigative environment, although sometimes it  
18 does include meetings between investigators and regional  
19 staff from CSIS. It is primarily a discussion about what is  
20 the problem, what is each organization doing with respect to  
21 either a larger problem or a specific incident that we are  
22 investigating.

23                   And the outcome of that today is a letter  
24 from the Service, or an understanding during the  
25 conversation, as to how the information can be used by the  
26 RCMP or cannot be used by the RCMP to move ahead. It allows  
27 us to make sure that our independent actions are not  
28 compromising the operations that we are independently

1 executing.

2 **MS. LYNDA MORGAN:** And so when you describe  
3 potentially being able to use or not use information, I  
4 understand there's a distinction between what's called  
5 actionable intelligence and non-actionable intelligence. Are  
6 you able to explain the difference?

7 **D/COMM MARK FLYNN:** Yes, I am. So given the  
8 intelligence role that the Service has, there are times when  
9 they will have information that is very useful for the RCMP  
10 to have to give us a better understanding of what is  
11 happening in any given situation, or to understand a threat  
12 that may be present.

13 That information can be provided to us in  
14 what I'll characterize as a non-actionable, a strategic  
15 information type of category. And then actionable would be  
16 where they have specific information about a threat, they are  
17 prepared for that information to be used in judicial  
18 processes and other ways that would reveal it to the public,  
19 and that is the category that I would call actionable,  
20 because it is the genesis of many of our investigative  
21 efforts.

22 **MS. LYNDA MORGAN:** And is that concept  
23 distinct from what's described as the intelligence to  
24 evidence problem?

25 **D/COMM MARK FLYNN:** It is not distinct. In  
26 fact, they are very interrelated because frequently the  
27 information that we will receive that is not able to be  
28 utilized in our judicial processes, the non-actionable is

1 given that non-actionable category because of the fact that  
2 there is no effective way of it being able to be presented or  
3 used by us in a manner that does not risk it being presented  
4 in court or in some way leading to information that would  
5 reveal either their sources or their techniques that are  
6 deemed to be important to be preserved.

7 **COMM MICHAEL DUHEME:** Can I just add, this is  
8 not limited to the Service. Our international partners, it's  
9 the same thing. If we have information or raw intelligence  
10 come in from the partners, we run into the same hurdles, if  
11 you wish, with regards to actionable items for intelligence.

12 **COMMISSIONER HOGUE:** I have one question.  
13 And would you say that the vast majority of the intelligence  
14 you're receiving from CSIS is non-actionable?

15 **D/COMM MARK FLYNN:** I would not characterise  
16 it as vast. There are many discussions, Madam Commissioner,  
17 that lead up to sometimes a discrete line, that that discrete  
18 line that is provided to us in an actual way allows us to  
19 take steps to build a case to present sometimes a very  
20 similar picture. However, there is a large amount of  
21 discussion that can be had to lead to one discrete line that  
22 comes out, but the teams work very hard to get to that point  
23 where we can provide that information.

24 **COMMISSIONER HOGUE:** I see. And it takes  
25 time.

26 **D/COMM MARK FLYNN:** I would not characterise  
27 it as vast. There are many discussions, Madam Commissioner,  
28 that lead up to Takes time.

1                   **MS. LYNDA MORGAN:** And in a circumstance  
2 where the RCMP is not in a position to lay or pursue criminal  
3 charges because of the genesis of the underlying information,  
4 are there alternative available steps or responses to the  
5 RCMP?

6                   **D/COMM MARK FLYNN:** So there are always  
7 options to some extent, and sometimes the option is that we  
8 will wait, we will continue the engagement with the Service  
9 while they work under the mandate to gather information. And  
10 that's a really important part that needs to be understood.  
11 We have complementary mandates, and we do collaborate and we  
12 do manage the threats to Canada and Canadian public safety  
13 collaboratively.

14                   So the fact that the RCMP can't always take  
15 information that the Service has and action it in our mandate  
16 under a judicial process or an intent to come out with a  
17 prosecution at the end of it, doesn't mean that there is  
18 necessarily a fault in the system.

19                   The other is we have moved away from  
20 prosecution being the only objective or the primary objective  
21 of our mandate in the RCMP, and it's not considered what  
22 you'll hear as referred to as the "gold standard" anymore.  
23 We have to focus on the public safety as being the outcome,  
24 and there are times where we will receive information that we  
25 do have a caveat that says you cannot use it in judicial  
26 process, and we will take additional action to mitigate or  
27 manage a threat such as physical surveillance or other types  
28 of activities that we are authorised to do.

1                   **MS. LYNDA MORGAN:** Thank you. So I'll move  
2 now to the RCMP's relationship with CSE. Deputy  
3 Commissioner Flynn, how would you describe the RCMP's with  
4 CSE?

5                   **D/COMM MARK FLYNN:** So again, CSE is a  
6 partner in the public safety space. In the national security  
7 and intelligence space we have the RCMP. As the Commissioner  
8 had stated early -- earlier, there are many committees and  
9 forums that we interact in regularly.

10                   Given the fact that CSE does not gather  
11 intelligence on Canadians, there is a much less significant  
12 flow of information. However, we do have access to CSE  
13 information through special models that are set up in --  
14 between our organisations for sharing intelligence.

15                   If there is information in their holdings  
16 that is relevant for our operations, whether it be foreign or  
17 domestic, and if there are what I'll refer to as "suppressed  
18 identities" because as you are likely aware, CSE does not  
19 collect information on Canadians, but if there is information  
20 that ends up in CSE systems it is suppressed if it relates to  
21 Canadians. If there's something in there that is important  
22 for the RCMP, we can seek or make a request to unsuppress  
23 that information, and there is a formal process that that  
24 goes through to make that determination.

25                   **MS. LYNDA MORGAN:** Thank you. And I'll move  
26 -- I -- Commissioner Duheme, you already touched briefly on  
27 the relationship with the OCCE. I understand the RCMP has an  
28 MOU, memorandum of understanding, which you touched upon.

1                   **COMM MICHAEL DUHEME:** Correct.

2                   **MS. LYNDA MORGAN:** In terms of the  
3 information flow and kind of avenues of exchange between the  
4 two bodies, would you describe the relationship as a push or  
5 a pull or does information flow both ways?

6                   **COMM MICHAEL DUHEME:** I would say information  
7 flows both ways. And are you referring to between us and the  
8 Service, or the community at large?

9                   **MS. LYNDA MORGAN:** Between the RCMP and the  
10 OCCE.

11                   **COMM MICHAEL DUHEME:** Oh, OCCE. Okay. I  
12 would say that it flows both ways. If we have come across  
13 information that is benefit to them, we will transfer it to  
14 them. If they require assistance, we will help them. And it  
15 flows both ways.

16                   **MS. LYNDA MORGAN:** Thank you. I'll move now  
17 to some specific GE43, GE44 questions for you in our limited  
18 timeframe.

19                   So the Commission is -- the Commissioner is  
20 going to hear about SITE TF, which is the Security and  
21 Intelligence Threats To Elections Task Force, but we know  
22 that the RCMP is one of the members of what's described as  
23 SITE TF. And so how would you describe the RCMP's role on  
24 SITE?

25                   **COMM MICHAEL DUHEME:** Well, the RCMP has a  
26 key role on SITE bringing the perspective to the table of  
27 what we're seeing in the criminal space. The RCMP is also  
28 uniquely positioned where we can coordinate some of the

1 information that has to go up the SITE through the Canadian  
2 Association of Chiefs of Police, all chiefs of police across  
3 the country, and also with what's going on with the Five  
4 Eyes. So we bring to the table really a focus on -- from the  
5 criminal angle, within our mandate, obviously.

6 **MS. LYNDA MORGAN:** And through the RCMP  
7 participation on SITE TF, if the RCMP representative gains  
8 knowledge of intelligence or information from other members,  
9 what use can the RCMP make of that information?

10 **COMM MICHAEL DUHEME:** Well, for starting --  
11 the starting point is SITE is more or less of a hub where  
12 information flows in and then informs the Panel of Five.  
13 Anything that comes out of -- if it's new information, which  
14 I'd be surprised because with the number of deputy minister  
15 meetings that we have, that information would probably have  
16 been already shared with the organisations. But the point is  
17 that anything that flows from that, there's a proper process  
18 to share information with the entities. So if the RCMP, if  
19 it learns about something, cannot just take the information,  
20 and run with it. We'll reach out to the Service, if it's  
21 coming from the Service, discuss it and then action the  
22 proper protocols in place to have that information come into  
23 the organisation.

24 **MS. LYNDA MORGAN:** And you've described the  
25 kind of link between SITE TF and the Panel of Five. Through  
26 its participation in SITE TF, did the RCMP also participate,  
27 to the best of your knowledge, in briefing the Panel of Five  
28 during ---

1                   **COMM MICHAEL DUHEME:** M'hm.

2                   **MS. LYNDA MORGAN:** --- the 2019 or 2021 writ  
3 periods?

4                   **D/COMM MARK FLYNN:** So the rules with SITE  
5 are that the entities that are a part of it are a part of the  
6 briefings for the Panel of Five. We did have some challenges  
7 in gathering some information specific to which individuals  
8 were there, but we believe, yes, that there would have been  
9 RCMP members at some of those briefings.

10                  **MS. LYNDA MORGAN:** And so I take it by your  
11 collective answer, neither of you were present for ---

12                  **D/COMM MARK FLYNN:** No.

13                  **MS. LYNDA MORGAN:** --- a Panel of Five  
14 briefing?

15                  **COMM MICHAEL DUHEME:** No, it would have been  
16 the representative who's on SITE.

17                  **D/COMM MARK FLYNN:** And we understand that  
18 the representative will be here speaking, but in the interest  
19 of keeping testimony clean, we have not had those discussions  
20 specifically with them.

21                  **MS. LYNDA MORGAN:** Thank you. And setting  
22 aside kind of the SITE flow of information and information  
23 exchange, were there other avenues of information flow to the  
24 Commissioner from within the RCMP that might also touch on FI  
25 related intelligence or evidence?

26                  **COMM MICHAEL DUHEME:** Well, there is within  
27 the organisation a certain stream or a flow of information to  
28 get the information up to the Commissioner or to the Deputy

1 Commissioner, the position I was in at the time. The flow of  
2 information is quite intense. There is a lot going on,  
3 especially when it's an election period. And again, the  
4 briefings are done in different matters.

5 For example, when I was Deputy Commissioner,  
6 and even as Commissioner, there's -- sometimes there's  
7 information that's shared just for situational awareness that  
8 doesn't involve the RCMP. Sometimes I am briefed on it, but  
9 sometimes I am not briefed on it because it's not important  
10 in that moment in time. But I rely on the SMEs that are  
11 around me to bring the right up to either, in my position as  
12 Deputy or as Commissioner, as to any relevant material that I  
13 need to know.

14 **MS. LYNDA MORGAN:** During GE43 or GE44,  
15 Commissioner, were you made aware of an alleged foreign  
16 interference network in the Greater Toronto Area?

17 **COMM MICHAEL DUHEME:** I don't recall having  
18 anything in writing or discussing, but like I said, there is  
19 so many discussions that took place at the various deputy  
20 minister meetings, either a deputy minister operation  
21 committee, another -- there's a couple of other DM meetings.  
22 So I'm not quite sure if I did get that information.

23 **MS. LYNDA MORGAN:** And during GE43, or 44,  
24 Commissioner, were you made aware of allegations of reported,  
25 quote, "vote buying", end quote, in Richmond, British  
26 Columbia?

27 **COMM MICHAEL DUHEME:** No, because I believe  
28 that that could have been a municipal matter which didn't tie

1 to our national security framework that we have.

2 **MS. LYNDA MORGAN:** Okay. And same timeframe,  
3 GE43 or 44, were you made aware of any information in  
4 relation to Mr. Dong and alleged PRC foreign interference in  
5 the Don Valley North?

6 **COMM MICHAEL DUHEME:** No, not to my  
7 recollection.

8 **MS. LYNDA MORGAN:** During GE44, Commissioner,  
9 were you made aware of any information about alleged PRC  
10 foreign interference in the 2021 election?

11 **COMM MICHAEL DUHEME:** I'm not 100 percent  
12 sure if it's during the election. Like I said, building up  
13 to the elections with the DM meetings that we've had,  
14 sometimes there's some briefings, some situational awareness  
15 briefings that are being provided, but during the election  
16 period I'm not 100 percent sure.

17 **MS. LYNDA MORGAN:** And during GE43 or GE44,  
18 were you made aware of any alleged Chinese state media or  
19 other online disinformation activities?

20 **COMM MICHAEL DUHEME:** And my answer would be  
21 the same, that during that period -- because there's a lot of  
22 chat with regards to different social media that were used.  
23 There could have been discussions before, actually, the  
24 election. But during the election, I'm not 100 percent sure.

25 But yes, I've been privy to some of the  
26 discussions. Just not quite sure if it's within that time  
27 period.

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

1                   And I will ask you about investigations  
2 generally. I understand there's some information you're not  
3 able to share.

4                   During GE43 and GE44, are you able to tell us  
5 whether the RCMP provided SITE TF with any information  
6 relating to election -- relating to allegations of election-  
7 related foreign interference?

8                   **COMM MICHAEL DUHEME:** The RCMP did not have  
9 any foreign interference election criminal investigation  
10 during 43 and 44.

11                   **MS. LYNDA MORGAN:** And after GE44,  
12 Commissioner, has the RCMP opened any foreign interference  
13 criminal investigation or investigations involving elections  
14 and/or democratic institutions?

15                   **COMM MICHAEL DUHEME:** We did receive some  
16 information later on that some of the files are still under  
17 investigation.

18                   **MS. LYNDA MORGAN:** You've described for us  
19 the kind of individual relationships with -- between the RCMP  
20 and CSIS, the RCMP and CSE, the RCMP and OCCE. We heard  
21 evidence yesterday from a number of current and former MPs,  
22 some of whom expressed the view that, from their perspective,  
23 there appears to be a lack of coordination between different  
24 intelligence and investigative agencies.

25                   Are you able to detail any challenges that  
26 you faced in terms of coordinating efforts between the  
27 various agencies? And again, this question is specific to  
28 the timeframe of 2019 to 2021.

1                   **COMM MICHAEL DUHEME:** Yeah. I didn't listen  
2 to yesterday's testimonies. What I can say is prior to the  
3 43 and 44, SITE didn't exist. You didn't have a hub in which  
4 people could come together and share what different agencies  
5 are seeing, so I would say that are we better off in 43 and  
6 44 than what we were in 42? Yes. Can we build on that? I  
7 think so.

8                   I do think there are also other mechanisms  
9 through different Deputy Minister meetings that information  
10 is shared, but I do think that we're in a better place today  
11 than we were in 42.

12                   **D/COMM MARK FLYNN:** I would like to add to  
13 that, if I may.

14                   **MS. LYNDA MORGAN:** Yes.

15                   **D/COMM MARK FLYNN:** I believe that there has  
16 been a very strong coordinated collaborative effort amongst  
17 the community in the national security space, which includes  
18 foreign actor interference. I'm very proud of the  
19 relationship that exists. I've stated that publicly several  
20 times.

21                   The number of meetings, the informal  
22 discussions, the interactions between the staff and the RCMP  
23 and our partners in this area is sometimes hourly during the  
24 week. We have a large number of experts.

25                   In some of your previous questions and the  
26 Commissioner's answers, I want to make sure that there's an  
27 understanding that what makes it all the way to the  
28 Commissioner in briefings and what is discussed and what is

1 done collaboratively between our organizations are two  
2 different things.

3 We have a large number of experts. We're a  
4 very large organization with many, many mandates, and I would  
5 not want you or Madame Commissaire to walk away with the  
6 impression that some things that the Commissioner may not  
7 have known means that organizationally that we were not  
8 collaborating in that space because that is not the reality.  
9 We have very strong relationships and very collaborative  
10 relationships in this space.

11 **MS. LYNDA MORGAN:** In terms of briefing  
12 certain information or intelligence up to the Commissioner,  
13 just following up on what you said, what type of information,  
14 generally speaking, would get briefed up to the Commissioner?

15 **D/COMM MARK FLYNN:** So large-scale problems,  
16 issues that are specific to actions that the RCMP is taking.  
17 Briefing materials in relation to discussions that we know  
18 that the Commissioner will be attending.

19 I know you have a large number of documents  
20 for various DM, Deputy Minister, Assistant Deputy Minister  
21 level meetings and in some of those, you will see different  
22 things that we bring to the Commissioner's attention so that  
23 he or she at the time are prepared to discuss the role of the  
24 RCMP in addition to what they are hearing from the partners.

25 **COMM MICHAEL DUHEME:** There's not a clear  
26 policy on what needs to be briefed up. If you look at -- if  
27 you take away the foreign interference side and national  
28 security, we respond to three million calls a year across the

1 country, so I rely on the commanding officers in different  
2 divisions what needs to be briefed up. And it's the same  
3 thing when I'm dealing with the portfolios here in National  
4 Headquarters.

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

6 Those are my questions. Thank you.

7 **COMM MICHAEL DUHEME:** Thanks. Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 We'll take the break, the morning break, for  
10 20 minutes. So we'll be back at 11:25.

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

13 This sitting of the Foreign Interference  
14 Commission is now in recess until 11:25. Cette séance de la  
15 Commission sur l'ingérence étrangère reprend jusqu'à 11 h 25.

16 --- Upon recessing at 11:05 a.m./

17 --- La séance est suspendue à 11 h 05

18 --- Upon resuming at 11:26 a.m./

19 --- La séance est reprise à 11 h 26

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

22 This sitting of the Foreign Interference  
23 Commission is back in session. Cette séance de la Commission  
24 sur l'ingérence étrangère à repris.

25 **COMMISSIONER HOGUE:** So cross-examination.

26 The first one will be counsel for UCC. UCC  
27 stands for the Ukrainian Congress -- Canadian Congress.

28 **--- COMM MICHAEL DUHEME: Resumed/Sous le même serment:**

1 --- D/COMM MARK FLYNN: Resumed/Sous le même serment:

2 --- CROSS-EXAMINATION BY MS. LESLIE SCHUMACHER:

3 MS. LESLIE SCHUMACHER: Yes, exactly.

4 Good morning. My name is Leslie Schumacher.

5 My first question is, was the RCMP aware of  
6 Russian engaging in foreign interference in Canada during the  
7 2019 and 2021 General Elections?

8 COMM MICHAEL DUHEME: I would say "aware" is  
9 probably a strong word in the sense that, as I testified  
10 earlier, prior to elections there's been regular DM meetings  
11 that touch different spheres of activities and I remember  
12 that country being mentioned, but that's to that extent.

13 MS. LESLIE SCHUMACHER: Okay. So was the  
14 RCMP in possession of any information that indicated that  
15 there was any Russian interference?

16 COMM MICHAEL DUHEME: No.

17 MS. LESLIE SCHUMACHER: Was Russian  
18 interference a concern of the RCMP at the time of either  
19 election?

20 COMM MICHAEL DUHEME: Every country that  
21 exerts an influence is a concern to the RCMP, but not just  
22 the RCMP, but I think the Canadian government. Mark?

23 D/COMM MARK FLYNN: Yeah, I'd further add  
24 that in preparation for the 2019 election, the RCMP actually  
25 work with Ukrainian authorities in their election to learn  
26 from and prepare for anything that we might see in the GE43.

27 MS. LESLIE SCHUMACHER: And in that  
28 preparation, was anything seen in Canada from the perspective

1 of the RCMP?

2 **D/COMM MARK FLYNN:** No, it was not.

3 **COMM MICHAEL DUHEME:** We're talking from law  
4 enforcement criminal perspective; correct?

5 **MS. LESLIE SCHUMACHER:** And so in the 2021  
6 general election, was Russian interference something that the  
7 RCMP was also actively looking into?

8 **D/COMM MARK FLYNN:** During both elections we  
9 looked at all potential areas of concern.

10 **MS. LESLIE SCHUMACHER:** Did the RCMP take any  
11 steps to counteract Russian interference?

12 **COMM MICHAEL DUHEME:** Neither in 43 or 44  
13 none. But again, the steps to counter it in a non-criminal  
14 element does not rest with the RCMP.

15 **MS. LESLIE SCHUMACHER:** In a criminal way,  
16 does the RCMP take any steps to counteract Russian  
17 interference in elections?

18 **COMM MICHAEL DUHEME:** Well, if we came across  
19 any type of interference, would be the normal process is we  
20 would investigate, but as I said, we didn't -- do not come  
21 across any Russian interference for 43 and 44.

22 **MS. LESLIE SCHUMACHER:** And what type of  
23 information would the RCMP need to determine whether to  
24 proceed with an investigation into election interference?

25 **COMM MICHAEL DUHEME:** So that is a complex  
26 question because foreign interference in election can take  
27 many forms, so, generally speaking though, we need some point  
28 to start an investigation, so we need to have some

1 information and often referred to as "evidence" because most  
2 of the authorities that the RCMP have grow from an  
3 evidentiary pathway and judicial processes and judicial  
4 authorities. So we either need complaints to come forward,  
5 or for information that can be action to come forward that  
6 would allow us to generate investigative efforts.

7 **MS. LESLIE SCHUMACHER:** Right. And so when  
8 you say complaints or information, is there a -- before you  
9 said you had no information about any Russian interference  
10 into the elections. Were there any complaints, or is there a  
11 difference between those two things?

12 **COMM MICHAEL DUHEME:** There's not a  
13 difference in the answer.

14 **MS. LESLIE SCHUMACHER:** Okay. Thank you.  
15 Those are my questions.

16 **D/COMM MARK FLYNN:** Thank you.

17 **COMMISSIONER HOGUE:** Thank you.

18 Next one is RCDA. Russian Canadian ---

19 **COMM MICHAEL DUHEME:** Merci.

20 **COMMISSIONER HOGUE:** --- Alliance, Canadian  
21 Alliance.

22 **COMM MICHAEL DUHEME:** Merci.

23 **MR. GUILLAUME SIROIS:** Yes ---

24 **COMMISSIONER HOGUE:** Democratic Alliance ---

25 **MR. GUILLAUME SIROIS:** Exactly. Yeah, the  
26 Russian Canadian Democratic Alliance. I am counsel at.

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

28 **MR. GUILLAUME SIROIS:**

1                   **MR. GUILLAUME SIROIS:** I'm going to be asking  
2 my questions in English because I prepared them in English,  
3 but feel free to answer them in any official language of your  
4 choice.

5                   I want to pull CAN 012856, please.

6                   **--- EXHIBIT No./PIÈCE No. CAN 12856:**

7                   SITE TF Situational Report: 14

8                   September 2021

9                   **MR. GUILLAUME SIROIS:** And this is a  
10 situation report from the SITE Task Force. I won't be asking  
11 any questions regarding the RCMP's participation in the SITE  
12 Task Force. I just want to provide some context. This is --  
13 the report is dated September 14<sup>th</sup>, so 1 week before the 2021  
14 election. I want to go at page two, third bullet point,  
15 please.

16                   This document talks about anti-vaccine, anti-  
17 lockdown, anti-mask grievances that are continuing to drive  
18 both online discussions and in-person protests. And then it  
19 goes on to explain a lot of different instances of protest,  
20 even threats of violence and so on that the RCMP is  
21 monitoring in this context. What -- can you tell me a little  
22 bit more about this sort of divisive content being promoted  
23 during the final weeks before the 2021 election?

24                   **COMM MICHAEL DUHEME:** Yeah, I can -- I'll  
25 start off and Mark can add for sure, but during the GE 44,  
26 what was saw is an escalation, if you wish, of individuals at  
27 different parts of the country manifesting their displeasure  
28 with the government at the time. COVID, again, was part.

1 Vaccination was another thing. And what we did from an  
2 organization perspective, we made sure that all our  
3 commanding officers that are in each province and territory  
4 were aware, but we also engaged Canadian police to just make  
5 them aware of what we're seeing across the country, so that  
6 if they see anything, they can react and report it back up.

7 I have to highlight too is during that  
8 period, we did have a lot of input in SITE with regards to  
9 IMVE, the ideological motivated violent extremists, which we  
10 saw a rise during that period. It was a concern for the  
11 RCMP, and we just want to make sure that law enforcement  
12 across the country were well positioned to answer any of  
13 these uprising by citizens.

14 **D/COMM MARK FLYNN:** And a key element of that  
15 discussion that the Commissioner just -- we just had with you  
16 on this, it's important to understand the context of what we  
17 are doing here in looking at that narrative is not to  
18 determine what the different sides of the narrative are in  
19 that social media platform. It is wholly from the public  
20 safety perspective ---

21 **MR. GUILLAUME SIROIS:** I see.

22 **D/COMM MARK FLYNN:** --- from the protection  
23 of parliamentarians, the protection of the democratic  
24 processes of the elections, the campaigns, et cetera, because  
25 if politicians are not able to run for office, campaign and  
26 feel safe, they will not come forward. And we're seeing that  
27 and that's a bit of an epidemic in Canada where we have seen  
28 politicians at municipal, provincial and federal level who

1 have left their roles due to concerns for their safety, and  
2 that is a primary mandate of the RCMP.

3 **MR. GUILLAUME SIROIS:** Okay. So there's a  
4 lot to unpack in your -- both of your answers, and,  
5 unfortunately, I don't have time today to unpack everything.  
6 But I will just continue on. Just to clarify, in the 2021  
7 election -- I know it's a broader problem than the election,  
8 but during the election, did you see -- what can you tell me  
9 about the momentum of this sort of content? Was it  
10 increasing in the days leading up to the election, or was it  
11 increasing, decreasing?

12 **COMM MICHAEL DUHEME:** So if I had to compare  
13 it to 2019, right, we've seen a shift, a dramatic shift  
14 because of what took place in society as the rise with IMVs,  
15 but of memory, I don't recall too many instances that  
16 occurred. Mark, I don't know if you can fill in but ---

17 **D/COMM MARK FLYNN:** I would say during the  
18 2021 election campaign, we saw more instance than we had seen  
19 in the past with respect to our protective policing mandate.  
20 The rise of IMV has been rising since before the 2021 and it  
21 has risen since then and the broader terrorism threat has  
22 grown as well. So it has risen. I -- without further  
23 analysis, it would be difficult for me to put it in the  
24 context of the 2021 election as opposed to just a simple  
25 timeline context that could involve many things, and  
26 specifically, the COVID pandemic has been a significant  
27 element, and, obviously, the 2021 election is right in the  
28 middle of that.

1           **MR. GUILLAUME SIROIS:** So just to be sure I  
2 understand, do you see or not an increase in this divisive  
3 contents during the election as opposed to before the  
4 election?

5           **COMM MICHAEL DUHEME:** Again, if I had to  
6 compare between 43 and 44, yeah, 44 was slightly different  
7 than 43 where there's more presence on social media. We've  
8 seen people more in the streets. There was more division, if  
9 you wish, but to what extent I'd be hard pressed to put a  
10 number on it.

11           **MR. GUILLAUME SIROIS:** Okay.

12           **D/COMM MARK FLYNN:** And we are not monitoring  
13 the divisive content.

14           **COMM MICHAEL DUHEME:** No.

15           **D/COMM MARK FLYNN:** We are monitoring the  
16 public safety threat and any threat to individuals. So the  
17 number of incidents, as I stated, have arisen, but we are not  
18 monitoring, cataloguing, statistically analysing divisive  
19 content. It's threat materials that we are monitoring.

20           **MR. GUILLAUME SIROIS:** Okay. These threats,  
21 did they increase during the election?

22           **D/COMM MARK FLYNN:** Yes, they did.

23           **MR. GUILLAUME SIROIS:** And do -- what causes  
24 this increase in violence maybe during the election?

25           **D/COMM MARK FLYNN:** So I would characterise  
26 it as threats during the election as opposed to violence.

27           **MR. GUILLAUME SIROIS:** Threats ---

28           **D/COMM MARK FLYNN:** And the sheer number of

1 public appearances, engagements and such in an election  
2 campaign present far more opportunities. Speeches, the type  
3 of content that are in speeches give rise to people  
4 expressing lawfully and, in some cases, unlawfully, their  
5 opinions on the positions of politicians are taken during  
6 campaigns.

7 **MR. GUILLAUME SIROIS:** Okay. Maybe I have  
8 one or two ---

9 **COMMISSIONER HOGUE:** One last question.

10 **MR. GUILLAUME SIROIS:** Okay. Thank you.  
11 So we've heard evidence, and it's been  
12 reported multiple places, that Russia seeks to amplify  
13 divisive contents, such as this one, the one that we  
14 discussed. Is it possible that some of the divisive content  
15 or increase in threats of violence can be traced back to the  
16 Russian Federation?

17 **COMM. MICHAEL DUHEME:** Well, again, it's not  
18 in our mandate to go through social media to track it down.  
19 That would be better posed to CSE or the service, but it  
20 doesn't fall in the RCMP mandate to monitor everything that's  
21 going on in social media.

22 **MR. GUILLAUME SIROIS:** Okay, thank you.

23 **COMM. MICHAEL DUHEME:** You're welcome.

24 **COMMISSIONER HOGUE:** Thank you.

25 **COMM. MICHAEL DUHEME:** Thank you. Merci.

26 **COMMISSIONER HOGUE:** Human Rights Coalition?

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

28 **MS. HANNAH TAYLOR:**

1           **MS. HANNAH TAYLOR:** Good morning. I  
2 understand that individuals can report potential foreign  
3 interference, including potential election interference, to  
4 the RCMP's National Security Information Network; is that  
5 correct?

6           **COMM. MICHAEL DUHEME:** That's correct.

7           **MS. HANNAH TAYLOR:** Did you receive reports  
8 from diaspora members regarding potential election  
9 interference in the 2019, 2021 elections?

10          **COMM. MICHAEL DUHEME:** Twenty nineteen  
11 (2019); 43 and 44 there was three referrals made to the OCCE,  
12 but I'm not quite sure of the outcome of it. And I don't  
13 think it was foreign interference.

14          **MS. HANNAH TAYLOR:** Were those ---

15          **COMM. MICHAEL DUHEME:** It was information  
16 that was brought to our attention that we shared with the  
17 OCCE.

18          **D/COMM. MARK FLYNN:** Yes, not related to  
19 foreign interference.

20          **MS. HANNAH TAYLOR:** Were those three -- do  
21 you know if those three were brought to your attention by  
22 members of diaspora communities?

23          **COMM. MICHAEL DUHEME:** I wouldn't be able to  
24 confirm that.

25          **MS. HANNAH TAYLOR:** Okay. Is that something  
26 that's tracked in complaint mechanisms to an extent, or is  
27 that something that you would be aware of generally, or no?

28          **COMM. MICHAEL DUHEME:** Normally, the course

1 of action is we take a written report, but it has happened  
2 when people have come forward and they were referred to the  
3 proper agency to investigate, so...

4 **D/COMM. MARK FLYNN:** If I may, not ask a  
5 question but respond. To track your question in its  
6 entirety, I didn't that you were saying specifically at the  
7 time of GE 43, 44. I think you were asking in the broader  
8 context of 43, 44, and I would say in a broader context, and  
9 in the broad definition of foreign interference, even outside  
10 of the election, we've had strong engagement with various  
11 diaspora about transnational repression-type activities.  
12 But, again, outside of the context of the timeframe and  
13 specifically related to the GE 43 and 44 at that time.

14 And there's obviously other matters, as we've  
15 referred earlier, that are under investigation that are  
16 outside the terms of reference of this, the hearing due to  
17 the public interest in maintaining both the integrity and the  
18 outcome of those investigations.

19 **MS. HANNAH TAYLOR:** And so turning back  
20 specifically to that -- specifically to the National Security  
21 Information Network, so that mechanism, do members of the  
22 public, in your opinion, tend to know that they can contact  
23 you with complaints in this way? How is that shared with  
24 people; how is that information shared?

25 **D/COMM. MARK FLYNN:** So I would say over  
26 time, our opinion and our work in that area has shifted. I  
27 would say, generally speaking, no, they have not in the past.

28 However, you will see a lot of the material

1 in some of the campaigns that we are running, such as "See  
2 Something, Say Something" which is broader national security  
3 reporting, we are putting that material out in multiple  
4 language, specifically focusing on languages of diaspora in  
5 Canada, and specifically related to communities that may be  
6 at risk of either terrorism threats; threats, intimidation  
7 with respect to transnational repression, or foreign  
8 interference. So those products that are produced by our  
9 Prevention and Engagement Unit, and in collaboration with the  
10 Canadian Association of Chiefs of Police, Community for  
11 Prevention and Engagement on Public Safety Matters are  
12 produced in multiple language.

13 Gaining trust and confidence of the diaspora  
14 in Canada is something that we are concerned about, and we  
15 are actively engaging, and in some of our operations you will  
16 have seen where are taking a different approach of working  
17 what I would characterize as in the shadows, or in  
18 plainclothes. And you'll have seen instances where the RCMP  
19 has been, in our federal policing mandate, very much out  
20 front, in uniform and present, and part of the strategy of  
21 that is to gain trust and confidence in the community. So  
22 they see we are present, that we care, and that we are  
23 prepared to do something.

24 The reason I provide that information is  
25 because that has resulted in an increased number of calls  
26 that have come into our tip line, as well as direct  
27 communication outside of the tip line in reporting activities  
28 of concern that are subject of investigation.

1           **MS. HANNAH TAYLOR:** Thank you. And so just  
2 to confirm, when it comes to the tip line, or the network,  
3 can individuals engage in that tip line or network in  
4 languages other than English and French?

5           **COMM. MICHAEL DUHEME:** There is ---

6           **D/COMM. MARK FLYNN:** Primarily it is English  
7 and French as official languages in Canada. However, there  
8 are mechanisms if someone does reach out that we can engage,  
9 but it is an area that we need to pay attention to going  
10 forward and increase our capacity in that space, because it  
11 is very challenging to do so today.

12           **COMM. MICHAEL DUHEME:** Can I just add  
13 something? Because you often refer to tip line and I know  
14 some people watching, the tip line is to be used for if  
15 there's no safety at risk to the individual. If there's an  
16 immediate threat to the individual, the course of action is  
17 call the police of jurisdiction; call 911 and get someone  
18 there. But if it's a follow-up, things that they're seeing,  
19 trends, as Mark said, see it, report it; that tip line is  
20 very useful.

21           **MS. HANNAH TAYLOR:** And are members of the  
22 public offered confidentiality protections when they make a  
23 complaint through this mechanism?

24           **D/COMM. MARK FLYNN:** So as with any  
25 engagement with the police, we respect the wishes of the  
26 individual with respect to confidentiality. That does impact  
27 what we can do with the information that they provide because  
28 we do have legal disclosure requirements in criminal

1 proceedings that, depending on which route the proceedings  
2 go, can present challenges for that. But we do have  
3 confidential informant laws in Canada and practices in Canada  
4 that can be utilized.

5 But, again, it depends on whether someone is  
6 a confidential informant, a witness, a victim. So it really  
7 depends upon the status of the individual within the  
8 investigative process.

9 **MS. HANNAH TAYLOR:** And is ---

10 **COMMISSIONER HOGUE:** This will be your last  
11 question.

12 **MS. HANNAH TAYLOR:** Thank you, Commissioner.  
13 And when it comes to the availability of  
14 confidentiality protection, is that advertised in multiple  
15 languages?

16 **D/COMM. MARK FLYNN:** I am not aware of that,  
17 no.

18 **MS. HANNAH TAYLOR:** Thank you.

19 **COMMISSIONER HOGUE:** Thank you.

20 **COMM. MICHAEL DUHEME:** Merci.

21 **COMMISSIONER HOGUE:** Next one, Mr. Choudhry  
22 for Jenny Kwan.

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

24 **MR. SUJIT CHOUDHRY:**

25 **MR. SUJIT CHOUDHRY:** Mr. Commissioner, Deputy  
26 Commissioner, good morning. I just had a few follow-up  
27 questions from your examination in-chief.

28 Commissioner, I believe you stated, and just

1 would like you to confirm, that the RCMP did not open any  
2 foreign interference election-related investigations for GE  
3 43 and 44, but subsequent to 44 you had opened  
4 investigations, and I believe you used the term plural --  
5 used that term in plural. Is that right?

6 **COMM. MICHAEL DUHEME:** So during the 43 and  
7 44 period, we did not, and you are right, sir, I did say that  
8 after it, subsequently, we had received information that  
9 prompted us to open an investigation.

10 **MR. SUJIT CHOUDHRY:** And, you know,  
11 Commissioner, I know that you're restrained in being able to  
12 share with us the scope of that, but are we talking about  
13 five; 50? I mean, are you able to give us a sense of the  
14 order of magnitude?

15 **COMM. MICHAEL DUHEME:** I think it ---

16 **MR. GREGORY TZEMENAKIS:** Commissioner? With  
17 all due respect, Commissioner, I'm going to ask these  
18 witnesses not answer that question, pursuant to your terms of  
19 reference, because we don't want to impact any aspect of an  
20 ongoing investigation.

21 **MR. SUJIT CHOUDHRY:** Yeah, fair enough.

22 **COMMISSIONER HOGUE:** You ---

23 **MR. SUJIT CHOUDHRY:** Yes, thank you.

24 **COMMISSIONER HOGUE:** So there's no need to  
25 answer the question.

26 **D/COMM. MARK FLYNN:** Does that count for a  
27 question, though?

28 **(LAUGHTER/RIRES)**

1                   **MR. SUJIT CHOUDHRY:** So I'm afraid it does  
2 come off my list, but I have just two more.

3                   So Deputy Commissioner, in your witness  
4 statement you described in passing something called the  
5 Foreign Actor Interference Team, but you didn't have a chance  
6 to give us a sense of what that is. And so I'm wondering --  
7 and I have a couple of questions about that. How big is  
8 that? And, also, in particular; what type of language skills  
9 do members of that team have? Can they -- and so we know in  
10 this Commission that there are certain states that are  
11 targeting our diasporas, do members of that team have the  
12 linguistic skills to read social media posts, read media,  
13 engage with members of those communities?

14                   **D/COMM MARK FLYNN:** So fortunately the team  
15 is part of a much larger organization that has extensive  
16 language skills. So to speak to your first question in a  
17 multi-part question, the Foreign Actor Interference Team  
18 substantively was created in 2020. It is not the initial  
19 existence of a group within the RCMP that looked at foreign  
20 actor interference, because they're part of the National  
21 Security Program before that -- did that, and there was a  
22 small group with that assignment.

23                   So I would characterise the 2020 as a formal  
24 team. The structure has been approximately -- I don't have  
25 the number in front of me, but notionally I would say it is  
26 around a dozen people. I'm not going to get into the full  
27 capacity of the organization, but that is with a core  
28 function. We are a large organization. We have multiple

1 units that bring about many different types of investigative  
2 capacities to problems. So you should not interpret the  
3 number of that team to at all represent the capacity of the  
4 organization because that team is at Headquarters. It is a  
5 governance oversight, and what I'll call a focus team, for  
6 the efforts at a national level, which involve all of our  
7 federal policing investigative capacity across the country,  
8 which is in the thousands.

9 **COMM MICHAEL DUHEME:** If I can add to that?

10 **MR. SUJIT CHOUDHRY:** Of course.

11 **COMM MICHAEL DUHEME:** Within the  
12 organization, we're 30,000 across the country. So we have,  
13 in the past, mobilized people in different parts of the  
14 country to assist on a specific -- who have a specific  
15 language to assist us in an investigation. And we also  
16 mobilize some of our partners' resources when needed.

17 **D/COMM MARK FLYNN:** And so to answer your  
18 question with respect to capacity to look at the materials  
19 that are brought to our attention, or that we discover on our  
20 own, that is not a significant problem. It is a challenge,  
21 depending on the dialects in some of the material. But as  
22 the Commissioner said, we do go and get those resources where  
23 we need them to overcome it. Capacity is a challenge at  
24 times though.

25 **MR. SUJIT CHOUDHRY:** And then one last  
26 question if I may, Commissioner. So and this comes out of an  
27 exchange between Commission counsel and the Commissioner  
28 about the SITE Taskforce. And so I -- and you -- and

1 Commissioner, if I recall correctly, I believe that in  
2 response to Commission counsel's question, you stated that  
3 before sharing any information that you -- the RCMP would  
4 receive on SITE within the organization, you'd have to seek  
5 permission, or cooperation, or acquiescence from a member of  
6 the SITE team? Or the relevant organization that provided  
7 the information.

8 So my question then follows from that, which  
9 is suppose an RCMP complaint is lodged with the RCMP that --  
10 is there any way of connecting the dots between information  
11 that's shared with the RCMP at the Taskforce and a complaint  
12 that's received on the ground?

13 **COMM MICHAEL DUHEME:** Yeah, so if I may, our  
14 SITE -- our person who is representing the organization at  
15 SITE will come back and debrief as to what was discussed.

16 But again, and I said it earlier, a lot of  
17 the information that's going to SITE is not a surprise to us,  
18 because it's probably been discussed at different levels from  
19 different organizations. And there's a validation process as  
20 well before it goes to SITE. But the expectation is that the  
21 individual will bring that information back, and then share  
22 it, and then whoever has that investigation to the program  
23 would connect the dots with other departments, if required.

24 **MR. SUJIT CHOUDHRY:** Okay.

25 **D/COMM MARK FLYNN:** Yeah, and just to add to  
26 that, we do have multiple units within the RCMP and our  
27 National INTEL program, our Federal Policing National  
28 Security Operational Analysis, our Sensitive Information

1 Handling Unit, that would have access to those materials  
2 through the SITE reporting who also are the criminal  
3 analysts and investigators that are looking to make those  
4 connections and to explore collaborative efforts where  
5 they're possible, or to convert that information,  
6 intelligence, into an actionable, useable product that we can  
7 pull into our investigative stream. That is not always  
8 possible, but when it is possible, those staff are the ones  
9 that do that.

10 **MR. SUJIT CHOUDHRY:** Thank you, sirs.

11 **COMM MICHAEL DUHEME:** Thank you. Merci.

12 **COMMISSIONER HOGUE:** Thank you.

13 AG. No? Okay. The next one.

14 **--- CROSS-EXAMINATION BY/CONTRE-INTERROATOIRE PAR**

15 **MR. MATTHEW JOHNSON:**

16 **MR. MATTHEW JOHNSON:** Good morning,  
17 Commissioner, Deputy Commissioner. My name is Matthew  
18 Johnson on behalf of the Attorney General of Canada. I just  
19 have one question for you.

20 I'm going to take you back when you were  
21 being questioned by my friend from Ukrainian Canadian  
22 Congress. She asked you about whether you were aware of  
23 Russia engaging in foreign interference.

24 When you said that you had no information  
25 about that Russian -- about Russian foreign interference  
26 efforts, were you speaking as to your personal knowledge or  
27 on behalf of the RCMP as an organization, which does include  
28 SITE Taskforce?

1                   **COMM MICHAEL DUHEME:** So I just want to  
2 caveat here. I was referring to 43/44; right? But writ  
3 large, at the larger perspective, yeah, we know that there's  
4 some form of interference being done by Russia, and this is  
5 from the numerous meetings that I have gone to at the DM  
6 levels. And I think it was also noted in one of the SITE  
7 reports, but I'm not 100 percent sure. But I've been privy  
8 to some of the conversations about that type of influence.

9                   **MR. MATTHEW JOHNSON:** Thank you, Madam  
10 Commissioner. Those are my questions.

11                   **COMMISSIONER HOGUE:** Thank you. Re-  
12 examination?

13                   **MS. LYNDA MORGAN:** I just have one  
14 housekeeping matter for re-examination, which is I made  
15 reference to the English version of the RCMP Institutional  
16 Report. I'd just like to also reference CAN.DOC 20, which is  
17 the French version of the same institutional report.

18 **--- EXHIBIT No./PIÈCE No. CAN.DOC 20:**

19                   Gendarmerie Royale du Canada -  
20                   Rapport Institutionnel - Non  
21                   Classifié

22                   **COMMISSIONER HOGUE:** Thank you.

23                   **MS. LYNDA MORGAN:** And I would note as well  
24 that the same qualification that was made to the English  
25 version, page 24, changing the date, would be made to the  
26 French version as well.

27                   **D/COMM MARK FLYNN:** I would expect that.

28                   **COMMISSIONER HOGUE:** Thank you. Thank you,

1 sir.

2 **COMM MICHAEL DUHEME:** Merci, Madame la  
3 Commissaire.

4 **COMMISSAIRE HOGUE:** Alors, vous êtes libres  
5 de quitter.

6 **COMM MICHAEL DUHEME:** Bonne fin de journée.

7 **COMMISSAIRE HOGUE:** Vous aussi.

8 **MS. ERIN DANN:** Commissioner, I wonder if we  
9 could have five minutes just to bring in the next witness?

10 **COMMISSIONER HOGUE:** Oh, yes. Sure.

11 **MS. ERIN DANN:** Mr. Registrar, we're taking  
12 five minutes.

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

15 This hearing is in recess until 12:00. La  
16 séance est en pause jusqu'à midi.

17 --- Upon recessing at 12:00 p.m./

18 --- La séance est suspendue à 12 h 00

19 --- Upon resuming at 12:00 p.m./

20 --- La séance est reprise à 12h00

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

23 This sitting of the Foreign Interference  
24 Commission is back in session. Cette séance de la Commission  
25 sur l'ingérence étrangère à reprise.

26 **COMMISSIONER HOGUE:** Good morning,  
27 Mr. Rogers.

28 **MR. DANIEL ROGERS:** Good morning.

1           **MS. ERIN DANN:** Good morning. Thank you,  
2 Commissioner. It's Erin Dann, Commission Counsel. Our next  
3 witness is Mr. Rogers. If the witness could be affirmed,  
4 please.

5           **THE REGISTRAR:** Could you please state your  
6 name and spell your last name for the record.

7           **MR. DANIEL ROGERS:** Daniel Rogers,  
8 R-O-G-E-R-S.

9           **--- MR. DANIEL ROGERS, Affirmed/Sous affirmation solennelle:**

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

11           **MS. ERIN DANN:**

12           **MS. ERIN DANN:** Mr. Rogers, we're going to  
13 start today with a few housekeeping matters. Do you recall  
14 being interviewed in a panel format alongside Shelly Bruce  
15 and Alia Tayyeb by Commission Counsel on February 8th, 2024?

16           **MR. DANIEL ROGERS:** Yes.

17           **MS. ERIN DANN:** If I can ask that WIT 39,  
18 please.

19           **--- EXHIBIT No./PIÈCE No. WIT 39:**

20                                   Public Summary of Classified  
21                                   Interview of: Shelly Bruce, Alia  
22                                   Tayyeb, Dan Rogers

23           **MS. ERIN DANN:** This is a interview that took  
24 place in a classified space. A publicly disclosable summary  
25 of your interview was prepared. Have you had an opportunity  
26 to review that? It's the document on the screen for you.

27           **MR. DANIEL ROGERS:** Yes, I have.

28           **MS. ERIN DANN:** And in relation to your

1 contributions, do you have any modifications, additions, or  
2 deletions from the summary?

3 MR. DANIEL ROGERS: No.

4 MS. ERIN DANN: Does the summary accurately  
5 reflect the substance of your interview that can be publicly  
6 disclosed?

7 MR. DANIEL ROGERS: Yes.

8 MS. ERIN DANN: Do you adopt your  
9 contributions to the summary as part of your evidence before  
10 the Commission?

11 MR. DANIEL ROGERS: I do.

12 MS. ERIN DANN: Thank you.

13 You were also examined by Commission Counsel  
14 during an *in-camera* proceeding in a panel format, alongside  
15 Ms. Tayyeb, on March the 5th, 2024. Do you recall that?

16 MR. DANIEL ROGERS: I do.

17 MS. ERIN DANN: If I could -- so we'll have  
18 WIT 39, if that could be made the next exhibit. And I'd ask  
19 the operator to pull up WIT 33.

20 **--- EXHIBIT No./PIÈCE No. WIT 33:**

21 Public Summary of Classified In  
22 Camera Examination of: Ms. Alia  
23 Tayyeb, Mr. Dan Rogers

24 MS. ERIN DANN: A publicly disclosable  
25 summary of the evidence you gave *in-camera* was prepared, and  
26 that appears on the screen before you. Have you had an  
27 opportunity to review that summary?

28 MR. DANIEL ROGERS: I have, yes.

1           **MS. ERIN DANN:** And do you have any  
2 corrections, additions, or deletions, modifications to that  
3 summary?

4           **MR. DANIEL ROGERS:** No.

5           **MS. ERIN DANN:** Does it accurately reflect  
6 the substance of your evidence that can be made public?

7           **MR. DANIEL ROGERS:** Yes.

8           **MS. ERIN DANN:** And do you adopt the summary  
9 as part of your evidence before the Commission?

10          **MR. DANIEL ROGERS:** I do.

11          **MS. ERIN DANN:** Thank you.

12                   If that could be the next exhibit.

13                   You're here today, Mr. Rogers, to provide  
14 some evidence in respect to the Canadian Security  
15 Establishment. Can you describe your history at CSE, and in  
16 particular, your role there during 2019 and 2021 general  
17 elections?

18                   **MR. DANIEL ROGERS:** Yes. I worked at the  
19 Communications Security Establishment for many years,  
20 starting in the early 2000s, mostly, almost exclusively in  
21 the intelligence branch of the organisation. During the 2019  
22 and 2021 elections, I was the Deputy Chief for the Signals  
23 Intelligence Program within CSE. I later became the  
24 Associate Chief of the organisation.

25                   **MS. ERIN DANN:** And I'll just -- for both of  
26 our sakes, I'll just remind both myself and you to -- if we  
27 can take it slowly. We have a number of interpreters working  
28 to assist us at the Commission.

1                   So as a last piece of housekeeping, the CSE  
2 prepared an institutional report.

3                   That is CAN.DOC 5.

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

5                   Communications Security Establishment  
6                   (CSE) Institutional Report -  
7                   UNCLASSIFIED

8                   **MS. ERIN DANN:** CSE prepared an institutional  
9 report for the Commission. Have you had an opportunity to  
10 review that report?

11                   **MR. DANIEL ROGERS:** I have.

12                   **MS. ERIN DANN:** And can you confirm that CSE  
13 prepared the report for the Commission and that it represents  
14 CSE's evidence in relation for the Commission?

15                   **MR. DANIEL ROGERS:** Yes.

16                   **MS. ERIN DANN:** Thank you very much.

17                   And I'd ask that that institutional report be  
18 entered into evidence, along with the French version of the  
19 report, which is at CAN.DOC 6.

20 **--- EXHIBIT No./PIÈCE No. CAN.DOC 6:**

21                   Rapport institutionnel - Centre de la  
22                   sécurité des télécommunications

23                   **MS. ERIN DANN:** Mr. Rogers, just before we go  
24 on to talk about your role at CSE and the role of CSE in  
25 relation to the matters before the Commission, I understand  
26 that you're not currently working at CSE. Can you tell us  
27 what your current role is and give a brief description of  
28 that role?

1           **MR. DANIEL ROGERS:** Yes, that's correct.  
2           Currently, I'm the Deputy National Security and Intelligence  
3           Advisor to the Prime Minister, and the Deputy Secretary for  
4           Emergency Preparedness within the Privy Council Office. In  
5           that role, I support the National Security and Intelligence  
6           Advisor in her duties, and Minister Sajjan in his duties with  
7           respect to emergency preparedness.

8           **MS. ERIN DANN:** Thank you very much. At -- I  
9           won't take you there, but at page 2 of the institutional  
10          report, report -- indicates that CSE is Canada's national  
11          cryptologic agency that collects signals intelligence or  
12          SIGINT. Can you tell us what signals intelligence is?

13          **MR. DANIEL ROGERS:** Yes. CSE is an  
14          organisation that, as you said, collects SIGINT. SIGINT is a  
15          type of intelligence collection related to the interception  
16          of communications or getting information from what we call  
17          the global information infrastructure. And this is -- you  
18          know, colloquy, you can think of it as the internet, or any  
19          type of interconnected device or the flow of communications  
20          globally. So SIGINT for us is foreign intelligence  
21          collection, and that's key, and as part of our mandate we  
22          look at foreign targets outside of Canada to collect foreign  
23          intelligence through SIGINT's means.

24          **MS. ERIN DANN:** And when you talk about that  
25          foreignness element, do I understand correctly that that  
26          means that you cannot direct your activities at Canadians or  
27          persons in Canada?

28          **MR. DANIEL ROGERS:** That's correct. Under

1 our intelligence mandate, our foreign intelligence mandate,  
2 we are barred from directing any activities at Canadians or  
3 persons in Canada.

4 **MS. ERIN DANN:** The overarching mandate of  
5 CSE is set out in section 15 of the *CSE Act*. It states that  
6 CSE:

7 "...is the national signals  
8 intelligence agency for foreign  
9 intelligence and the technical  
10 authority for cyber security and  
11 information assurance."

12 Is that right?

13 **MR. DANIEL ROGERS:** That's correct.

14 **MS. ERIN DANN:** And do I understand correctly  
15 that foreign interference was one of CSE's intelligence  
16 priorities during both the 2019 and 2021 General Elections?

17 **MR. DANIEL ROGERS:** Yes. CSE's intelligence  
18 priorities are set by Cabinet and by legislation. We must  
19 conduct our intelligence activities in accordance with those  
20 priorities. And in both General Elections, foreign  
21 interference would have been captured by those priorities as  
22 part of our work.

23 **MS. ERIN DANN:** And how does CSE define  
24 "foreign interference"?

25 **MR. DANIEL ROGERS:** In the same way as  
26 others. We accept the definition of "foreign interference"  
27 that's been used here and by the service.

28 **MS. ERIN DANN:** I'm sorry, Mr. Rogers. Just

1 to -- for the sake of clarity, by "the service" you mean?

2 **MR. DANIEL ROGERS:** Sorry. CSIS.

3 **MS. ERIN DANN:** CSIS.

4 **MR. DANIEL ROGERS:** In that we understand  
5 foreign interference to be deceptive activities counter to  
6 the interests of Canadians or involving a threat to  
7 individuals. And CSIS has a robust definition of that.

8 I will say that in CSE's context, the precise  
9 bounds of that definition matter slightly less. Our  
10 activities with respect to foreign intelligence seek to  
11 understand the intentions of states as they relate to Canada  
12 more broadly, and so things which may not be deceptive may  
13 still be of interest to us. And there is a broader  
14 definition of foreign intelligence that applies when we  
15 conduct our intelligence activities.

16 **MS. ERIN DANN:** And that sort of broader  
17 range of activities, can you tell us what might be included  
18 in that that wouldn't be captured under the CSIS definition  
19 of "foreign interference", for example?

20 **MR. DANIEL ROGERS:** Sure. You know, for  
21 instance, if we were -- we could seek to identify the plans  
22 or intentions of a foreign state with respect to Canada that  
23 could still be detrimental to the interests of Canada but may  
24 not be intended to be carried out in a covert or clandestine  
25 way, so it may be outside of the CSIS definition but still  
26 within the definition we would use to inform the government  
27 through our intelligence community.

28 **MS. ERIN DANN:** Thank you.

1           As I understand it, while there's one broad  
2 aspect for CSE, it has -- or one broad mandate for CSE,  
3 there's five aspects to it. I just want to go through those  
4 briefly with you.

5           The first I think we've touched on, foreign  
6 signals intelligence. And as I understand it, CSE collects  
7 signals intelligence to determine, as you just mentioned,  
8 motivations, intentions and capabilities of foreign entities.  
9 Is that right?

10           **MR. DANIEL ROGERS:** Yes.

11           **MS. ERIN DANN:** We'll return to the  
12 intelligence aspect of your mandate, but -- or CSE's mandate,  
13 but I first want to look at some of the other aspects of the  
14 mandate.

15           The second is cyber security and information  
16 assurance. Can you briefly describe this aspect of CSE's  
17 mandate?

18           **MR. DANIEL ROGERS:** Yes. Under this aspect  
19 of CSE's mandate, we can provide cyber advice, guidance and  
20 services to help defend federal infrastructure, cyber  
21 infrastructure, or infrastructure designated as important to  
22 the Government of Canada. So this might include, you know,  
23 putting defensive measures within the internet connected  
24 devices of the federal government or other systems to help  
25 defend them against all sorts of cyber threats, including  
26 those from foreign states, but also include ransomware, crime  
27 or other types of cyber threats.

28           **MS. ERIN DANN:** And can you describe how CSE

1 may have worked with, for example, Elections Canada during  
2 the elections in 2019 and 2021 specifically in respect with  
3 this -- regard to this aspect of CSE's mandate?

4 **MR. DANIEL ROGERS:** Yes, of course.

5 CSE worked very closely with Elections Canada  
6 throughout the period, well before the elections began, to  
7 help provide tailored advice, guidance and services  
8 specifically to help defend the connected infrastructure of  
9 Elections Canada up to and during the federal elections.  
10 That included all sorts of cyber security services and  
11 advice, but it also included, you know, responding to  
12 security events during the election and around the election.  
13 And I will say that it -- our work with respect to elections  
14 under the cyber security aspects of our mandate extend beyond  
15 just Elections Canada. So we do also provide advice and  
16 guidance to political parties, to Canadians and voters and  
17 there is more to that activity.

18 **MS. ERIN DANN:** And we heard some evidence  
19 earlier this week about the advice that CSE provided to  
20 political parties and political campaigns about cyber  
21 security. Some of the evidence we heard from members of  
22 political parties is that they would have liked to receive  
23 more specific advice on this point.

24 Can you comment on that at all and describe  
25 the type of guidance or advice you give to political parties  
26 and campaigns in respect of cyber security?

27 **MR. DANIEL ROGERS:** Certainly.

28 During the election period, as I think it was

1 mentioned earlier, CSE provided tailored briefings to  
2 political parties around cyber security measures that can be  
3 taken. Beyond that, we provided a hotline that any candidate  
4 could call during the election should an incident occur where  
5 we could help the candidate deal with those incidents.

6 We have information available tailored to  
7 elections administrators, political parties and voters on the  
8 website specifically tailored around elections and they lay  
9 out various measures that people can take to defend  
10 themselves and to help respond to an incident.

11 We remain available to consult should there  
12 be anything that political parties need from us in terms of  
13 tailored advice and guidance and that service is ongoing even  
14 outside the course of an election.

15 **MS. ERIN DANN:** And how would a candidate  
16 know they should call this -- how would they be informed  
17 about this hotline or understand that they would be able to  
18 contact CSE?

19 **MR. DANIEL ROGERS:** Well, there were  
20 briefings provided to the political parties at the outset of  
21 those elections and during that process where that  
22 information would have been relayed. It's also on our  
23 website.

24 **MS. ERIN DANN:** Thank you.

25 And are you able to give -- one of the  
26 witnesses we heard from thought that it would be useful to  
27 have advice from CSE on specific types of software to avoid  
28 or to use. They were looking for advice on particular

1       protections for Parliamentarians who are working in a hybrid  
2       environment.

3                   Is CSE able to give that kind of specific  
4       advice about specific platforms or softwares that individuals  
5       participating in democratic institutions would be better to  
6       use or to avoid?

7                   **MR. DANIEL ROGERS:** I think it probably  
8       depends on the specific case and the specific instance.  
9       We're there to provide advice and guidance. A lot of times  
10      that advice and guidance depends on the choices that need to  
11      be made by the individuals using the software.

12                   I know that those forums where we intended to  
13      brief political parties were meant to discuss those types of  
14      issues, but in general I think we can provide that kind of  
15      advice.

16                   **MS. ERIN DANN:** Right. Moving on to the next  
17      aspect of CSE's mandate, active and defensive cyber  
18      operations, can you describe this aspect of CSE's mandate  
19      and, in particular, the difference between active and  
20      defensive cyber operations?

21                   **MR. DANIEL ROGERS:** Of course.

22                   Active and defensive cyber operations are  
23      both aspects of CSE's mandates -- mandate where it can use  
24      its cyber capabilities to not just collect intelligence or  
25      defend, but to achieve an outcome through cyber means.

26                   In the case of defensive cyber operations,  
27      this might be taking action to disrupt an attack that's  
28      coming in towards federal infrastructure or to systems of

1 importance to the Government of Canada. In the case of  
2 active cyber operations, this might be used to -- for cyber  
3 purposes, but maybe for non-cyber purposes, for instance, to  
4 disrupt terrorist activity online.

5 **MS. ERIN DANN:** And does the foreignness  
6 requirement that we talked about in relation to CSE's  
7 intelligence gathering mandate, does that apply to cyber  
8 operations as well?

9 **MR. DANIEL ROGERS:** Yes, it does.

10 So CSE in both of those -- both aspects --  
11 those two aspects of the mandate is required to direct those  
12 activities outside of Canada, not at Canadians. And  
13 specifically, also not at infrastructure within Canada.

14 **MS. ERIN DANN:** But a defensive cyber  
15 operation, would that protect against an attack that was  
16 coming domestically or is that aimed only at an attack that  
17 is coming from a foreign entity?

18 **MR. DANIEL ROGERS:** Domestic -- defensive  
19 cyber operations can be -- well, there are many types of  
20 defences that we might use to defend against cyber attacks,  
21 and those range from normal cyber defences through to  
22 defensive cyber operations.

23 CSE can disrupt cyber threats of any nature  
24 regardless of their source. Defensive cyber operations are  
25 intended to disrupt against foreign actors.

26 **MS. ERIN DANN:** Thank you for that  
27 clarification.

28 I understand that defensive cyber operations

1 were planned in preparation for the elections in 2019 and  
2 2021. Is that right?

3 **MR. DANIEL ROGERS:** That's correct.

4 **MS. ERIN DANN:** And were those actually  
5 conducted?

6 **MR. DANIEL ROGERS:** No. CSE developed plans  
7 for defensive cyber operations in both elections. The  
8 capabilities were ready and the approvals were given and then  
9 later made ready, but we did not have to use either of those  
10 operations to defend networks.

11 **MS. ERIN DANN:** Thank you.

12 And then final aspect of the CSE mandate is  
13 the assistance mandate.

14 Can you briefly describe this aspect of CSE's  
15 mandate?

16 **MR. DANIEL ROGERS:** Of course.

17 CSE's assistance mandate is the final aspect  
18 of its mandate where we can provide assistance to a federal  
19 law enforcement or security partner or to the Canadian Armed  
20 Forces. When we operate under this aspect of our mandate, we  
21 assume the authorities of the requestor, so if we are  
22 operating under the request of CSIS or RCMP, or for instance,  
23 the Canadian Armed Forces, we would take on the authorities  
24 of those agencies and conduct a specific activity that they  
25 are already authorized to undertake.

26 This comes into play when CSE has  
27 capabilities or infrastructure that it uniquely has, given  
28 its technical capabilities to be able to provide that

1 assistance so it doesn't have to be duplicated within those  
2 other organizations.

3 **MS. ERIN DANN:** So you take on their  
4 authorities or things they're authorized to do. Do you also  
5 take on any limitations on what they are allowed to do?

6 **MR. DAN ROGERS:** Yes, thank you for asking.  
7 Absolutely. We are acting within the authorities and  
8 limitations of the requesting party.

9 **MS. ERIN DANN:** Thank you. Does CSE, either  
10 as part of the assistance mandate or any other aspect of  
11 CSE's mandate, play any role in detecting foreign  
12 interference through online activity? And I'm thinking in  
13 particular to address malicious online activity like  
14 misinformation or disinformation campaigns.

15 **MR. DAN ROGERS:** All of the aspects of CSE's  
16 mandate could come into play with respect to foreign  
17 interference activities. You know, obviously our  
18 intelligence -- the intelligence aspect of our mandate would  
19 allow us to understand when foreign states are contemplating  
20 or engaging in those activities. The cyber security and  
21 information assurance mandate would allow us to, for  
22 instance, for hack and leak attempts which could be used for  
23 foreign interference, both active and defensive cyber  
24 operations could be used to counter those types of activities  
25 if coming from abroad, and the assistance mandate could be  
26 used if one of our domestic partners required our assistance  
27 to counter or identify foreign interference.

28 **MS. ERIN DANN:** I understand that in 2019,

1 CSE was asked to evaluate data collected by the RRM, the  
2 Rapid Response Mechanism, in relation to potential social  
3 media interference in Canadian democratic processes by a  
4 foreign state. I won't bring you to it, but for your  
5 benefit, this is discussed at paragraph 20 of the in-camera  
6 hearing summary evidence, for the benefit of the parties.

7 Can you describe any difficulties or  
8 limitations CSE faces in evaluating this type of data?

9 **MR. DANIEL ROGERS:** Yes. And there are  
10 probably two things I should say right away. When we  
11 evaluate data of this nature, the limitations on our mandate  
12 still apply. So we are looking at things that are not  
13 domestic. By legislation, we're looking at foreign activity,  
14 which means we can't start from a place where there are, on  
15 its face, Canadians disseminating information on social media  
16 and conduct an analysis. That is not foreign in nature and  
17 so we would not start there.

18 When there are indications of foreignness,  
19 for instance, if the RRM identifies what it believes to be  
20 foreign information being posted on social media by a foreign  
21 state, if they refer that to us, we might be able to use, for  
22 instance, the intelligence aspect our mandate to seek to  
23 corroborate or confirm the attribution or the scope and scale  
24 of those activities.

25 There are still limitations on our ability to  
26 do that, even when it's within our mandate. For instance,  
27 the technical information available publicly around those  
28 sorts of social media posts may be limited, which could limit

1 our ability correlate that information with our existing  
2 intelligence holdings. And that -- those kinds of limits are  
3 -- make attribution and detection fairly difficult.

4 **MS. ERIN DANN:** And I'm getting a reminder  
5 once again for us both to slow down as best we can.

6 **MR. DANIEL ROGERS:** Thank you.

7 **MS. ERIN DANN:** Turning to the 2021 election,  
8 I understand that CSE was aware of allegations of a PRC  
9 driven social media campaign targeting the Conservative Party  
10 of Canada, specifically Erin O'Toole and Kenny Chiu.

11 Was CSE asked to evaluate data collected by  
12 RRM or any other body in relation to this potential foreign  
13 interference?

14 **MR. DANIEL ROGERS:** So that particular  
15 incident related to information being shared within Canada,  
16 as I recall. And so as I mentioned previously, it would fall  
17 outside the scope of our mandate to look at information being  
18 shared by Canadian media outlets or people in Canada, whether  
19 or not that information was for any particular foreign  
20 purpose.

21 **MS. ERIN DANN:** All right. And I know that  
22 some of that activity was alleged to have occurred on WeChat,  
23 which we know is a foreign owned social media entity. But do  
24 I understand that because the activity, or if a user, a  
25 WeChat user is within Canada, that would fall outside of  
26 CSE's mandate?

27 **MR. DANIEL ROGERS:** That's right. Regardless  
28 of the platform, if the individuals conducting the activities

1 are in Canada using these tools to share information, that  
2 falls outside of our mandate.

3 **MS. ERIN DANN:** So if a foreign state, and  
4 moving away from the specific example for a moment, but if a  
5 foreign state used a proxy within Canada to conduct a  
6 disinformation campaign by inauthentically amplifying  
7 disinformation, CSE would not have authority to investigate  
8 that type of activity?

9 **MR. DANIEL ROGERS:** Well I should clarify.  
10 We would not be able to act -- investigate the activity  
11 occurring within Canada or done by Canadians. If a foreign  
12 state -- you know, hypothetically if individuals within the  
13 foreign state were planning or directing those activities in  
14 Canada, we could look at the foreign component of that. And  
15 that would be one way that our intelligence mandate could  
16 confirm or refute any -- whether those activities were  
17 foreign directed.

18 So our intelligence mandate can apply, but  
19 not by looking at the Canadian elements of those  
20 communications.

21 **MS. ERIN DANN:** Thank you. One of the  
22 Commission's witnesses yesterday, MP Kwan, described her  
23 experiences in interacting with various security and  
24 intelligence agencies and departments. And I won't get the  
25 exact quote -- I won't be able to quote her exactly, but said  
26 something along the following, that it seemed to her that  
27 everybody, all of these different agencies and departments,  
28 had some of the ingredients, but they weren't necessarily

1 working together to bake the cake.

2 When you speak about the challenges of  
3 detecting foreign interference through online activity and  
4 attributing it to a particular foreign state, can you speak  
5 at all to whether those challenges arise from not having the  
6 right ingredients, in terms of the right sort of tool kit, or  
7 having those ingredients spread out over various agencies?  
8 Or perhaps the challenges relate to some other issue? Can  
9 you comment on that?

10 **MR. DANIEL ROGERS:** I can comment on that. I  
11 think that's one of the reasons that the SITE Taskforce was  
12 brought together, was because each of the various agencies  
13 have a different aspect of any particular incident that they  
14 can investigate. I know that the Rapid Response Mechanism  
15 from Global Affairs can do the types of broader social media  
16 analysis that is not within CSE's mandate. And as you  
17 mentioned in the example earlier, if they identify foreign  
18 components of that, then CSE can use the foreign components  
19 to use its intelligence mandate to get more details.

20 And similarly, CSIS and RCMP have aspects.

21 The coordination function of SITE was  
22 intended to bring those aspects of those mandates together so  
23 that comprehensively, the issue can be dealt with.

24 I think I would say that, you know, that does  
25 happen. The SITE Taskforce does look at these things. And  
26 that it does that fairly effectively. That doesn't mean  
27 there are no gaps and that doesn't mean there are no  
28 challenges. But I do think that those elements come together

1 to create a broader whole for Canada.

2 **MS. ERIN DANN:** Thank you. I want to return  
3 to the foreign signals intelligence aspect of CSE's mandate.  
4 And I note -- I do note the time, so we'll just move through  
5 this briefly.

6 But can you tell us, who are the primary  
7 consumers of the intelligence collected by CSE?

8 **MR. DAN ROGERS:** There are consumers of our  
9 intelligence across government. There are federal  
10 governments and allies that consume our intelligence.

11 With respect to foreign interference,  
12 certainly that includes Global Affairs Canada, CSIS, and the  
13 RCMP, as you would note here. It also includes PCO,  
14 including the Intelligence Assessment Secretariat, and there  
15 are various clients of course.

16 **MS. ERIN DANN:** And can you tell us how  
17 intelligence is shared? And perhaps I'll indicate my  
18 understanding is that there's sort of two primary ways. One  
19 is through intelligence products being uploaded to a central  
20 database, and where they can be accessed by clients. And  
21 then second, through client relations officers. If you could  
22 speak to those two ways that the intelligence is  
23 disseminated?

24 **MR. DANIEL ROGERS:** Yeah, CSE has invested in  
25 fairly robust intelligence dissemination and tracking tools.  
26 You've spoken to the two primary ones. There is a database  
27 that is available on top secret systems to consumers of our  
28 intelligence directly online. So individuals with the

1 appropriate clearance and need-to-know on accounts can access  
2 that directly, consume intelligence products from us and from  
3 other agencies. And that is recorded.

4 For those clients who may not want to avail  
5 themselves of direct online access, for instance, ministers  
6 who may not work regularly in a secure facility with those  
7 accesses, we have client relations officers who work and are  
8 embedded within various departments who bring packages of  
9 intelligence to those people to read, and then return them.

10 Those client relations ---

11 **COMMISSIONER HOGUE:** More slowly, please.

12 **MR. DANIEL ROGERS:** Oh, I'm so sorry. That's  
13 the third time.

14 **COMMISSIONER HOGUE:** It's okay. It's okay.

15 **MR. DANIEL ROGERS:** Those client relations  
16 officers do track the viewer -- or the readership of the  
17 intelligence they distribute and they typically provide the  
18 intelligence as requested by the client on a periodicity  
19 requested by the client. This can range from daily, and  
20 weekly, and irregularly.

21 **MS. ERIN DANN:** You mentioned at the outset  
22 of your testimony about the limitation on CSE in terms of not  
23 collecting information targeted at Canadians or people in  
24 Canada. Where Canadians are identified in your intelligence  
25 gathering, the foreign intelligence that you do, are any  
26 steps taken to protect their identities when the intelligence  
27 products are disseminated to the various clients?

28 **MR. DANIEL ROGERS:** Yes. In addition to not

1 being able to direct our activities at Canadians or anyone in  
2 Canada, our legislation requires us to take measures to  
3 protect the privacy of Canadians and people in Canada. One  
4 of the most common ways we do this in our intelligence  
5 reporting is by what we call "suppression of identities". So  
6 if there happens to be an incidental collection of a -- or a  
7 collection of a communication that incidentally has a  
8 Canadian participant or mentions a Canadian, if that  
9 intelligence is still important, relevant to international  
10 affairs, defence, and security, we can still report it, but  
11 as part of the report we suppress it. We will say something  
12 like "Unnamed Canadian said the following:", and we take  
13 measures to make sure we don't also contextually identify  
14 those Canadians.

15 **MS. ERIN DANN:** What if the identity of those  
16 Canadians is relevant to one of your partners that is  
17 consuming this intelligence?

18 **MR. DANIEL ROGERS:** The Act accounts for  
19 that, and we have the authorities to provide those identities  
20 upon request to clients that can demonstrate that they have  
21 that need to receive them. For instance, if CSIS or RCMP  
22 received one of our reports and there is a suppressed  
23 Canadian name, they can formally request that. That goes  
24 through a validation to make sure that that identity can be  
25 disclosed and that it is disclosed to those partners and  
26 tracked.

27 **MS. ERIN DANN:** Thank you. And perhaps I'll  
28 just take you to a specific example in 2021. I understand

1 from the summaries that we referred to earlier, that CSE  
2 observed a consistent or sort of baseline amount of foreign  
3 interference and malign influence activities during the  
4 elections, as well as before and after the elections. But  
5 the most significant piece of intelligence CSE collected in  
6 relation to foreign interference and elections was collect --  
7 was obtained shortly after the 2021 election. Is that right?

8 **MR. DANIEL ROGERS:** That's correct.

9 **MS. ERIN DANN:** Okay. And I understand  
10 you're not able to give us details about that intelligence,  
11 but it involves some allegation of potential distribution of  
12 funds.

13 **MR. DANIEL ROGERS:** That's correct.

14 **MS. ERIN DANN:** And can you confirm that that  
15 intelligence was shared with or reported to the SITE Task  
16 Force?

17 **MR. DANIEL ROGERS:** Yes, it was.

18 **MS. ERIN DANN:** And along with -- it was also  
19 shared with the RCMP and with CSIS?

20 **MR. DANIEL ROGERS:** Yes.

21 **MS. ERIN DANN:** And are you able to confirm  
22 whether either CSIS or the RCMP took any action with respect  
23 to that report?

24 **MR. DANIEL ROGERS:** I can't confirm whether  
25 they took investigative or other actions resulting from the  
26 report. I do believe that we have information confirming  
27 that they requested identities in that report, and that they  
28 -- we do know that they have seen it.

1           **MS. ERIN DANN:** Thank you very much.

2           If I could just have a moment,  
3 Madam Commissioner. Thank you, Commissioner. Those are all  
4 my questions.

5           **COMMISSIONER HOGUE:** Thank you.

6           I have one question for you, Mr. Rogers. And  
7 although it may be obvious to you, can you explain the reason  
8 behind the restrictions imposed on CSE to collect information  
9 on Canadians?

10          **MR. DANIEL ROGERS:** Well ---

11          **COMMISSIONER HOGUE:** As far as you know, best  
12 of your knowledge.

13          **MR. DANIEL ROGERS:** Yes, I can. CSE has  
14 fairly broad authorities, and the ability to collect  
15 information. We don't have a system like CSIS does, where we  
16 would go to the Federal Court and seek warrants. There is  
17 mechanisms in our Act to have the intelligence commissioner  
18 review ministerial authorisations, but it's a different legal  
19 regime with different thresholds. And CSE, you know, is  
20 careful that we don't want to convene -- contravene the  
21 *Charter* or any domestic laws when we do this. And so the  
22 regime is set up really with very, very firm privacy  
23 protections and *Charter* protections for Canadians by assuring  
24 that we are only looking outside of Canada for our  
25 intelligence.

26          **COMMISSIONER HOGUE:** Thank you.

27          Cross-examination? First one is Mr. Choudhry  
28 for Jenny Kwan.

1                   **MR. SUJIT CHOUDHRY:** No questions,  
2 Commissioner.

3                   **COMMISSIONER HOGUE:** No questions.  
4 RCDA?

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

6 **MR. GUILLAUME SIROIS:**

7                   **MR. GUILLAUME SIROIS:** Good morning, I'm Gil  
8 Sirois, counsel for the RCDA, the Russian Canadian Democratic  
9 Alliance.

10                   I want to talk today about attribution of  
11 social media campaigns or influence campaigns that happen on  
12 the internet to a foreign state actor. You've explained in  
13 your summary, I believe, that CSE sometimes unable to  
14 evaluate or attribute to a foreign state open source  
15 information collected by the RRM. What did you mean by that?

16                   **MR. DANIEL ROGERS:** Well, what I was  
17 referring to there is that sometimes there are campaigns of  
18 disinformation that the RRM might detect, but they might be  
19 Canadian focussed or they may have insufficient details for  
20 us to conclude that they are directed by a foreign state. So  
21 the difference between, you know, RRM identifying inauthentic  
22 accounts and amplification of a certain narrative towards can  
23 we confirm that a foreign state directed that, CSE's  
24 intelligence would work by looking at the foreign end of that  
25 and seeking to identify whether we can confirm why those  
26 activities occurred.

27                   So we might look at a foreign state's  
28 intelligence apparatus and see if we can find out whether or

1 not that foreign state is directing that sort of activity,  
2 but we have intelligence gaps, and we don't know everything,  
3 so we would seek to do that. And we can also provide  
4 technical assistance to the RRM to help to identify those,  
5 but sometimes that can fall outside of our mandate.

6 **MR. GUILLAUME SIROIS:** And what sort of  
7 indications would lead the CSE to believe that there was a  
8 foreign state actor involved in a disinformation campaign  
9 online?

10 **MR. DANIEL ROGERS:** Certainly one of the  
11 clearest indications for us might be if we collect  
12 intelligence or communications of the foreign state officials  
13 themselves speaking about their intention to do those  
14 activities, or the manner in which they are conducting those  
15 activities. So we may have intelligence of foreign officials  
16 in a foreign country discussing their intentions or their  
17 capabilities with respect to conducting disinformation  
18 campaigns.

19 **MR. GUILLAUME SIROIS:** So that -- that's  
20 probably the easy solution is if you intercept something.  
21 But is it true that, especially with a foreign state  
22 developing more and more complex and developed ways at  
23 promoting these influence campaigns, is it true that it  
24 becomes more and more difficult to intercept such a  
25 communication for instance?

26 **MR. DANIEL ROGERS:** I would never say that  
27 signals intelligence is an easy business. It's very complex  
28 and it's becoming increasingly technical. So yes, that is

1 certainly a concern. We have a very technical and very  
2 capable workforce at CSE, and we -- you know, it's our job to  
3 keep ahead of that technical curve, but there are always  
4 challenges and there are always things that we will find  
5 challenging in that work.

6 **MR. GUILLAUME SIROIS:** Okay. And also,  
7 setting aside the challenges of intercepting a SIGINT in  
8 itself, I've heard reports of foreign influence being more  
9 and more domestic in Canada, and I understand that this is  
10 not part of the CSE's mandate. Is it something that you've  
11 known or that you've witnessed that foreign influence  
12 campaigns may become more domestic?

13 **MR. DANIEL ROGERS:** Yes. And I will try and  
14 clarify a little. In -- with respect to our foreign  
15 intelligence mandate, it is what we've discussed. There is a  
16 lot that CSE does try to do to counter mis and disinformation  
17 campaigns, even though it may be domestic.

18 So for instance, we work to provide  
19 information to Canadians, and we work with the broader  
20 Government of Canada to put out information on how to  
21 identify mis and disinformation. This could be coming from a  
22 foreign state, but it might be also, you know, something that  
23 Canadians could use to detect any sort of mis and  
24 disinformation within Canada through cyber means.

25 **MR. GUILLAUME SIROIS:** Okay. And just to  
26 give a concrete example. We've heard reports of Russia  
27 friend accounts amplifying a specific political party during  
28 the 2021 election. Can we be certain that this is not --

1 this cannot be attributed to Russia?

2 **MR. DANIEL ROGERS:** I think the strongest  
3 thing I can say is that we did not conclude that there were a  
4 broad born based campaign to conduct that activity.  
5 Intelligence has gaps, so I can't tell you certainly one way  
6 or another, but I can say that based on the intelligence that  
7 CSE had, we did not see that.

8 **MR. GUILLAUME SIROIS:** But was it possible  
9 that this influence campaign was, not directed necessary, but  
10 originated from Russia or was influenced by Russia?

11 **MR. DANIEL ROGERS:** I can't rule it out.  
12 Certainly, CSE is limited in giving advice and information to  
13 the intelligence holdings that it has and what it identifies  
14 under our mandate, and so I can't really speak to anything  
15 more than that.

16 **MR. GUILLAUME SIROIS:** Okay, so it's still an  
17 open question whether Russia was behind this disinformation.

18 **MR. DANIEL ROGERS:** I will say that CSE does  
19 provide information to the government and various clients on  
20 what we do know about foreign states' intentions and  
21 activities, and sometimes that includes providing information  
22 on the level of priority or the level of intent that a  
23 foreign state has towards Canada. But I would say in this  
24 case, you know, we have seen that Canada is a lower priority  
25 target for certain foreign states. But your question remains  
26 and I think I can say that we just don't have any information  
27 to conclude that it was a Russian campaign.

28 **MR. GUILLAUME SIROIS:** So just to ask my

1 question again: It remains an open question.

2 **MR. DANIEL ROGERS:** CSE can't answer that  
3 question.

4 **MR. GUILLAUME SIROIS:** My last question will  
5 be do you believe that Russia had the intent and capability  
6 to amplify divisive content or content related to a political  
7 party during the final weeks leading up to the 44th general  
8 election?

9 **MR. DANIEL ROGERS:** I think what we have said  
10 in our public reporting around the elections was that a lot  
11 of foreign states, including Russia, have the capability to  
12 do that. I think that we were less certain on the intent.  
13 And what we said was should any foreign state have the  
14 intent, they have -- should a number of foreign states have  
15 the intent, that they do have the capability.

16 **MR. GUILLAUME SIROIS:** So the real question  
17 is about the intent of the Russian intent.

18 **MR. DANIEL ROGERS:** Right. We've -- we have  
19 not revealed any intelligence in these summaries that would  
20 speak to the Russian intent. We do agree that they have the  
21 capability.

22 **MR. GUILLAUME SIROIS:** Thank you. Merci.

23 **COMMISSIONER HOGUE:** Thank you.

24 UCC?

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

26 **MS. LESLIE SCHUMACHER:**

27 **MS. LESLIE SCHUMACHER:** Good morning, my name  
28 is Leslie Schumacher, and I am here representing the

1 Ukrainian Canadian Congress. I just have a few questions.

2 Was the CSE aware of Russia engaging in any  
3 foreign interference in Canada during the 2019 and 2021  
4 general elections?

5 **MR. DANIEL ROGERS:** We didn't conclude that  
6 there were any foreign state backed disinformation campaigns  
7 from Russia during those elections.

8 **MS. LESLIE SCHUMACHER:** I understand about  
9 disinformation campaigns, but I wonder if you can speak more  
10 broadly about whether there was any foreign interference in  
11 any aspect of the elections.

12 **MR. DANIEL ROGERS:** Oh, I see. Well, I think  
13 what we've said is that CSE does identify general foreign  
14 interference activities of a number of foreign states,  
15 including China, Russia, and others. We didn't see those  
16 activities, you know -- what we have said here is that we  
17 didn't see any disinformation activities coming from Russia,  
18 and I think that's the extent of what I can say. Everything  
19 that we have that we can say from our intelligence is in the  
20 summaries.

21 **MS. LESLIE SCHUMACHER:** Right. And I guess  
22 if you could speak to whether Russian interference was a  
23 concern of the CSE at the time of either election.

24 **MR. DANIEL ROGERS:** But we are concerned, and  
25 certainly even in advance of the elections we were clear in  
26 our public reports on cyber threats to democratic  
27 institutions that we were concerned with Russia, China, Iran,  
28 and other actors. And so we did use the tools available to

1 us to be mindful and vigilant about that during the course of  
2 the elections.

3 **MS. LESLIE SCHUMACHER:** And so there was --  
4 this was something that the CSE was actively looking into  
5 during this time?

6 **MR. DANIEL ROGERS:** Yes.

7 **MS. LESLIE SCHUMACHER:** Can you speak to any  
8 steps that the CSE takes to counteract Russian interference  
9 specifically?

10 **MR. DANIEL ROGERS:** There are a few things I  
11 can speak to. So one of them is obviously our foreign  
12 intelligence mandate, where we would look to identify  
13 intelligence relating to those activities. And within  
14 Canada, we could share with agencies who could take action in  
15 Canada to disrupt any threat that we identified.

16 We also, obviously, take action to defend our  
17 cyber infrastructure and systems of importance to the  
18 government. And we have attributed Russian cyber activity  
19 against Canadian cyber infrastructure in the past. It's  
20 something that we are constantly vigilant in defending  
21 against, and that's something that we did during the course  
22 of the elections also.

23 **MS. LESLIE SCHUMACHER:** And just my final  
24 question is just while you took these steps during the  
25 election, there was no conclusion or evidence that Russia was  
26 interfering in either election?

27 **MR. DANIEL ROGERS:** Right. Certainly with  
28 respect to cyber activity we didn't see any compromise of

1 election infrastructure during the elections. You know, that  
2 said, we defend against all sorts of threats during the  
3 election. We don't attribute all of them. There are many,  
4 many defensive actions that we take during the course, but  
5 none were successful in that case, and that's what I can say.

6 **MS. LESLIE SCHUMACHER:** Thank you very much.

7 **MR. DANIEL ROGERS:** Thank you.

8 **COMMISSIONER HOGUE:** Thank you.

9 The Human Rights Coalition.

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

11 **MS. HANNAH TAYLOR:**

12 **MS. HANNAH TAYLOR:** Good afternoon,  
13 Mr. Rogers. I understand that there's a process that allows  
14 the public to report cyber incidents, including those related  
15 to potential election interference, online to the Canadian  
16 Centre for Cyber Security. And that's an entity that's under  
17 the umbrella or connected to the CSE; correct?

18 **MR. DANIEL ROGERS:** That's correct. Yes.

19 **MS. HANNAH TAYLOR:** Are confidentiality  
20 protections provided to complainants through this process?

21 **MR. DANIEL ROGERS:** Yes. Certainly, we keep  
22 that information confidential.

23 **MS. HANNAH TAYLOR:** Okay. Can you tell me  
24 more about those protections?

25 **MR. DANIEL ROGERS:** Specifically, I know that  
26 we take great strides to make sure that confidentiality  
27 arrangements are in place with those disclosing information  
28 to us. I think that it would probably depend on the nature

1 of the conversation and the event and the degree to which the  
2 cyber centre would be included.

3 For instance, when we provide -- are you  
4 speaking to the public specifically or ---

5 **MS. HANNAH TAYLOR:** The public, yes.

6 **MR. DANIEL ROGERS:** Yeah. I think, you know,  
7 the public will often will report those events, and the  
8 nature of those events would determine the scope of  
9 confidentiality and protections.

10 **MR. MATTHEW FERGUSON:** Pardon the  
11 interruption. Getting another request. Thank you.

12 **MS. HANNAH TAYLOR:** Is the online reporting  
13 tool available in languages besides English and French?

14 **MR. DANIEL ROGERS:** To my knowledge, it's  
15 only available in English and French.

16 **MS. HANNAH TAYLOR:** Would that be valuable to  
17 expand it to other languages?

18 **MR. DANIEL ROGERS:** It's something we could  
19 consider.

20 **MS. HANNAH TAYLOR:** IF CSE receives a  
21 complaint and decides it does not merit any further  
22 investigation from your agency are reasons provided to the  
23 complainant?

24 **MR. DANIEL ROGERS:** I think, again, it would  
25 depend on the nature of the report. CSE also provides  
26 advice, even before information is provided to the cyber  
27 centre, when complainants go to report, to say things like if  
28 this is something where we can see harm or a crime is

1 committed, it is better to refer it to the police. And there  
2 are other venues that CSE tries to use to make sure that the  
3 right mechanism is used when reporting an incident.

4 **MS. HANNAH TAYLOR:** I understand that the CSE  
5 provides educational materials to the public in a variety of  
6 ways, including ---

7 **MR. DANIEL ROGERS:** Yes.

8 **MS. HANNAH TAYLOR:** --- with you sharing  
9 unclassified threat assessments, sharing information to help  
10 Canadians identify disinformation, and through the creation  
11 of a dedicated webpage on cyber threats to elections. You've  
12 referred to these materials I think ---

13 **MR. DANIEL ROGERS:** Yes.

14 **MS. HANNAH TAYLOR:** --- this morning. Is  
15 this information available in languages besides English and  
16 French?

17 **MR. DANIEL ROGERS:** It seems to me that we --  
18 it was certainly available in English and French. I'm not  
19 aware of it being made available in other languages, but I  
20 would have to check.

21 **MS. HANNAH TAYLOR:** Okay. If they are not,  
22 do you think it would be valuable that they would be?

23 **MR. DANIEL ROGERS:** I think that would be  
24 something we could look into, yeah.

25 **MS. HANNAH TAYLOR:** If you become aware that  
26 a device belonging to a number of -- a targeted member of the  
27 public, a targeted diaspora community member has been hacked  
28 by a foreign government agent or proxy, do you inform the

1 person who has been hacked and help them secure their device?

2 **MR. DANIEL ROGERS:** That would, again, depend  
3 on the nature of the event. And I would just call attention  
4 to the fact that different agencies have roles and  
5 responsibilities within Canada that go beyond what CSE does.  
6 So if there is some threat activity occurring with Canada, it  
7 may be that the better place or organisation to deal with  
8 that is the RCMP or CSIS. Which is why we work very closely  
9 together when appropriate to make sure that if we identify  
10 things like that, and let's say through our foreign  
11 intelligence mandate we identify that there was potential  
12 compromise in Canada, that information might be shared with  
13 RCMP and CSIS to help address the issue rather than CSE  
14 specifically.

15 **MS. HANNAH TAYLOR:** And it's mentioned in --  
16 it's mentioned in one of your witness summaries, it's WIT 33,  
17 but we don't have to pull it up necessarily, that  
18 transnational repression would be captured by the CSE's  
19 collection mandate. Can you tell us more about what exactly  
20 in relation to transnational repression would be captured  
21 within your mandate?

22 **MR. DANIEL ROGERS:** Of course. As I  
23 mentioned earlier, we seek to identify the intentions,  
24 capabilities, and plans of foreign states, and specifically,  
25 that could include their intentions toward Canada or  
26 Canadians. If we identify activities, foreign interference  
27 activities by a foreign state, for instance, around  
28 transnational repression, we could think about police

1 stations and kind of things like that, from China, these are  
2 things that CSE can help to reveal through its foreign  
3 intelligence collection and may be useful to agencies in  
4 Canada like CSIS or RCMP.

5 **MS. HANNAH TAYLOR:** And you mentioned --  
6 turning back to when you talk about limitations of CSE's  
7 mandate how a certain complaint might come in and another  
8 agency might be better suited to assist that person, I heard  
9 you talk about potentially referring that person to that  
10 agency. Is that correct?

11 **MR. DANIEL ROGERS:** It depends on the nature  
12 of the conversation, I think. What I would -- I think what I  
13 was trying to refer to earlier is should we detect something  
14 through our foreign intelligence mandate, we may refer that.  
15 Certainly, though, it may be the case that another agency is  
16 better placed to assist an individual in Canada given the  
17 nature of our mandate. And if that were to happen, I think  
18 we would have to have that conversation about who was best  
19 placed to help and whether that information should be  
20 referred.

21 **MS. HANNAH TAYLOR:** And would that same kind  
22 of referral, that same connecting somebody to or, I suppose,  
23 transferring that file or that work to another agency, would  
24 -- if a complaint came in from the public and within that  
25 complaint it became evident it's outside of the mandate of  
26 the CSE, would you then refer that complainant to another  
27 agency who could support them?

28 **MR. DANIEL ROGERS:** That's possible, yes.

1                   **MS. HANNAH TAYLOR:** Do you know if it  
2 happens?

3                   **MR. DANIEL ROGERS:** I suspect it has, but I  
4 can't think of a specific incident.

5                   **MS. HANNAH TAYLOR:** Okay. Thank you, Mr.  
6 Rogers.

7                   **MR. DANIEL ROGERS:** Thank you.

8                   **COMMISSIONER HOGUE:** Thank you.  
9 Any questions from AG?

10                   **MR. BARNEY BRUCKER:** No questions,  
11 Commissioner.

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

13                   **MS. ERIN DANN:** No, thank you.

14                   **COMMISSAIRE HOGUE:** Alors, c'est le temps  
15 d'aller diner. Retour... il est 1 heure moins..

16                   We are just on time today, so we'll come back  
17 at 2:10.

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

20                   This hearing is now in recess until 2:00. La  
21 séance est maintenant en pause jusqu'à 14 h 00 -- 14 h 10.  
22 We'll be back from recess at 2:10. La séance est en pause  
23 jusqu'à 14 h 10.

24 --- Upon recessing at 12:49 p.m./

25 --- La séance est suspendue à 12 h 49

26 --- Upon resuming at 2:23 p.m.

27 --- L'audience est reprise à 14 h 23

28                   **THE REGISTRAR:** Order please. À l'ordre,

1 s'il vous plaît.

2 This sitting of the Foreign Interference  
3 Commission is back in session. Cette séance de la Commission  
4 sur l'ingérence étrangère a repris.

5 **COMMISSAIRE HOGUE:** Alors bon après-midi tout  
6 le monde. Désolée encore du petit délai. Comme d'habitude, ce  
7 sont des petits pépins techniques qui surviennent. Alors...  
8 alors, bon après-midi.

9 Ms. Chaudhury, you're conducting the  
10 examination, this afternoon?

11 **MS. SHANTONA CHAUDHURY:** No, I'm not.

12 **COMMISSIONER HOGUE:** No, you're right, it's  
13 Mr. Cameron.

14 **MS. SHANTONA CHAUDHURY:** No, I'm off duty.  
15 Mr. Cameron's conducting the examination, but before the  
16 examinations begin, Commissioner, we're just going to read  
17 into the record the list of topical summaries that have been  
18 produced at the Commission at -- to the Commission by the  
19 Government of Canada, and that may be referenced in upcoming  
20 examinations.

21 So I'll just ask the Clerk to have that list  
22 ready, and to pull up the documents as I mention them.

23 I won't repeat the very long list of caveats  
24 applicable to these summaries, but I will repeat that they  
25 must be read in light of those limitations.

26 So a few of them have already been entered  
27 into evidence, the rest are coming now. We'll start from the  
28 beginning: CAN.SUM.1, Don Valley North Liberal Party

1 Nomination Race in 2019.

2 There we go, that one's already in evidence.

3 Thank you.

4 CAN.SUM.2, Intelligence Relating to Han Dong  
5 and Communication with PRC Officials Regarding the Two  
6 Michaels. CAN.SUM.3, PRC Officials Foreign Interference  
7 Activities in Greater Vancouver in the 2019 General Election.  
8 CAN.SUM.4, Possible PRC Foreign Interference-Related Mis or  
9 Disinformation.

10 And Mr. Clerk, if you can just scroll through  
11 the document briefly as I do this, that would be helpful.

12 Thank you.

13 CAN.SUM.5, Country Summary: People's Republic  
14 of China. CAN.SUM.6: Country Summary: Russia. CAN.SUM.7,  
15 Country Summary: India. CAN.SUM.8, Country Summary:  
16 Pakistan. CAN.SUM.9, Country Summary: Kingdom of Saudi  
17 Arabia. CAN.SUM.10, PRC - Threat Actors, Contact with  
18 Candidates and Staff, and Funding of Threat Actors.  
19 CAN.SUM.11, [TRM] Threat Reduction Measure Conducted in 2019.  
20 CAN.SUM.12, Government of India Foreign Interference  
21 Activities in the 2021 General Election. CAN.SUM.13 -- we're  
22 almost done, I promise -- Comments by Individual PRC  
23 Officials on Expressed Partisan Preferences in the 2019 and  
24 2021 General Elections.

25 Finally, CAN.SUM 14. It's Country Summary:  
26 Iran.

27 And as I said, these can now be referenced in  
28 upcoming examinations.

1 --- EXHIBIT No. CAN.SUM 1:

2 Don Valley North (DVN) Liberal Party  
3 Nomination Race in 2019

4 --- EXHIBIT No. CAN.SUM 2:

5 Intelligence Relating to Han Dong and  
6 Communication with People's Republic  
7 of China Officials Regarding the "Two  
8 Michaels"

9 --- EXHIBIT No. CAN.SUM 3:

10 People's Republic of China Officials  
11 - Foreign Interference Activities in  
12 Greater Vancouver in the 2019 General  
13 Election

14 --- EXHIBIT No. CAN.SUM 4:

15 Possible People's Republic of China  
16 Foreign Interference-Related Mis or  
17 Disinformation

18 --- EXHIBIT No. CAN.SUM 5:

19 Country Summary: People's Republic of  
20 China

21 --- EXHIBIT No. CAN.SUM 6:

22 Country Summary: Russia

23 --- EXHIBIT No. CAN.SUM 7:

24 Country Summary: India

25 --- EXHIBIT No. CAN.SUM 8:

26 Country Summary: Pakistan

27 --- EXHIBIT No. CAN.SUM 9:

28 Country Summary: Kingdom of Saudi

1 Arabia

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

3 People's Republic of China - Threat  
4 Actors, Contact with Candidates and  
5 Staff, and Funding of Threat Actors

6 **--- EXHIBIT No. CAN.SUM 11:**

7 Threat Reduction Measure Conducted in  
8 2019

9 **--- EXHIBIT No. CAN.SUM 12:**

10 Government of India Foreign  
11 Interference Activities in the 2021  
12 General Election

13 **--- EXHIBIT No. CAN.SUM 13:**

14 Comments by Individual People's  
15 Republic of China Officials on  
16 Expressed Partisan Preferences in the  
17 2019 and 2021 General Election

18 **--- EXHIBIT No. CAN.SUM 14:**

19 Country Summary: Iran

20 **MR. GORDON CAMERON:** Good afternoon, Madam  
21 Commissioner.

22 **COMMISSIONER HOGUE:** Good afternoon.

23 **MR. GORDON CAMERON:** Gordon Cameron.

24 Commission counsel. I will be conducting the examination of  
25 this panel this afternoon with Me MacKay. We will divide it  
26 up between us, but I will begin by introducing the panel and  
27 having them sworn.

28 **THE REGISTRAR:** Ms. Tessier, would you like

1 to be sworn or affirmed?

2 **MS. MICHELLE TESSIER:** Affirmed, please.

3 **THE REGISTRAR:** Okay. May I please have your  
4 name, and spell your last name for the record?

5 **MS. MICHELLE TESSIER:** Certainly. C'est  
6 Michelle Tessier. M-I-C-H-E-L-L-E T-E-S-S-I-E-R.

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

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

10 Mr. Vigneault, may we please have your first  
11 name and spell your last again for the record?

12 **MR. DAVID VIGNEAULT:** David Vigneault. V-I-  
13 G-N-E-A-U-L-T.

14 **THE REGISTRAR:** Okay. And did you want to be  
15 sworn or affirmed?

16 **MR. DAVID VIGNEAULT:** Affirmed, please.

17 **--- MR. DAVID VIGNEAULT, Affirmed/Sous affirmation**  
18 **solennelle:**

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

20 And now your turn, Ms. Henderson. Would you  
21 like to be sworn or affirmed?

22 **MS. CHERIE HENDERSON:** Affirmed.

23 **THE REGISTRAR:** Affirmed. Okay. May I  
24 please have your full name, and your last name spelled out  
25 for the record, please?

26 **MS. CHERIE HENDERSON:** Cherie Henderson. H-  
27 E-N-D-E-R-S-O-N.

28 **--- MS. CHERIE HENDERSON, Affirmed/Sous affirmation**

1 solennelle:

2 THE REGISTRAR: Thank you.

3 Counsel, you may proceed.

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

5 MR. GORDON CAMERON:

6 MR. GORDON CAMERON: Thank you.

7 Panel, I'll begin with some housekeeping, and  
8 then I'll let Me MacKay take over for some of the questions.

9 But if I could ask you first to just answer a  
10 few questions for me about the Institutional Report that the  
11 Service filed with the Commission?

12 For the record, and for the assistance of  
13 counsel and parties, the document has the number CANDOC many  
14 zeros 17 in English and CAN.DOC many zeros 18 for the French  
15 version. And then there are three appendices that go along  
16 with that again, 17.01, 02, 03 and 18.01, 02, 03.

17 --- EXHIBIT No./PIÈCE No. CAN.DOC 17:

18 Canadian Security Intelligence  
19 Service (CSIS) Institutional Report -  
20 unclassified

21 --- EXHIBIT No./PIÈCE No. CAN.DOC 17.001:

22 Appendix B2 to CSIS Institutional  
23 Report - 2021 CSIS Public Report

24 --- EXHIBIT No./PIÈCE No. CAN.DOC 17.002:

25 Appendix D to CSIS Institutional  
26 Report - Briefings Related to the  
27 Threat or Incidence of Foreign  
28 Interference in Canadian Democratic

1 Institutions since 2019 01 01

2 --- EXHIBIT No./PIÈCE No. CAN.DOC 17.003:

3 Appendix G to CSIS Institutional  
4 Report - Overview of Foreign  
5 Interference Threat Reduction  
6 Measures 2019 - Present

7 --- EXHIBIT No./PIÈCE No. CAN.DOC 18:

8 Rapport Institutionnel du Service  
9 Canadien du Renseignement de Sécurité  
10 (SCRS) - non classifié

11 --- EXHIBIT No./PIÈCE No. CAN.DOC 18.001:

12 Annexe B2 du Rapport Institutionnel  
13 du SCRS - Rapport public du SCRS 2021

14 --- EXHIBIT No./PIÈCE No. CAN.DOC 18.002:

15 Annexe D du Rapport Institutionnel du  
16 SCRS - Séances d'information sur  
17 l'ingérence étrangère et sur ses  
18 répercussions sur les institutions  
19 démocratiques du Canada depuis le 1er  
20 janvier 2019

21 --- EXHIBIT No./PIÈCE No. CAN.DOC 18.003:

22 Annexe G du Rapport Institutionnel du  
23 SCRS - Aperçu des mesures de  
24 réduction de la menace prises contre  
25 l'ingérence étrangère de 2019 à  
26 aujourd'hui

27 **MR. GORDON CAMERON:** And Mr. Vigneault, I'll  
28 ask you if you can confirm that that Institutional Report was

1 prepared for the Commission and represents part of the  
2 Service's evidence before the Commission?

3 **MR. DAVID VIGNEAULT:** Yes, it was.

4 **MR. GORDON CAMERON:** Thank you.

5 I'll just mention for the benefit of parties  
6 that the appendices that I just mentioned are specifically  
7 drafted for disclosure to the public and that the body of the  
8 Institutional Report refers to other appendices that have not  
9 been filed because there's no public version of them, just to  
10 avoid confusion on that.

11 Now, panel, we have two sets of documents  
12 that I'm going to try to do at the same time with you. So  
13 I'll just describe them globally and then ask you a few  
14 questions about them.

15 One is, you three, the same three of you,  
16 were interviewed by Commission counsel on February 13<sup>th</sup>,  
17 2024. And you were also examined in-camera by the Commission  
18 at a hearing shortly after that. And public summaries have  
19 been prepared in respect of both that interview and your in-  
20 camera evidence.

21 Have you reviewed these documents for the  
22 purposes of accuracy?

23 **MS. CHERIE HENDERSON:** Yes.

24 **MR. DAVID VIGNEAULT:** I did.

25 **MS. MICHELLE TESSIER:** Yes.

26 **MR. GORDON CAMERON:** Thank you. And do you  
27 have any corrections that you would like to make to these  
28 documents?

1 MS. MICHELLE TESSIER: Not from me.

2 MR. DAVID VIGNEAULT: No.

3 MS. CHERIE HENDERSON: No.

4 MR. GORDON CAMERON: I'm just going to pause  
5 a second and see if I can get counsel for the Attorney  
6 General's attention, because we had wondered if there might  
7 be a correction to one of the statements in the in-camera  
8 examination summary?

9 MR. BARNEY BRUCKER: I believe there was, Mr.  
10 Cameron. We discussed that before we resumed here. I'm not  
11 sure which the paragraph is.

12 MR. GORDON CAMERON: If you look at paragraph  
13 18, ---

14 MR. BARNEY BRUCKER: Yes.

15 MR. GORDON CAMERON: --- it might remind the  
16 witnesses ---

17 MR. BARNEY BRUCKER: That's correct.

18 MR. GORDON CAMERON: --- of the point?

19 MR. BARNEY BRUCKER: That's correct.

20 MR. GORDON CAMERON: Mr. Vigneault, maybe if  
21 you could look at paragraph 18 and tell us if you have a  
22 correction to make to the summary of your in-camera evidence?

23 MR. DAVID VIGNEAULT: Yeah.

24 MR. GORDON CAMERON: And perhaps the Court  
25 Officer could pull it up? It is WIT 48.

26 --- EXHIBIT No./PIÈCE No. WIT 48:

27 In Camera Examination Summary: Mr.

28 David Vigneault, Ms. Michelle

1 Tessier, Ms. Cherie Henderson

2 **MR. DAVID VIGNEAULT:** I believe it concerns  
3 the timing of a TRM.

4 **MR. GORDON CAMERON:** And if the Court Officer  
5 could scroll to paragraph 18 of that document?

6 **COMMISSIONER HOGUE:** I think there is no  
7 paragraph numbers.

8 **MR. GORDON CAMERON:** There we go.

9 **COMMISSIONER HOGUE:** Ah, there we go.

10 **MR. GORDON CAMERON:** On this document, there  
11 are some.

12 And, Mr. Vigneault, looking at that  
13 paragraph, are you reminded as to whether or not you want to  
14 make a correction to the information there?

15 **MR. DAVID VIGNEAULT:** Yes. Madam  
16 Commissioner, paragraph 18 reads:

17 "Mr. Vigneault explained that a TRM  
18 was conducted during the 2019  
19 election..."

20 And in discussion with counsel earlier, to be  
21 more precise, the TRM was conducted prior to 2019 and some of  
22 the intelligence and some of the outcome of this of course  
23 took place during the election. But to be more precise, the  
24 TRM was conducted prior to the election.

25 **MR. GORDON CAMERON:** Thank you for that  
26 correction.

27 And with that correction made, panelists, and  
28 with respect to both the summary of your interview and the

1 summary of your in-camera evidence, do you adopt those  
2 documents as part of your evidence before the Commission  
3 today?

4 **MS. CHERIE HENDERSON:** Yes.

5 **MR. DAVID VIGNEAULT:** I do.

6 **MS. MICHELLE TESSIER:** Yes.

7 **MR. GORDON CAMERON:** Thank you.

8 And just an explanatory note before I hand  
9 over the microphone to Me MacKay.

10 There are two other documents, Madam  
11 Commissioner, that got filed representing the information of  
12 CSIS representatives who will not be appearing as witnesses,  
13 but I'll just mention them for the record. WIT 35 is an  
14 interview summary of a CSIS ADR Directorate and WIT 43 is a  
15 summary of the in-camera evidence in that regard. Thank you.

16 **--- EXHIBIT No./PIÈCE No. WIT 35:**

17 Public Summary of Classified  
18 Interview of: Canadian Security  
19 Intelligence ADR Directorate  
20 Witnesses

21 **--- EXHIBIT No./PIÈCE No. WIT 43:**

22 In Camera Examination Summary: A  
23 Branch within the CSIS ADR  
24 Directorate

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

26 **Me JEAN-PHILIPPE MacKAY :**

27 **Me JEAN-PHILIPPE MacKAY:** Bonjour à nouveau,  
28 Madame la Commissaire. Jean-Philippe MacKay pour la

1 Commission. Je vais poser mes questions en français à nos  
2 témoins cet après-midi. Bien évidemment, elles sont et ils  
3 sont les bienvenus à répondre dans la langue de leur choix.

4 Donc, on va débiter par les présentations  
5 générales. Donc, j'inviterais les panélistes à se présenter,  
6 à expliquer le rôle qu'ils jouent et qu'ils ont joué au sein  
7 du SCRS avant leur retraite.

8 Donc, Monsieur Vigneault, je vous invite à  
9 débiter.

10 **M. DAVID VIGNEAULT:** Oui. David Vigneault.  
11 Je suis directeur du Service canadien de renseignement de  
12 sécurité depuis 2017. Donc, en fonction... mes fonctions en  
13 tant que directeur comprennent l'administration générale du  
14 Service, l'imputabilité pour les activités du Service et  
15 également le porte-parole principal pour les relations  
16 externes avec les Canadiens et à l'étranger.

17 **Me JEAN-PHILIPPE MacKAY:** Madame Tessier?

18 **Mme MICHELLE TESSIER:** Oui. Bonjour, Madame  
19 la Commissaire. Bonjour.

20 Oui, j'ai travaillé... j'ai pris ma retraite,  
21 du Service au mois de mars de l'année dernière, mais j'ai  
22 travaillé pour le Service pour 35 ans, surtout en tant  
23 qu'agent de renseignement, pour terminer dans le rôle de  
24 sous-directrice des opérations, responsable essentiellement  
25 pour la gestion et la gouvernance des opérations du Service  
26 au complet. Donc, l'administration centrale, les bureaux  
27 régionaux, le filtrage de sécurité, la gouvernance des  
28 centres de politique, et tout. Et je remplaçais le directeur

1 dans son absence également.

2 **Me JEAN-PHILIPPE MacKAY:** Madame Henderson.

3 **MS. CHERIE HENDERSON:** Bonjour. I joined the  
4 service in 1992 as an intelligence officer and I have been  
5 responsible for various investigations within the  
6 organization in management and leadership roles. I was the  
7 Director General of the Intelligence Assessment Branch and my  
8 final position was the Assistant Director of Requirements. I  
9 recently retired from the Service.

10 **Me JEAN-PHILIPPE MacKAY:** Là vous savez que  
11 nous avons un rapport institutionnel du SCRS qui détaille  
12 les... le mandat et les pouvoirs du SCRS. Je vous demanderais  
13 comme première question, pour Monsieur Vigneault, de  
14 présenter sommairement qu'est-ce que le SCRS?

15 **M. DAVID VIGNEAULT:** Le SCRS, Madame la  
16 Commissaire, est le service de renseignement humain du  
17 Canada. Nous avons comme mandat de faire la collecte  
18 d'information, de produire du renseignement et d'informer le  
19 gouvernement vis-à-vis les menaces à la sécurité nationale  
20 qui sont décrites dans la *Loi du SCRS*.

21 Nous avons également le mandat de prendre des  
22 mesures pour atténuer la menace lorsque c'est possible de le  
23 faire. Pour la façon dont on travaille, évidemment, on  
24 utilise des... on... notre mandat est d'acquérir des secrets et  
25 de pouvoir partager ces secrets avec le gouvernement.

26 Donc, on utilise différentes façons d'obtenir  
27 l'information. On travaille avec de l'information de source  
28 technique. Nous recrutons des sources humaines. Nous

1 travaillons avec des partenaires au Canada et à l'étranger.  
2 Nous avons plus de 300 relations avec des agences de  
3 renseignement à l'étranger pour nous permettre d'acquérir le  
4 plus d'information possible pour nous permettre d'avoir la  
5 meilleure perspective possible.

6 Et tout ce travail-là qui est effectué par  
7 les professionnels du SCRS aboutissent à faire en sorte que  
8 les Canadiens sont plus en sécurité à chaque jour au Canada  
9 et à l'étranger.

10 Je devrais peut-être mentionner que nous  
11 avons un mandat hybride dans la mesure où plusieurs pays ont  
12 deux agences de renseignement pour faire ce travail-ci. Le  
13 SCRS... ou... le Canada a une agence. Donc, le SCRS opère ici au  
14 Canada et également à travers le monde. Nous avons des gens  
15 déployés de façon permanente et temporaire pour pouvoir  
16 s'assurer d'avoir la bonne information, de prendre les bonnes  
17 actions pour protéger les Canadiens tant au Canada qu'à  
18 l'étranger.

19 **Me JEAN-PHILIPPE MacKAY:** Et, bien entendu,  
20 j'aurais dû le mentionner dès le départ, mais si l'un ou  
21 l'autre des témoins souhaite compléter une réponse ou ajouter  
22 un élément de réponse, n'hésitez pas à le signaler tout au  
23 long de l'interrogatoire.

24 Monsieur Vigneault, je vais demander à notre...  
25 j'ai seulement le terme en anglais... à notre greffier, je  
26 pourrais l'appeler ainsi, le document CAN.DOC 18.

27 C'est le rapport institutionnel dans sa  
28 version française. Et je vous demanderais de descendre.

1 Thank you. Scroll down a little bit more. Thank you. Merci  
2 beaucoup.

3                   Donc, ce matin, nous avons entendu deux  
4 représentants d'Affaires mondiales Canada qui ont discuté de  
5 la définition de l'ingérence étrangère par rapport à  
6 l'influence étrangère. Et on sait que dans l'Article 2 de la  
7 *Loi sur le SCRS*, les menaces envers la sécurité du Canada  
8 sont définies. Donc, j'aimerais que vous expliquiez en fait  
9 quelle est cette notion de menace envers le Canada par  
10 rapport aux activités influencées par l'étranger.

11                   **Mme MICHELLE TESSIER:** Donc, si vous me  
12 permettez, je vais répondre. C'est indiqué ici sous les  
13 activités influencées par l'étranger. C'est le mot que... qui  
14 ont été utilisés dans la définition, que je souligne date de  
15 1984. Donc, ce n'est pas nouveau que le Service est mandaté  
16 pour enquêter sur ce type d'activité, type de menace.

17                   J'aimerais souligner aussi qu'il faut  
18 rencontrer certains critères. Donc, il faut que ce soit  
19 clandestin; donc, on veut décevoir... on veut cacher  
20 l'indication d'un état étranger. Il faut que ça implique un  
21 état étranger. Et il faut que ça soit contre les intérêts du  
22 Canada. Également, ça peut comprendre des menaces envers des  
23 communautés.

24                   Alors, c'est important pour bien identifier  
25 des critères afin de permettre au Service d'identifier une  
26 activité comme étant... nous... aujourd'hui on appelle ça de  
27 l'ingérence étrangère, même si la Loi parle d'influence, mais  
28 communément, on réfère l'ingérence étrangère.

1                   **COMMISSAIRE HOGUE:** Et quand vous dites,  
2 Madame Tessier, ça inclue des menaces...

3                   **Mme MICHELLE TESSIER:** Oui. La coercition,  
4 généralement.

5                   **COMMISSAIRE HOGUE:** La coercition, par  
6 exemple, à des gens qui sont sur le territoire canadien.  
7 Est-ce que je dois comprendre qu'à ce moment-là, ipso facto,  
8 automatiquement, vous concluez que ça rencontre l'exigence  
9 que ce soit contre les intérêts du Canada?

10                  **Mme MICHELLE TESSIER:** Oui. Oui. Notre but,  
11 c'est de protéger les citoyens du Canada, les résidents du  
12 Canada, ainsi que les intérêts du Canada. Tout à fait.

13                  **COMMISSAIRE HOGUE:** Parfait, merci.

14                  **Me JEAN-PHILIPPE MacKAY:** Simplement sur  
15 cette notion d'intérêt du Canada, est-ce que vous pouvez nous  
16 expliquer un peu plus en détails de la manière dont le... cette  
17 idée d'intérêt au pluriel du Canada est comprise par le  
18 Service?

19                  **Mme MICHELLE TESSIER:** Bien, évidemment, la  
20 Loi définit les menaces. Mais si je prends par exemple la  
21 pandémie ou si je prends par exemple le convoi de la liberté  
22 et tout ce qui s'est passé autour de l'impact sur l'économie  
23 canadienne, évidemment c'est un intérêt pour le Canada. Mais  
24 c'est pas strictement défini dans la *Loi du Service*.

25                               Alors, le Service évolue dans ses activités  
26 au niveau... on peut dire, c'est peut-être de l'espionnage. On  
27 peut dire, c'est peut-être de l'influence étrangère. C'est  
28 la façon qu'on le gère.

1                   Mais je dirais que c'est souvent plus large  
2 que ce qu'on trouve strictement défini dans la Loi, mais  
3 c'est certain que le Service doit le relier à une menace,  
4 tout de même, évidemment. Mais c'est pour ça que quand je  
5 parle des intérêts, c'était peut-être un peu plus large des  
6 mots qu'on trouve dans la Loi.

7                   **M. DAVID VIGNEAULT:** Madame la Commissaire,  
8 si vous me permettez peut-être d'ajouter à ce que madame  
9 Tessier a mentionné, c'est important de comprendre les  
10 activités du SCRS, y compris dans la notion des intérêts du  
11 Canada dans le contexte de priorité de renseignement du  
12 Canada.

13                   Donc, le gouvernement canadien donne... le  
14 Cabinet décide des priorités du renseignement et ces  
15 priorités-là nous sont transmises par la directive  
16 ministérielle. Dans notre cas, par le ministre de la  
17 Sécurité publique.

18                   Donc, cette... malgré, comme madame Tessier l'a  
19 mentionné, que les intérêts nationaux sont pas définis dans  
20 la Loi, avec l'interprétation de la Loi et avec  
21 l'interprétation des directives ministérielles en ce qui a  
22 trait aux priorités de renseignement, ça donne un contexte  
23 clair pour nous pour pouvoir être capables de mettre en  
24 œuvre, sur le plan opérationnel, ces opérations-là, ces... les  
25 façons de gérer cette menace-là.

26                   Donc, c'est important de le comprendre dans  
27 son contexte en entier pour pouvoir comprendre comment la Loi  
28 opère.

1                   **Me JEAN-PHILIPPE MacKAY:** Et on comprend que  
2 l'ingérence étrangère dépasse le cadre des processus  
3 démocratiques et des institutions démocratiques. Mais est-ce  
4 que vous pouvez nous indiquer généralement comment le travail  
5 du SCRS se rattache à la protection des institutions  
6 démocratiques et des processus démocratiques au Canada?

7                   **M. DAVID VIGNEAULT:** Absolument. Quand on  
8 regarde l'ingérence étrangère, il faut... la façon dont on le  
9 regarde, c'est qu'on retourne quels sont les intérêts de  
10 l'état étranger qui interfère ici au Canada.

11                   Donc, on... lorsqu'on comprend les intérêts...  
12 les intentions, les capacités de l'état étranger qui essaie  
13 d'interférer au Canada, ça nous donne une idée quels sont les  
14 vecteurs d'interférence.

15                   Il y a certains cas... et les sommaires qui ont  
16 été produits plus tôt démontrent que certains pays commettent  
17 de l'ingérence pour différentes raisons. Et certains autres  
18 pays, comme par exemple la République populaire de Chine,  
19 commettent de l'interférence à tous les égards.

20                   Donc, les institutions démocratiques qui sont  
21 plus larges que seulement les élections au niveau fédéral,  
22 c'est... ce sont les institutions démocratiques à tous les  
23 niveaux de gouvernance, donc fédérale, provinciale,  
24 territoriale.

25                   Également les... toute la gouvernance  
26 autochtone au Canada. Ce sont des vecteurs d'interférence  
27 étrangère ou des moyens que les états étrangers utilisent  
28 pour interférer dans notre système démocratique.

1           Il y a un pan très, très important à  
2 l'interférence étrangère qui a été moins discuté dans les...  
3 dans le domaine public dans les derniers mois, mais qui,  
4 évidemment, touche l'interférence étrangère envers les  
5 individus. Donc, c'est ce qu'on appelle souvent la réflexion  
6 transnationale. Donc, encore une fois, c'est de mettre... de  
7 faire, encore une fois, en rencontrant les critères de la *Loi*  
8 *du SCRS*, ce sont de commettre des activités envers ces  
9 individus-là pour favoriser les intérêts de l'état étranger.

10           Donc, on pourrait y revenir plus tard dans  
11 vos questions, mais je pense qu'il y a tout un contexte qui,  
12 pour nous, la meilleure façon de comprendre... de bien  
13 comprendre quels sont les intérêts de l'état étranger et de  
14 voir comment ils vont utiliser tous les moyens à leur  
15 disposition pour pouvoir permettre de l'interférence au  
16 Canada.

17           **Me JEAN-PHILIPPE MacKAY:** Donc, dans le  
18 rapport institutionnel, on voit... et si on consulte la Loi, on  
19 le voit également... que le SCRS a certains pouvoirs qui  
20 peuvent être exercés avec ou sans autorisation judiciaire.  
21 Et j'aimerais vous entendre sur l'un de ces outils qui  
22 existent pour le SCRS qui est les mesures de réduction de la  
23 menace, en anglais, « threat reduction measures », qui se  
24 retrouvent à l'Article 12.1 de la *Loi sur le SCRS*.

25           J'inviterais Monsieur le Greffier à nous  
26 montrer CAN.DOC 18.003, s'il vous plait.

27           Donc, ma question se veut générale, mais  
28 toujours dans le contexte de l'ingérence étrangère. Mais

1 j'aimerais que vous nous expliquiez qu'est-ce que c'est,  
2 exactement, les mesures de réduction de la menace? Et,  
3 évidemment, le document qui est présent est simplement un  
4 support visuel, mais j'aimerais avoir une explication  
5 générale de l'un d'entre vous.

6 **Mme MICHELLE TESSIER:** Donc, d'accord, je  
7 vais répondre à la question.

8 Donc, comme indiqué dans le document, depuis  
9 2015, le Service a cet outil, ce mandat. Et pour  
10 différencier avec le mandat principal du Service, qui est la  
11 collecte de renseignement, l'analyse et la distribution de  
12 renseignement, c'est vraiment pour... des mesures pour réduire  
13 la menace. Encore... arrêter la menace, c'est possible, mais  
14 réduire la menace.

15 Et il y eu beaucoup d'évolution. En 2019,  
16 suite à une Loi de 2017, il y a eu des changements à la *Loi*  
17 *du Service* aussi pour mettre plus de paramètres au niveau des  
18 contraintes, des mesures qu'on ne peut pas prendre, telles  
19 que créer des blessures ou détention d'un individu ou des  
20 trucs pareils. Ainsi, qui explique quand le Service a de  
21 besoin d'un mandat, sous quelles conditions que le Service  
22 doit aller chercher un mandat afin de pouvoir entreprendre  
23 des mesures de réduction de la menace.

24 Alors, le but était vraiment pour permettre  
25 au Service d'avoir cet outil de contrer la menace sans que ça  
26 rentre strictement dans le cadre de la collecte d'analyse et  
27 l'échange de renseignement.

28 **Me JEAN-PHILIPPE MacKAY:** Et quand vous nous

1 dites que, en certains moments, la mesure doit être autorisée  
2 en vertu d'une autorisation judiciaire, pourquoi exactement  
3 le mandat est requis en certaines circonstances?

4 **Mme MICHELLE TESSIER:** Si ça... évidemment, il  
5 faut toujours respecter la *Charte*. Donc... mais s'il y a  
6 certaines mesures qui exigent de limiter les droits des  
7 individus sous la *Charte*, il faut un mandat de la Cour  
8 fédérale. Également, ça risque de contrevenir à une loi du  
9 Canada.

10 Donc... mais même sans autorité judiciaire,  
11 afin d'entreprendre une mesure, je veux aussi souligner qu'il  
12 faut avoir des motifs raisonnables à croire. Ce sont les  
13 mêmes motifs pour que le Service puisse aller chercher un  
14 mandat sous l'article... ben, sous ses activités sous l'Article  
15 12.

16 Donc, c'est un... c'est quand même déjà un  
17 seuil afin de permettre au Service d'entreprendre des mesures  
18 de réduction de la menace.

19 **Me JEAN-PHILIPPE MacKAY:** Et on voit dans  
20 l'Annexe G qui est à l'écran, on voit des notions de  
21 proportionnalité qui sont mentionnées. Et également dans le  
22 rapport institutionnel, on voit aussi des... la notion de  
23 risques qui est associée à la mesure d'atténuation... la mesure  
24 de réduction de la menace.

25 Est-ce que vous pouvez nous expliquer cet  
26 élément de proportionnalité, également l'évaluation du risque  
27 qui est fait en lien avec ces mesures?

28 **Mme MICHELLE TESSIER:** Oui, tout à fait.

1 Évidemment, la mesure doit être proportionnelle à la menace.  
2 Premièrement, on doit croire qu'une menace... on doit croire  
3 que les activités que nous allons entreprendre peuvent peut-  
4 être réduire la menace. On doit évaluer l'impact de la  
5 mesure à court terme, moyen terme, possiblement à long terme.

6 Donc, déjà, il faut... la mesure comme telle  
7 doit être proportionnelle à la menace. Donc, il faut pas que  
8 ce soit trop intrusif, trop large, qui peuvent vraiment  
9 contraindre quelqu'un si la menace est moindre.

10 Et la Loi aussi exige que nous consultons et  
11 travaillons avec d'autres partenaires. Par exemple, la GRC.  
12 Donc, s'ils ont une enquête criminelle, nous ne pouvons pas,  
13 évidemment, entreprendre l'entrave ou autre chose.

14 Et il faut s'assurer que il y a pas d'autres  
15 entités qui peuvent eux-mêmes... je parle du gouvernement, des  
16 entités du gouvernement... qui peuvent eux-mêmes prendre des  
17 mesures pour réduire la menace. Donc, c'est quand même assez  
18 exigeant auprès du Service avant qu'on puisse entreprendre la  
19 mesure.

20 **COMMISSAIRE HOGUE:** Vous avez pas de pouvoirs  
21 policiers?

22 **Mme MICHELLE TESSIER:** Non.

23 **COMMISSAIRE HOGUE:** Alors, ça c'est la GRC  
24 qui a ces pouvoirs-là. Si vous ne pouvez pas répondre à ma  
25 question, vous le direz, même si c'est moi qui la pose, mais  
26 peut-être simplement pour permettre à tout le monde de mieux  
27 comprendre.

28 Quand vous parlez de mesure de réduction des

1 menaces... de la menace, pouvez-vous juste nous donner... pas  
2 nécessairement un exemple concret là, mais nous expliquer ce  
3 dont on parle quand on parle de mesures de réduction de la  
4 menace.

5 **Mme MICHELLE TESSIER:** Oui. Tout à fait.  
6 C'est... j'ai une certaine limite de ce que je peux dire, mais  
7 je peux donner des exemples.

8 Donc, on divise en trois catégories. La  
9 dissuasion... je vais les expliquer. La dissuasion,  
10 l'exploitation, et l'ingérence.

11 Donc, la dissuasion, c'est de divulguer une  
12 information classifiée à un individu. Et on le voit  
13 d'ailleurs dans cette enquête, donc, un candidat à  
14 l'élection... de divulguer une information classifiée à un  
15 individu pour réduire une menace. Donc, ça c'est... je vais  
16 dire, c'est peut-être le plus simple.

17 Au niveau de l'exploitation, c'est travailler  
18 avec un tiers pour que eux... si eux ont les moyens de réduire  
19 la menace. Pas un tiers gouvernemental, parce que là on peut  
20 tout simplement échanger de l'information classifiée. Donc,  
21 non-gouvernemental.

22 Un exemple, si nous avons une association qui  
23 organise... là, c'est hypothétique ce que je dis... mais une  
24 association qui organise un évènement et ils ont invité des  
25 conférenciers, et nous, nous avons l'information qu'un état  
26 étranger qui a des intérêts hostiles au Canada cherche à  
27 introduire ou à financer un individu qui va manipuler la  
28 conférence pour ses propres fins et des fins de ce pays-là,

1 on peut informer cette association pour qu'ils puissent, eux,  
2 si ils veulent, faire des changements à la conférence ou, du  
3 moins, gérer comme ils veulent.

4 Et la dernière catégorie, l'ingérence, ça  
5 c'est un peu plus difficile à expliquer pour protéger le  
6 Service, mais c'est quand le Service entreprend ses propres  
7 moyens pour réduire la menace. Mettons, la désinformation,  
8 et le Service veut réduire le message ou contrer le message,  
9 disons que le Service a des moyens qu'ils peuvent utiliser  
10 pour arriver à ces fins. Donc, c'est juste pour vous donner  
11 une idée dans le cadre ingérence étrangère.

12 **COMMISSAIRE HOGUE:** Merci.

13 **Mme MICHELLE TESSIER:** Oui. Puis pour  
14 répondre à votre question sur des risques, il y a quatre  
15 piliers de risque. Effectivement, risque opérationnel, que  
16 le Service évalue soi-même au niveau des risques  
17 opérationnels. Les risques légaux, juridiques, en  
18 travaillant avec le ministère de la Justice. Des risques  
19 réputationnels, réputation du gouvernement, du Service. Nous  
20 travaillons avec la sécurité publique... nous le faisons aussi  
21 mais en travaillant en collaboration avec le ministère de la  
22 Sécurité publique. Et finalement, le risque à nos relations  
23 avec les pays étrangers. Et à ce moment-là... je ralentis,  
24 parce que je suis consciente que je parle rapidement...

25 **COMMISSAIRE HOGUE:** Il y a des interprètes.

26 **Mme MICHELLE TESSIER:** Oui. Donc, c'est... en  
27 travaillant avec les Affaires mondiales, c'est pour évaluer  
28 le risque à la relation avec le pays en question. Et puis

1 tout dépendamment du niveau de risque, ça détermine le niveau  
2 d'approbation de la mesure.

3 **Me JEAN-PHILIPPE MacKAY:** Et sur cette  
4 question d'approbation, est-ce qu'il y a certains moments où  
5 les mesures doivent être autorisées par les échelons  
6 supérieurs au sein du Service?

7 **Mme MICHELLE TESSIER:** Tout à fait. Un  
8 risque élevé est approuvé par le directeur et le ministre.  
9 Risque moyen, un sous-directeur général, ce qui est un... quand  
10 même un cadre assez sénior au Service. Et un risque faible,  
11 c'est le premier niveau de de gestion auprès du Service.

12 **Me JEAN-PHILIPPE MacKAY:** Et avant de quitter  
13 le sujet, j'aimerais vous montrer le document CAN 2919.

14 **--- EXHIBIT No./PIÈCE No. CAN 2919:**

15 Memo to the Minister: Update on  
16 threat to democratic institutions  
17 threat reduction measures - foreign  
18 interference activities

19 **Me JEAN-PHILIPPE MacKAY:** Et c'est un  
20 mémorandum du directeur adressé au ministre. Donc, peut-être  
21 descendre un peu, Monsieur le Greffier. Donc, simplement,  
22 Monsieur Vigneault, on comprend que c'est un document qui a  
23 fait l'objet de caviardages. En général, ce type de  
24 document-là, simplement nous le mettre en contexte dans la  
25 mesure où vous pouvez le faire.

26 **M. DAVID VIGNEAULT:** Monsieur le Greffier,  
27 pouvez-vous remonter jusqu'au début, s'il vous plait? Oui.  
28 Dans ce cas-ci, c'est... Madame la Commissaire, c'est, comme

1 madame Tessier vient de le mentionner, un... lorsqu'on fait une  
2 évaluation de risque, lorsque le risque est élevé d'une  
3 opération... d'une mesure de réduction de la menace, on c'est  
4 pas seulement d'informer le ministre, mais c'est également de  
5 lui demander son autorisation.

6           Donc, dans ce cas-ci, si on regarder le mémo  
7 dans le haut, c'est marqué : « For information », donc sans  
8 avoir relu tous les détails du mémo, la procédure va être que  
9 je vais informer le ministre qu'on va prendre une mesure,  
10 donc on ne requiert pas son autorisation parce que le risque  
11 n'est pas élevé. Donc, c'est pour ça que la note est « Pour  
12 information ». On présente au ministre le type de... les  
13 détails de l'opération, le détail de la menace, comment est-  
14 ce qu'on veut... quelles sont les mesures qu'on veut prendre  
15 pour réduire cette menace-là, on va détailler notre... les  
16 résultats de l'analyse des quatre piliers de risque, et donc,  
17 dans ce cas-ci, j'informe le ministre de la décision d'aller  
18 de l'avant.

19           Cette mesure-là permet, encore une fois en  
20 respectant la loi et les directives ministérielles, fait en  
21 sorte que le ministre... on ne requiert pas son autorisation,  
22 mais évidemment, dans tous ces cas-là, le ministre, lorsqu'il  
23 est informé, a l'autorisation, non seulement l'autorisation,  
24 mais a tout le loisir de pouvoir en discuter avec moi et avec  
25 mes collègues pour mieux comprendre.

26           Donc, c'est cette... ce genre de document là  
27 « pour information » s'inscrit dans ce contexte.

28           **COMMISSAIRE HOGUE:** Est-ce que le ministre...

1 par ailleurs, lorsque c'est pour son information, le ministre  
2 peut-il dire « je ne suis pas d'accord »?

3 **M. DAVID VIGNEAULT:** Absolument. Le ministre  
4 a toujours l'autorité parce que c'est une... la délégation  
5 d'autorité est par directive ministérielle, donc à la limite,  
6 le ministre pourrait toujours changer la directive  
7 ministérielle. Je peux vous informer que c'est pas arrivé,  
8 c'est jamais arrivé dans mes presque sept dernières années,  
9 mais c'est toujours une possibilité de... généralement, on  
10 essaie d'éviter les surprises, donc on a des discussions avec  
11 son bureau politique, avec les gens du ministère de la  
12 Sécurité publique. Lorsqu'un tel mémo vient, c'est pas une  
13 surprise, donc il y a des opportunités d'en avoir discuté  
14 avant, puis on est toujours réceptifs à ce genre de  
15 discussion là.

16 **COMMISSAIRE HOGUE:** Mais il donc un pouvoir  
17 de « direction » là – je le mets entre guillemets là...

18 **M. DAVID VIGNEAULT:** Oui.

19 **COMMISSAIRE HOGUE:** ...pas de vous diriger,  
20 mais il a un pouvoir de direction au sens plus juridique du  
21 terme là...

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

23 **COMMISSAIRE HOGUE:** ...sur...

24 **M. DAVID VIGNEAULT:** En changeant la  
25 directive ministérielle.

26 **COMMISSAIRE HOGUE:** Exactement.

27 **M. DAVID VIGNEAULT:** Oui.

28 **COMMISSAIRE HOGUE:** En changeant la

1 directive.

2 **Mme MICHELLE TESSIER:** Si vous me permettez  
3 d'ajouter : toutes les mesures d'exécution de la menace  
4 doivent être envoyées, un sommaire, plutôt, des mesures doit  
5 analy... envoyé, pardon, à NSIRA, au Comité de surveillance  
6 NSIRA du côté national et au ministre. Donc, généralement,  
7 dans le rapport annuel du Service, qui est envoyé au  
8 ministre, il y a une liste des mesures, donc c'est obligé...

9 **M. DAVID VIGNEAULT:** C'est systématiquement,  
10 elles sont toutes revues. Donc, c'est très important.

11 **Me JEAN-PHILIPPE MacKAY:** On peut retirer le  
12 document de l'écran.

13 Donc, puisque je veux laisser un peu de temps  
14 à mon collègue, Me Cameron, je vais vous demander rapidement  
15 de nous expliquer le rôle que joue le SCRS dans la communauté  
16 de renseignement au Canada, et dans la foulée de cette  
17 réponse-là, j'aimerais que vous nous expliquiez le rapport  
18 que le Service entretient avec le conseiller du premier  
19 ministre en matière de sécurité nationale et de renseignement  
20 – NSIA, en anglais.

21 **MS. CHERIE HENDERSON:** So thank you for the  
22 question. We work extremely closely with what we would call  
23 the security and intelligence community in Canada and we have  
24 very close relationships with all of our partners. We work  
25 very hard to appreciate and understand the intelligence  
26 requirements of the government and, in that vein, we also  
27 work very hard to make sure that we're responding to those  
28 requirements so that we are appropriately collecting and

1 disseminating the required information.

2 **M. DAVID VIGNEAULT:** Peut-être, Monsieur  
3 MacKay, pour élaborer également sur le point avec la relation  
4 avec le ou la conseillère à la Sécurité nationale, j'ai eu  
5 l'opportunité avant d'être nommé comme directeur de  
6 travailler pendant cinq ans comme secrétaire adjoint du  
7 Cabinet à la Sécurité et au Renseignement, donc de travailler  
8 de façon très étroite avec plusieurs des personnes qui ont  
9 occupé le poste de conseiller/conseillère à la Sécurité  
10 nationale et au Renseignement du Bureau du Premier ministre.

11 Ce que je peux vous dire, c'est que c'est une  
12 relation qui est très étroite. Il y a un partage  
13 d'informations quotidien entre le SCRS et le bureau du  
14 conseiller, il y a des interactions quotidiennes entre  
15 différentes personnes de nos bureaux, et à mon niveau comme  
16 directeur, je parle généralement plusieurs fois par semaine,  
17 j'ai des rencontres hebdomadaires avec la conseillère à la  
18 Sécurité nationale, on se parle très souvent, tard le soir,  
19 tôt le matin, et les fins de semaine parce que  
20 l'environnement de sécurité nationale du Canada était  
21 vraiment très complexe. Donc, c'est une relation qui est très  
22 étroite.

23 **MR. JEAN-PHILIPPE MacKAY:** You want to talk  
24 about your own experience?

25 **MS. CHERIE HENDERSON:** Yeah, absolutely.

26 So I had the opportunity, actually, to work  
27 within PCO. I was the Chief of Staff to the National  
28 Security Intelligence Advisor, Daniel Jean, at the time.

1           It became very apparent of the importance of  
2 excellent communication between PCO and ourselves within the  
3 service just to start to educate on what the service was, who  
4 we were and what we could bring to the table to support the  
5 ongoing need to advise government in regards to helping them  
6 in their decision-making and also advise government in  
7 regards to the threat that we were seeing. From the  
8 service's perspective, our job is to sniff the environment  
9 and figure out where the threats are coming from and then to  
10 be able to advise and inform government on those threats and  
11 to continue to build those pictures, so it was fundamentally  
12 important to increase that relationship and continue to build  
13 that level of trust and appreciation between ourselves, PCO  
14 and I would also add into that the rest of the national  
15 security community.

16 [15.03.42]           **Me JEAN-PHILIPPE MacKAY:** Donc, maintenant  
17 pour ce qui est de la façon dont le SCRS est structuré sur le  
18 plan national, on comprend qu'il y a un bureau central à  
19 Ottawa et il y a d'autres bureaux à l'échelle du pays.  
20 Simplement nous expliquer les grandes lignes de cette  
21 structure et les rapports entre le niveau régional et le  
22 niveau central à Ottawa.

23           **Mme MICHELLE TESSIER:** D'accord. Je vais  
24 répondre, du moins pour les opérations.

25           Donc, effectivement, il y a trois sous-  
26 directeurs sous Service. Je vais parler pour la sous-  
27 directrice des opérations, ce qui était mon rôle, et donc,  
28 sous... à l'administration centrale, je dirais que c'est

1        surtout les individus qui gèrent les programmes  
2        opérationnels.

3                    Donc, on reçoit, nous avons dit, les  
4        priorités du gouvernement en matière de renseignement, et on  
5        les traduit, si vous voulez, pour les rendre plus  
6        opérationnelles. Donc, l'administration centrale, au niveau  
7        des opérations, gère les cas. On a aussi l'analyse des  
8        analystes experts, ils regardent vraiment le portrait un peu  
9        plus large et qui produisent les documents qui sont envoyés  
10      au département des clients, comme on les appelle, mais le  
11      département du gouvernement. Donc, ça, c'est vraiment le rôle  
12      de l'administration centrale, de prioriser également les  
13      enquêtes, les priorités et tout.

14                    Nous avons des bureaux régionaux dans toutes  
15      les provinces, sauf une province. Nous n'en avons pas dans  
16      les Territoires, mais néanmoins, ils sont responsables, ils  
17      voyagent, ils s'occupent de vraiment tout le pays. Et nous  
18      avons des postes à l'étranger. Des postes à l'étranger, nous  
19      avons seulement divulgué Paris, notre présence à Paris,  
20      Washington et Londres; les autres ne sont pas divulgués  
21      publiquement. Donc, c'est vraiment global.

22                    Et puis sous la sous-directrice des  
23      opérations, nous avons un directeur adjoint responsable des  
24      bureaux régionaux, de la collecte, un directeur adjoint des  
25      exigences en matière de renseignement, qui était Cherie à  
26      l'époque, et on a le filtrage de sécurité, on a la direction  
27      d'analyse de données avancée, donc l'exploitation de données,  
28      et également nous avons un centre de politiques ou la gestion

1 de la sécurité opérationnelle, des mesures de reddition de la  
2 menace, des ressources humaines, c'est vraiment un centre de  
3 politiques sous la sous-directrice des opérations.

4 Alors, le tout, les régions, l'administration  
5 centrale, les opérations, l'analyse, tout est sous la  
6 direction de la sous-directrice des opérations.

7 **Me JEAN-PHILIPPE MacKAY:** Et rapidement, dans  
8 le résumé d'entrevue, on parle de la question de la  
9 perspective de l'administration centrale et de la perspective  
10 que le bureau régional peut apporter à une situation donnée.  
11 Donc, simplement nous... les grandes lignes de cette discussion  
12 que nous avons eue dans le cadre de l'entrevue.

13 **Mme MICHELLE TESSIER:** Oui, puis je pense que  
14 c'est tout à fait normal dans... honnêtement, dans n'importe  
15 quelle agence, qu'il y ait des bureaux régionaux et une  
16 administration centrale. C'est certain que les perspectives  
17 peuvent différer. Et généralement, les bureaux régionaux sont  
18 les experts sur le terrain. C'est leur terrain, leur  
19 territoire, ils connaissent leurs enquêtes par cœur.

20 L'administration centrale a vraiment une  
21 vision globale, ils font affaire avec les services de  
22 renseignement étrangers, ils voient tout ce qui se passe, non  
23 seulement à l'intérieur du pays, mais à l'extérieur  
24 également, et sont... ils ont une vision, je vais dire, plus  
25 stratégique des régions peut-être un peu plus tactiques.

26 Alors, c'est l'administration centrale qui va  
27 décider sur des priorités et ce sur quoi on devrait mettre  
28 nos ressources, mais c'est pas eux qui décident des

1       ressources, c'est les régions qui vont décider comment qu'ils  
2       vont s'y prendre pour répondre à la demande, donc quels  
3       moyens d'enquête qu'ils vont utiliser. Ça, ça appartient aux  
4       bureaux régionaux, et c'est certain, dans les discussions, on  
5       peut avoir un bureau régional qui pense que leur enquête,  
6       c'est une plus grande priorité qu'une autre. Donc, je pense  
7       c'est normal, c'est la nature humaine, mais je pense aussi  
8       que c'est très sain d'avoir les perspectives qui discutent  
9       parce qu'ils arrivent avec, évidemment, un point de vue  
10      différent et c'est ça qui enrichit la discussion et la prise  
11      de décision.

12                   **MS. CHERIE HENDERSON:** Perhaps I could just  
13      add one part to this. It's also very important to realize  
14      that our headquarters is also plugged into the government and  
15      appreciates what the priorities of the government are of the  
16      day, and so it's through headquarters and that liaison with  
17      making sure we're responding to the priorities of the  
18      government that we can also then send out the appropriate  
19      intelligence requirements to the regions. And that can also  
20      create a little bit of attention, but as Michelle noted, it's  
21      a healthy tension that is normal in an organization to  
22      different perspectives, but help to move the organization  
23      forward and do appropriate collection.

24                   **Me JEAN-PHILIPPE MacKAY:** Question maintenant  
25      sur les produits que le SCRS, les produits de renseignement  
26      que le SCRS génère dans le cadre de ses activités. Donc, je  
27      vais vous poser une question générale sur les types de  
28      produits, mais j'aimerais ça également que vous répondiez à

1 la question suivante dans la foulée de la première réponse :

2 De quelle manière il est décidé que certains  
3 produits vont être distribués et à qui ils seront distribués,  
4 et de quelle manière ils seront distribués?

5 **MS. CHERIE HENDERSON:** Okay. So as I noted,  
6 the service works also very closely with the PCO in order to  
7 understand and appreciate the intelligence priorities of the  
8 government. We play into that decision-making process.

9 Once we have an appreciation of what those  
10 intelligence priorities are, we are able to send that tasking  
11 out to the region into what the service can collect under its  
12 mandate in regards to the priorities of the government. Once  
13 that is done and the region is collecting the information, we  
14 can review the information coming in to determine which  
15 government department would see value in receiving that  
16 reporting.

17 There are different types of reports that are  
18 disseminated. One is just the basic intelligence report, raw  
19 intelligence, which allows the user to determine how that  
20 intelligence can support what they are doing. We also do a  
21 stronger, but smaller, analytical piece where we will pull  
22 various pieces together to start to create the intelligence  
23 picture and then we will produce in-depth assessments.

24 There is good communication among the S&I  
25 community and through the process of setting intelligence  
26 priorities, the service also gets an appreciation of which  
27 government department wants which type of information and we  
28 will then appropriately disseminate that.

1           We also try to get feedback back from the  
2 various departments to make sure that we're actually meeting  
3 their intelligence requirements. That's an ongoing process  
4 that we're working on improving constantly, but that feedback  
5 fits very well into trying to make sure that we're hitting  
6 the intelligence priorities of the government as well as  
7 those departments.

8           **Me JEAN-PHILIPPE MacKAY:** Et est-ce que le  
9 niveau de classification d'un document ou d'une information  
10 peut jouer sur la distribution de l'information du document  
11 en question?

12           **MS. CHERIE HENDERSON:** Yes. Yes, it can.

13           We always -- when we do disseminate our  
14 reports and our intelligence, we want to make sure that we've  
15 got as much of the picture as we have and so we make -- we do  
16 -- sorry. I'm going to just back up a minute -- a moment  
17 there.

18           When we draft an analytical piece, we pull  
19 all the pieces together of intelligence. Some is from a  
20 corroborated source, some may be from a news source, but we  
21 feel it's very important to have that whole picture. And we  
22 have very well-trained analysts who are subject matter  
23 experts who help to pull that picture together.

24           Then what we do is we determine who needs to  
25 see that report. In some cases, based on the sensitivity of  
26 the information, how it's collected and the methodologies, we  
27 need to protect those sources and so we will make what we  
28 could call a bigot list of informations that can -- of

1 information or individuals that can actually see that  
2 reporting and we will disseminate that reporting to those  
3 particular individuals on a named distribution list.

4 **Me JEAN-PHILIPPE MacKAY:** Lorsque vous  
5 disséminez du renseignement au sein du gouvernement et auprès  
6 des clients gouvernementaux, avez-vous des attentes  
7 particulières en matière de rétroaction de la part des  
8 clients qui reçoivent... les destinataires du renseignement,  
9 est-ce que le Service a des attentes particulières en matière  
10 de rétroaction?

11 **MS. CHERIE HENDERSON:** Yes. We work very  
12 hard with other government departments to get feedback.

13 We have, actually, in the last couple of  
14 years created an ADM -- a much more communicative ADM team  
15 that can actually discuss the various reports to make sure  
16 that, one, we're not only getting feedback on the report, but  
17 if we determine that there's information in there that is  
18 actionable, which government department could action that  
19 potentially under their mandate and how that could be done.

20 So there is very good cooperation amongst the  
21 S&I community, the security and intelligence community, at  
22 the ADM and DG and working levels. We have very good  
23 communication on that front.

24 Feedback is fundamentally important, as it  
25 makes sure that we are allocating our resources in the right  
26 way. If we determine that there is a particular piece of  
27 information that needs to get instant or very quick, urgent  
28 action or attention, we will actually not just disseminate

1 that through an electronic means, but we will make sure we  
2 brief that verbally and get the appropriate parties engaged  
3 on that piece of information.

4 **MR. DAVID VIGNEAULT:** Mr. MacKay, if I can  
5 just add very quickly, feedback is also fundamental for  
6 reason of making sure that the intelligence doesn't live on  
7 its own. We're producing intelligence because we want to  
8 help someone to take an action and to be better informed, and  
9 so that feedback is critical for CSIS to make sure -- as my  
10 colleague just mentioned, make sure that we're meeting those  
11 requirements but, you know, inform as to customers will also  
12 have information that when they pass that on to us, it  
13 enriches the picture.

14 And when you look at the goal or the intent  
15 of intelligence, which it is to inform and allow for actions  
16 to be taken, it's when you have the best picture possible  
17 that is, you know, hopefully you'll make the best possible  
18 decisions. So that's why -- it's another reason why feedback  
19 is critical.

20 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

21 I will let my colleague, Mr. Cameron, take  
22 over from me.

23 (SHORT PAUSE/COURTE PAUSE)

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

25 **MR. GORDON CAMERON(cont'd/suite) :**

26 **MR. GORDON CAMERON:** Thank you, panelists.

27 I'd like to begin by directing a question  
28 that I think is specific to Mr. Vigneault because it has to

1 do with your decision as Director of the service over the  
2 years of your term to decide to either engage or, as the case  
3 might be, re-engage the public on the topic of foreign  
4 interference because, in general, the operations of the  
5 service aren't necessarily secret but we now see foreign  
6 interference part of the public discussion. And I'd like to  
7 have your perspective on the occasion or at least the era in  
8 which you decided it was time to become public about.

9 **MR. DAVID VIGNEAULT:** Madam Commissioner,  
10 that's a very important question, and I touched upon this in  
11 my first appearance for Part B of the Inquiry.

12 And CSIS is an institution that has been  
13 created by law to have secrets and to keep secrets, but that  
14 doesn't mean that, you know, we are not part of -- we don't  
15 have something that we need to tell Canadians and that the  
16 transparency is essential in a democracy.

17 The threat environment has evolved  
18 significantly over the last number of years. Learned  
19 scholars and analysts of the national security have said  
20 they've never seen such a complex threat environment, and  
21 that includes the Cold War. And so when you look at this  
22 environment, there is something in the -- in a democracy that  
23 intelligence service can and should be engaging with  
24 Canadians in terms of transparency of some of the  
25 information.

26 **COMMISSIONER HOGUE:** Just tell me when you  
27 said the last years ---

28 **MR. DAVID VIGNEAULT:** I would say that ---

1                   **COMMISSIONER HOGUE:** --- what do you mean?  
2                   Are you talking about 20 years or are you talking about 2, 3,  
3                   4 years?

4                   **MR. DAVID VIGNEAULT:** So I would say that  
5                   there is a -- there are a couple of moments. 9/11 has been a  
6                   moment, a pivotal point in terms of international terrorism  
7                   and the way that terrorist groups could use their means to  
8                   inflict casualties and terror, not only in foreign countries,  
9                   but also, in our own countries. And Canada has not been  
10                  immune to terrorism. So that was one moment. And the  
11                  terrorism has evolved over the last few years, five, seven,  
12                  eight years, where we also see not just a religiously  
13                  motivated extremism, but the ideologically motivated  
14                  extremism. So people who are looking at -- are motivated by  
15                  genophobia, antisemitism, Islamophobia, to essentially use  
16                  violence and engage in active terror in our country, and we  
17                  have, unfortunately, too many recent cases in our country.  
18                  And the most recent cases have been Canadians -- Muslim  
19                  Canadians who have been killed in our country by IMV actors,  
20                  ideologically actors. So terrorism has evolved.

21                  The other significant evolution has been the  
22                  international order is changing. So we have Russia and the  
23                  PRC, People's Republic of China, who are challenging the  
24                  international order even more so in the last 5, 7, 10 years.  
25                  We see it through incursions. We see it, of course, in  
26                  Ukraine, where Russia is engaging in illegal invasion. We  
27                  see it in the South China Sea where the People's Republic of  
28                  China is redrawing international Maritime borders for their

1 own benefits, despite very clear international law rulings on  
2 this. We see it in terms of how they are coercing a number  
3 of other countries. So great power politics is that, you  
4 know, we have not seen or not seen as much in the last number  
5 of -- last 20 years or so, but we see a resurgence of Russia,  
6 China, a number of other countries challenging the  
7 international order. And so that environment is getting more  
8 and more complex.

9 The last thing I would say in the threat  
10 environment, Madam Commissioner, to answer your question, is  
11 the evolution of technology. We see it through how  
12 technology is a force of good in many ways in terms of  
13 societal goods, economic prosperity. But, of course, like  
14 anything else, we have actors who are using the advancement  
15 of technology for their own purposes. So Canada now has to  
16 protect itself against threats from new weapons systems, from  
17 Russia over the Arctic, for example. We have to use, you  
18 know, what the benefits of social media and of Internet of  
19 Things and the ability of communications systems to be part  
20 of our society is also leverage, and in the specific case of  
21 foreign interference, for nefarious purposes here.

22 So this is the backdrop, Mr. Cameron, to the  
23 reason why in 2018 made the first public speech as director  
24 to engage Canadians and share some of our perspective of this  
25 threat environment. And in that speech in 2018 specifically  
26 mentioned foreign interference as one of the most significant  
27 threat Canada was facing. And over the years, we have  
28 continued to engage publicly through our annual reports,

1 speeches, but also, by reallocating resources internally and  
2 creating an engagement, a stakeholder engagement branch  
3 within CSIS to go out and meet with non-traditional partners,  
4 and very importantly, meet with diaspora communities because  
5 they're, unfortunately, one of the most significant target of  
6 foreign interference.

7 **MR. GORDON CAMERON:** Thank you for that.  
8 And, Mr. Vigneault, your organization produces an annual  
9 public report; correct?

10 **MR. DAVID VIGNEAULT:** Yes.

11 **MR. GORDON CAMERON:** And one of the  
12 documents, and this is just for the assistance of parties and  
13 those following along, this is in the database as 17.001, you  
14 -- the service filed a cluster of your public reports for  
15 2019, 2020, 2021 and some other reports. I just want to take  
16 you briefly through the evolution of the Service's public  
17 pronouncements on foreign interference. And I don't know if  
18 you've got -- if, Court Officer, could you just scroll down a  
19 bit and tell us which one you've got there? No? Okay.  
20 Perhaps you could call up COM 54.

21 **--- EXHIBIT No./PIÈCE No. COM 54:**

22 CSIS Public Report 2019

23 **MR. GORDON CAMERON:** I mention that just  
24 because it's the 2019 report -- or, sorry, the 2020 report --  
25 2019 report published in 2020 and it's by itself. It's not  
26 in the cluster of documents at 17.01. COM 54. All right.  
27 And if you could go to page 17 of that report? Now that --  
28 scroll to the bottom, just so we can see if the page number -

1 - yeah, you see the -- go to 17 of the document, please.

2 Thank you. Okay. And back up.

3 So here we see in your 2019 public report the  
4 Service's attention to the topic here under the heading  
5 "Protecting Democratic Institutions". We have a couple of  
6 paragraphs on what ends up being a discussion of -- in  
7 terminology we might now refer to more directly as foreign  
8 interference. And this followed on -- this appearance in the  
9 Service's public report followed on your 2018 speech. And I  
10 take it this was part of the ark of alerting the public to  
11 this element of the threat?

12 **MR. DAVID VIGNEAULT:** Absolutely. We -- you  
13 see the Service trying to put more and more specific details  
14 in our annual reports. This one in 2020, what was an example  
15 of that progression. We also, since then, produced other  
16 reports in collaboration with our partners within the  
17 government to try to alert Canadians in an organized way  
18 about foreign interference. And so I believe it was in 2020  
19 or 2021 we published a report called Foreign Interference in  
20 Democratic Institutions, which was very specifically tailored  
21 to the democratic processes. And we have also -- because as  
22 I mentioned, one of the main targets of foreign interference  
23 are Canadian diaspora, and so what we -- or diaspora in  
24 Canada. And so what we have done is produce a document  
25 called "Foreign Interference and You", specifically tailored  
26 to diaspora in Canada and publish in the seven languages to  
27 try to engage directly with people who would be the victims  
28 of transnational repression and foreign interference.



1 interference, but specifically foreign interference in  
2 relation to democratic processes.

3 So at this point, what is motivating the  
4 Service to put this much of its resources into alerting the  
5 public to this threat?

6 **MR. DAVID VIGNEAULT:** I would say it's two-  
7 fold, Madam Commissioner. First, it's because, again, the  
8 nature of the threat. We have seen, because of  
9 globalization, the technology, the ability of foreign  
10 interference to be -- to increase in speed, impact, and reach  
11 within Canadian society. So that's one of the things, the  
12 evolution of the threat.

13 But also very importantly, this is at the  
14 time where the community, CSIS working with all of our  
15 partners in collaboration, realizing that more needed to be  
16 done, and this is contemporary to approaches like the  
17 creation of the SITE Taskforce, the panel that the Government  
18 created to supervise elections, learning from the experiences  
19 that we saw in other jurisdictions where there was  
20 interference in their electoral democratic processes, and  
21 essentially CSIS, in this specific case, our partners at the  
22 Communications Security Establishment also reproduced a  
23 similar reporter in terms of the -- on the cyberworld,  
24 interference in the cyberworld.

25 And this is very much, you know, an  
26 individual contribution, but very much as part of the all of  
27 government approach to try to engage on foreign interference  
28 and better educate Canadians about foreign interference.

1                   **MR. GORDON CAMPBELL:** Thank you.

2                   And perhaps the Court Operator could scroll  
3 down to page 8 of the document? Thank you.

4                   Now, this -- the heading of this section is  
5 "Canadian Public and Voters". Just have a quick look at  
6 that, Mr. Vigneault.

7                   And please, Madam Tessier and Ms. Henderson,  
8 if you want to add here.

9                   But in particular, you've mentioned, Mr.  
10 Vigneault, that the Service was alert to the impact of  
11 foreign interference, or as it might arise in this context,  
12 more accurately called transnational repression with respect  
13 to diaspora groups. And that ends up occupying a couple of  
14 pages of this particular report. Can you look at that  
15 section there ---

16                   **MR. DAVID VIGNEAULT:** Yeah.

17                   **MR. GORDON CAMERON:** --- and explain how the  
18 Service views the interrelationship of foreign interference  
19 as it manifests in transnational repression and the  
20 importance of educating the public?

21                   **MR. DAVID VIGNEAULT:** Yes. And this is a  
22 very important point, Madam Commissioner. The mandate of  
23 CSIS is very clear. So we have to produce intelligence and  
24 have an impact writ large to protect all Canadians. And here  
25 what we see in the context of foreign interference is we see  
26 foreign countries trying to have a negative impact on  
27 Canada's institutions, but also very specifically having an  
28 impact and trying to control or influence the members of

1 diaspora in Canada.

2 So the home country, if I can put it this  
3 way, trying to control what people are engaging in in terms  
4 of their democratic activities, controlling what they're  
5 saying, who they're engaging with, and in this specific case  
6 in democratic institutions, also trying to influence,  
7 covertly, so foreign interference, the way they may vote.

8 And so this is why it's important that, you  
9 know, we see the work that we do and all of our partners do  
10 to protect all Canadians. And we are very specifically aware  
11 the way that, you know, diaspora communities in Canada are  
12 being impacted.

13 **MR. GORDON CAMERON:** Okay. And if the Court  
14 Officer could pull up CAN.SUM5?

15 We can get a bit more specific. This  
16 document, if I've got the right number, will be the Country  
17 Summary for the People's Republic of China. There is a page  
18 of caveats.

19 And if we can scroll down to the first page  
20 of substance?

21 I just -- because acronyms end up getting  
22 used in this document, I'll just ask you to -- you've already  
23 defined for us PRC. I think that's an initialism we're now  
24 familiar with.

25 The third full paragraph makes reference to  
26 the Chinese Communist Party and the CCP as it's called there,  
27 and then in the last paragraph on this page, the United Front  
28 Work Department.

1           So I'm going to ask you to flesh this out a  
2 little bit, the role of those entities. But can you just  
3 describe for us, if you look over -- can you scroll over to  
4 the next page, please? Thank you.

5           Under "WHO" there's an entire -- indeed, the  
6 whole section of this topical summary on the PRC as a country  
7 being covered in this summary, this whole section is about  
8 the Service's description of its interests in transnational  
9 repression.

10           And so the question I have, the documents we  
11 were looking at so far, your annual or public reports, your  
12 report on foreign interference, were about foreign  
13 interference and possibly transnational repression generally  
14 speaking.

15           Can you tell us here in particular how the  
16 Service views the issue of transnational repression as it  
17 relates to the PRC, the People's Republic of China?

18           **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
19 would take us back to one thing I said a few minutes ago,  
20 which is, for us to better understand and have an impact on  
21 foreign interference, we want to understand what are the  
22 objectives and the interests of the foreign state who is  
23 engaging in that activity.

24           In this specific case, the People's Republic  
25 of China, the country is governed and is dominated by the  
26 Chinese Communist Party. And the key element here is that  
27 you can look to the prism of the actions of the Chinese  
28 Communist Party, and therefore the People's Republic of

1 China, into one very specific issue, which is everything that  
2 is organized by the Party and by the State is to preserve  
3 l'emprise, to preserve the power of the Chinese Communist  
4 Party and its purinity (*sic*) over time.

5           And so when you understand that and then you  
6 translate that into what is happening in Canada at the  
7 moment, this is why you will see in this document the  
8 reference to the Five Poisons. The Five Poisons are teams  
9 and issues that people who have objection to what is  
10 happening in China are raising. Issues like, you know,  
11 liberty of religion or thought with the Falun Gong, issues of  
12 protection of minority rights, the Uyghurs and the Tibetans,  
13 issues related to pro-democracy movements.

14           And so when you look at these issues, you  
15 know, so the people who are here in Canada, protected by the  
16 *Charter*, protected by our laws, are exercising their  
17 democratic rights to engage in a specific way and, you know,  
18 manifest their views, understanding where China's interest  
19 is, which is the preservation of the Chinese Communist  
20 Party's l'emprise. You can understand how anything that  
21 would be seen as a threat to this -- to the Chinese Communist  
22 Party is being dealt with very harshly.

23           And this is why, for example, we have seen  
24 over the last number of years in the PRC, five, six years,  
25 legislation, very, very transparent legislation that are  
26 directed at making sure that every person in China, or any  
27 entity in China, or abroad, are subjected to these laws and  
28 have the obligation to support the Government, including

1 their Intelligence Service, the Ministry of State Security,  
2 the MSS, in order to accomplish their task.

3 So that direct and implied threat, that if  
4 you are not supporting -- even if you're here in Canada, in  
5 Ottawa, or you're in the -- you're in Paris, or you're in  
6 Trois-Rivières, you will be subjected, you know. The arm of  
7 the PRC can touch you directly or indirectly in a way, but  
8 people understand, you know, they have this element of  
9 coercion on top of them.

10 That coercion translates into things that,  
11 you know, may be done to you in Canada, loss of opportunity,  
12 loss of access, denial of visas for to go back to see your  
13 family members back in the PRC, threats to you here, but also  
14 threats to your families, your loved ones back in China.

15 So that ecosystem, starting from the Party,  
16 translating into the actions of the State, and now they're  
17 reaching out anywhere around the world to try to control what  
18 is happening with the Chinese population is what this  
19 specific paragraph is about.

20 There are other elements of foreign  
21 interference we can touch upon, but specifically this  
22 paragraph, I think, is the ---

23 **MS. CHERIE HENDERSON:** So if I can just add a  
24 couple of things? First of all, foreign interference is not  
25 new. It's something that we've been looking at for a long  
26 time, I would say even before the 1990s. It's been around a  
27 long time.

28 What we have seen in the last few years is a

1 real increase as the geopolitical environment has shifted and  
2 we have seen some of the nations become much more powerful in  
3 their own right and their desire to influence further beyond  
4 their borders. So we've been watching this.

5 There are many individuals who have come to  
6 Canada and are Canadian citizens that have fled those  
7 repressive regimes in order to come here, and now what we are  
8 seeing is they are being coerced, forced, repressed within  
9 our borders. And so the service is there to work with those  
10 communities as well, to collect intelligence and information,  
11 to help protect all Canadians.

12 And what we have seen over the past few  
13 years, as I said, is an increase in that effort to have that  
14 negative influence and impact and coerce those individuals  
15 who have come here to live in our -- under our values and  
16 freedoms in order to report and support their originating  
17 countries' beliefs. So it's something that we are very, very  
18 alive to.

19 **MR. GORDON CAMERON:** Thank you.

20 And I'll switch gears now and ask you just  
21 very briefly, Mr. Vigneault, because we have panels appear --  
22 SITE panels and others that deal with the intelligence that  
23 comes out of your organization, but I just want you to just  
24 get us ready for tomorrow and those panels by describing your  
25 conception of the SITE Task Force and how CSIS relates to it.

26 **MR. DAVID VIGNEAULT:** So I mentioned, Madam  
27 Commissioner, earlier that we have seen what has happened in  
28 other countries since 2016, 2018 and different jurisdictions

1 where we saw foreign interference in democratic processes  
2 essentially have impacts. And so when we were getting ready  
3 for the election in 2019, we're trying to understand what  
4 would be the right lessons to draw from from what we knew  
5 working with our intelligence partners around the world. And  
6 so my colleague, Chief of Communication Security  
7 Establishment, the National Security Intelligence Advisor at  
8 the time and myself determined that we needed to find a way  
9 to bring the information together to make sure that there was  
10 a clearinghouse of the intelligence and the information that  
11 would be able to have that in real time to make sure that we  
12 did not have silos of information while the election was  
13 under way.

14 And that was the genesis of the SITE Task  
15 Force, was this recognition that we needed to do things  
16 differently because the threat was different and the impact  
17 on our elections, you know, was so important. And so that's  
18 the genesis of the SITE Task Force.

19 And it's -- I'll let my colleagues from the  
20 Privy Council Office elaborate, but it's the same thought  
21 process that, you know, led to the creation of the panel as  
22 well, was the realization that the threat was different, the  
23 way it could have an impact on our electoral process was more  
24 direct, more imminent, and we needed to organize ourselves  
25 differently. And so that's why the SITE Task Force.

26 **MR. GORDON CAMERON:** Okay. Thank you.

27 And we'll get ---

28 **COMMISSIONER HOGUE:** I have a question ---

1           **MR. GORDON CAMERON:** Sorry. Please.

2           **COMMISSIONER HOGUE:** --- for Mr. Vigneault.

3           Vous nous avez dit, Monsieur Vigneault, je  
4           pense c'est vous ou c'est madame Henderson ou madame Tessier,  
5           mais je m'adresse à vous. Si quelqu'un d'autre par la suite  
6           peut compléter, évidemment, vous êtes bienvenues.

7           Il y a eu une expertise, dites-vous, très,  
8           très, très importante au sein du SCRS pour collecter  
9           l'information, éventuellement l'analyser, et informer le  
10          gouvernement. Puis votre tâche essentielle..

11          **M. DAVID VIGNEAULT:** Oui.

12          **COMMISSAIRE HOGUE:** ...ou la raison de votre  
13          existence, c'est essentiellement d'informer le gouvernement.

14          Que ça soit au niveau de SITE ou que ça soit  
15          au niveau des autres personnes au sein des ministères que  
16          vous informez, ils n'ont pas nécessairement la même  
17          expérience que les gens au sein de CSIS.

18          On sait aussi qu'il y a souvent des  
19          changements, particulièrement au sein du gouvernement, quant  
20          à qui occupe quel poste.

21          Est-ce que jusqu'à maintenant l'expérience  
22          que vous avez, qui est assez étendue, vous êtes sous  
23          l'impression qu'il y a un véritable dialogue ou ce qui est  
24          communiqué par CSIS est compris par les... ceux qui sont au  
25          sein du gouvernement et vice versa? Autrement dit, est-ce que  
26          les deux côtés parlent le même langage lorsque vous informez..

27          **M. DAVID VIGNEAULT:** C'est une question..

28          **COMMISSAIRE HOGUE:** ...que ça soit SITE..

1                   **M. DAVID VIGNEAULT:** Oui.

2                   **COMMISSAIRE HOGUE:** ou que ça soit les gens  
3 de la fonction publique ou le personnel politique?

4                   **M. DAVID VIGNEAULT:** C'est une question  
5 absolument fondamentale, Madame la commissaire. Quelques  
6 réflexions que je peux vous partager.

7                   Ce qu'on vit maintenant en 2024, on est, je  
8 pense, dans une meilleure position qu'on l'était en 2017,  
9 2018. On a vu une évolution de cette compréhension-là.  
10 L'évolution se fait non seulement par nous, le Service de  
11 renseignement, nos autres partenaires, d'être... de bien  
12 comprendre les besoins du gouvernement, le langage et tout ça  
13 pour être capables d'être plus pertinents dans notre  
14 information, d'être également... s'assurer que l'information  
15 arrive au bon moment, donc nous, on a fait une évolution, et  
16 je dois dire que, également, une évolution dans... avec nos  
17 partenaires dans la compréhension de ce qui est l'ingérence  
18 étrangère. Les discussions qu'on avait en 2019 ne sont plus  
19 les discussions qu'on a maintenant, donc il y a eu cette  
20 évolution-là.

21                   Et l'évolution se fait des deux côtés, je  
22 vous dirais. C'est de, nous, de mieux comprendre comment  
23 notre information est perçue, comment elle peut être  
24 utilisée, les limites de ce qu'on sait, mais également c'est  
25 de nos partenaires de mieux comprendre, de porter attention  
26 sur ce qu'on dit, de s'assurer de nous poser des questions  
27 sur le renseignement qui est partagé, et de surtout... et un  
28 des éléments importants qu'on a vus dans... liés avec les

1 leçons apprises ces derniers deux, trois ans, un changement  
2 de gouvernance également. Donc, les bonnes personnes qui  
3 occupent les bonnes fonctions de parler de la bonne  
4 information.

5           Ça peut être simple dit comme ça ici, mais  
6 dans un environnement où il y a des demandes qui excèdent la  
7 capacité des gens et des organisations de trouver le bon  
8 espace avec les bonnes personnes pour avoir... de discuter de  
9 choses très délicates, très complexes, comme l'interférence  
10 étrangère, ça a évidemment pris un changement de gouvernance.  
11 Les discussions sont serrées, on se fait poser des questions,  
12 on... c'est un environnement très dynamique, puis de plus en  
13 plus la question n'est pas nécessairement de savoir... d'avoir  
14 des différends sur est-ce que le renseignement est bon ou  
15 non, et c'est plutôt d'arriver et de dire qu'est-ce qu'on  
16 fait avec cette information-là, quelles sont les actions  
17 qu'on doit prendre.

18           Certaines actions vont être pour nous  
19 d'essayer d'aller chercher de l'informa... plus d'informations;  
20 par contre, il y a d'autres... un exemple concret que je peux  
21 vous mentionner également qui est dans la sphère  
22 d'interférence étrangère, mais également dans la sphère  
23 d'espionnage, c'est le travail qui est fait sur la *Loi de*  
24 *l'investissement du Canada*.

25           Donc, il y a... si vous voyez l'évolution de ce  
26 qui est connu publiquement, donc les décisions qui sont  
27 prises puis la façon que le travail se fait à l'interne, on  
28 voit que le renseignement a un impact beaucoup plus important

1 qu'il l'avait dans le passé parce que les gens se parlent  
2 mieux, on a les bonnes... encore une fois, la bonne  
3 gouvernance, et les façons dont les intérêts nationaux du  
4 Canada peuvent être à risque sont mieux comprises par tout le  
5 monde. Et donc, les actions qui doivent être prises sont plus  
6 concrètes.

7                   Donc, c'est une évolution, c'est... il y a  
8 beaucoup de... je vous dirais que certains d'entre nous auront  
9 plus de cheveux blancs à cause du travail qui a dû être fait  
10 dans ce contexte-là, mais l'évolution, je crois, s'en va dans  
11 la... absolument dans la bonne direction.

12                   **Mme MICHELLE TESSIER:** Si je peux ajouter,  
13 l'évolution à l'intérieur même du service avant 2019, tout ce  
14 qui était analyse n'était... ne faisait pas partie de la  
15 direction des opérations. C'était vu comme autre chose, ça se  
16 rapportait directement au directeur, puis quand je suis  
17 devenue sous-directrice des opérations, moi et le directeur  
18 avons discuté, mais il faut avoir une meilleure façon  
19 d'intégrer la connaissance d'experts, y compris au sein du  
20 Service, et des opérations.

21                   Antérieurement, on utilisait beaucoup des  
22 agents de renseignement à donner des présentations ou  
23 rencontrer d'autres départements du gouvernement, mais – j'en  
24 suis une agente de renseignement – généralement très  
25 tactiques, très opérationnels. Maintenant, on a amalgamé  
26 analyse/opérations ensemble pour mieux répondre aux exigences  
27 en matière de renseignement, mais aussi ce sont nos analystes  
28 maintenant, qui sont des experts, qui sont vraiment le visage

1 du Service parce qu'ils ont une vision stratégique, ils sont  
2 brillants. Les agents de renseignement sont également  
3 brillants, mais ils sont très « focussés » sur les  
4 opérations. Donc, c'est pour justement tenter de mieux  
5 partager leurs connaissances avec des clients, avec les gens  
6 qui utilisent nos renseignements.

7 Et quand SITE a été créé – là, je saute un  
8 peu du coq à l'âne –, mais quand SITE a été créé, c'était  
9 aussi pour regarder les mandats de toutes ces agences et de  
10 qui est mieux placé pour répondre à la menace – est-ce que  
11 c'est la GRC? est-ce que c'est Affaires mondiales? est-ce que  
12 c'est Service? – encore une fois pour tenter de mieux  
13 comprendre le rôle de chacun face à la menace d'ingérence  
14 étrangère.

15 **MR. GORDON CAMERON:** Panelists, in the  
16 interest of time, I'm going to take you to two specific  
17 topics and try to be efficient by directing you to the  
18 documents so that you can.... These are topics on which your  
19 *in-camera* evidence you've already spoken, so I'm going to  
20 take you to those sections.

21 But if we could first, Mr. Court Operator,  
22 pull up CAN 4728, just briefly.

23 **--- EXHIBIT No./PIÈCE No. CAN 4728:**

24 Foreign Interference in the 2019  
25 Federal Campaign of Dong Han - CNSB  
26 23/19

27 **MR. GORDON CAMERON:** Okay. Just a few  
28 questions about this. And panelists, you spoke about this

1 document. This is a CSIS national security brief, with the  
2 heading Foreign Interference In The 2019 Federal Campaign of  
3 Dong Han.

4 And if you could now, Court Operator, pull up  
5 WIT 48, where -- and if you can go to page 5 of that  
6 document, or in particular, paragraph 15.

7 This document, Madam Commissioner, is the  
8 public summary of the *in-camera* appearance of these same  
9 three witnesses.

10 And panelists, at paragraph 15, you see your  
11 discussion of this document, and particular, these  
12 circumstances in which it was recalled. And so using -- so  
13 that you don't have to repeat yourself and so that you are  
14 guided by what you have already decided can be publicly said  
15 about this in these words, can you give the Commissioner just  
16 an overview of the history of this document and why it ended  
17 up being discussed in the -- your *in-camera* evidence?

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

19 So Madam Commissioner, as we said, you know,  
20 one of the intelligence requirements that we have was to  
21 report to government about -- on intelligence related to  
22 foreign interference, and so specifically, we have -- were  
23 running intelligence operations and we are collecting  
24 information and working with partners to have the best  
25 possible understanding.

26 This report was a classified report based on  
27 different pieces of information that the Service had  
28 collected over time, and it was meant to inform the

1 government that we had detected a number of things happening  
2 in the riding of Don Valley North, and we wanted to inform  
3 the government of those -- of that information.

4 And so as my colleague explained earlier, so  
5 sometimes we have the intelligence reports, so raw  
6 information. We take the information and piece by piece we  
7 share with partners. In this case, a national security brief  
8 is a document that is more of a compilation, an analysis of,  
9 in this case, a specific topic, interference in the specific  
10 riding, Don Valley North, and that was communicated to the  
11 government.

12 **MR. GORDON CAMERON:** Okay. And for the  
13 benefit of parties, the -- paragraphs 15, 16, 17 of this  
14 summary, public summary of the *in-camera* testimony gives the  
15 details of that incident. So let me just ask you a few  
16 overview questions about that, Mr. Vigneault.

17 Generally speaking, what is the impact or  
18 what happens when a intelligence assessment like this is  
19 recalled?

20 **MR. DAVID VIGNEAULT:** Yeah. So recall in  
21 this case is -- can be for different reasons: We have come  
22 across a mistake in the report; could be that, you know, we  
23 have provided information that was too specific that, you  
24 know, may point to identification of a source. So there are  
25 different reasons why you would recall a report, and  
26 sometimes, you know, it's -- the report is recalled and  
27 reissued with corrections, with changes made.

28 In this specific instance, when I testified

1       *in-camera*, as was mentioned in this summary, I could not  
2       recall the reason why this report was recalled. I again  
3       yesterday conferred with my former chief of staff, who is the  
4       individual who had asked, you know, when I came back from  
5       discussing, had asked to have the document recalled, he,  
6       himself did not remember the reasons why.

7                 What I am very comfortable to say, though, is  
8       that in my career I have never been asked to censor  
9       intelligence, to change intelligence for reasons that would  
10      be exterior to CSIS operations. And so I am very  
11      comfortable, as I have said in my *in-camera* testimony, and  
12      reported here in the unclassified document, that there was no  
13      nefarious, or it was not because it was a sensitive issue at  
14      play. It was -- because if it would have been something like  
15      that I would have clearly remembered because it had never  
16      happened in my career, and..

17                Veux-tu parler aussi...

18                **MS. MICHELLE TESSIER:** Yeah. And obviously  
19      had it been something particularly controversial, the  
20      Director would have shared that with me so that I instruct  
21      our employees and explain what the concerns were. And I have  
22      no memory of that incident whatsoever.

23                **MR. GORDON CAMERON:** Thank you. Then just  
24      two quick mechanical questions. What actually happens when  
25      you recall a report? What is the effect of that on the  
26      people who got it in the first place?

27                **MS. CHERIE HENDERSON:** So when they recall a  
28      report, we will send an email out to the individuals that

1 receive the report and ask them to delete and destroy any  
2 copies that they have of that document, that that is no  
3 longer a document. Within the Service, often the analysts  
4 that wrote the report may still retain a copy within their  
5 database, but nobody has access to that report.

6 That said, all the underlying information  
7 that was used to draft the report remains in the Service's  
8 databases.

9 **MR. GORDON CAMERON:** Thank you. That's --  
10 that was the second question, and that -- that's helpful  
11 there.

12 **COMMISSIONER HOGUE:** I have one question.

13 **MR. GORDON CAMERON:** Please.

14 **COMMISSIONER HOGUE:** Is it something that  
15 happens regularly, recalling a report, or it's unusual?

16 **MS. CHERIE HENDERSON:** It's not unusual, but  
17 it's not regular, sort of in between. It's -- you will  
18 recall a report, for example, because it was disseminated  
19 maybe too broadly and we want to reduce the dissemination, or  
20 we'll recall a report, as the Director said, because we may  
21 have misclassified a piece of information in the report, so  
22 we'll recall it too. Or we'll recall it because we received  
23 a new piece of information that completely changes it.

24 So reports can be recalled for various  
25 reasons, but it's not regular, but it's also not unheard of.

26 **MR. GORDON CAMERON:** Thank you. And then one  
27 last topic.

28 If the court officer could call up CAN 3128,

1 3-1-2-8. And if you could just scroll down a little bit.

2 --- EXHIBIT No./PIÈCE No. CAN 3128:

3 Email: RE: CNSB RSESN 22/19 - 2019 10  
4 29 - CSIS National Security Brief  
5 (CNSB) / Rapport du SCRS sur les  
6 enjeux de sécurité nationale (RSESN)

7 **MR. GORDON CAMERON:** Panelists, you're  
8 familiar, I think, with this document.

9 Scroll down a little bit further, please.  
10 Thank you.

11 First of all, if -- I think I'll direct these  
12 questions to you, Ms. Henderson, but whoever has the right  
13 information should answer. Can you tell us, or perhaps  
14 remind us, who Mr. King -- well, what position he occupied at  
15 CSE and what role he was in when he sent this email?

16 **MS. CHERIE HENDERSON:** So Mr. King was the  
17 Chair of the SITE Task Force at this time in the 2019  
18 election.

19 **MR. GORDON CAMERON:** Right. And he makes  
20 several points in this email considering what he considers to  
21 have been delayed delivery of intelligence, given what he, in  
22 his email, describes as the severity of the alleged activity.  
23 And he later refers to a massively problematic statement in  
24 the intelligence.

25 And perhaps you can have reference, if it  
26 assists you, to paragraphs 19 and following of your *in-camera*  
27 evidence so that you can be guided by exactly what you've  
28 decided you can say publicly about this. But the question is

1 can you help us understand what Mr. King is talking about  
2 here and the Service's perspective on it?

3 **MS. CHERIE HENDERSON:** So my first point that  
4 I am going to make is I had spoken earlier about foreign  
5 interference being the long-term investigations that we have  
6 engaged on in the Service. So when we're talking about SITE  
7 and SITE being set up, SITE was managing issues that happened  
8 during the writ period, but our investigations have begun  
9 long before the writ period, and so any information that we  
10 would have collected on certain foreign interference  
11 activities prior to that point would have been shared with  
12 our regular stakeholders. And I spoke about the S&I  
13 community members.

14 So we would have shared any information that  
15 we collected in an investigation that spoke of foreign  
16 interference with our regular partners. That would include  
17 CSE, Foreign Affairs, Public Safety, RCMP, et cetera.

18 So what happened in this particular instance  
19 is that, based on a previous investigation, our analysts in  
20 the service had begun drafting a report. I think we're  
21 looking at an issue of timing here.

22 So when that report was then finalized and  
23 drafted and came out right after the 2019 election, there was  
24 a line in that report that talked about -- and I'm just going  
25 to find it here.

26 **MR. GORDON CAMERON:** Find your discussion of  
27 it in the ---

28 **MS. CHERIE HENDERSON:** Yes.

1                   **MR. GORDON CAMERON:** --- transcript.

2                   **MS. CHERIE HENDERSON:** So there was the line  
3 in the report that said that the actor has already had an  
4 impact on the 2019 federal election and will remain a foreign  
5 interference threat after the election.

6                   So that is the report that was brought to the  
7 attention of the SITE Task Force after the 2019 election.  
8 And so when Mr. King read that report, he was very concerned  
9 that there was not enough information shared during SITE on  
10 that issue.

11                   When we took a look back at the report and  
12 the assessment, we felt internally that that was a bit of a  
13 leap too far. The threat actor would have had an impact on  
14 that particular timeframe and that particular issue, but that  
15 would not have impacted the integrity of the 2019 election.  
16 It was just a little bit of a too strong of an assessment.

17                   So the information in the report still stood.  
18 It was the analytical assessment at the end that we had an  
19 internal discussion and determined that no, the language is a  
20 bit strong and so we rewrote that particular piece and  
21 resubmitted the report.

22                   **MR. GORDON CAMERON:** Thank you, Madam Chair.  
23 Those are my questions for this panel.

24                   **COMMISSIONER HOGUE:** Thank you.

25                   Cross-examination. I think the first one is  
26 -- just let me look at my chart. It is counsel for Michael  
27 Chong.

28                   **MR. GORDON CAMERON:** I believe we were

1 scheduled for a break at 20 to 4:00. I wonder if we could  
2 break now and cross afterwards.

3 **COMMISSIONER HOGUE:** Yes, because it was  
4 supposed to -- the break was supposed to be at 3:40.

5 **MR. GORDON CAMERON:** I believe so.

6 **COMMISSIONER HOGUE:** Yes, we can break and  
7 we'll come back at -- can we say we'll come back at 4:15?  
8 Thank you.

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

11 This hearing is in recess until 4:15. Cette  
12 séance va reprendre à 4 h 15.

13 --- Upon recessing at 4:00 p.m./

14 --- La séance est suspendue à 16 h 00

15 --- Upon resuming at 4:16 p.m./

16 --- La séance est reprise à 16 h 16

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

19 This sitting of the Foreign Interference  
20 Commission is back in session. Cette séance de la Commission  
21 sur l'ingérence étrangère à repris.

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

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

24 **--- MS. CHERIE HENDERSON, Resumed/Sous la même affirmation:**

25 **COMMISSIONER HOGUE:** So the first one is  
26 counsel for Michael Chong.

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

28 **MR. GIB van ERT:**

1           **MR. GIB van ERT:** Good afternoon, panel.  
2 I'll start by picking up where Mr. Cameron left off. He took  
3 you through the efforts that the service has made in recent  
4 years to call the public's attention generally to the risk of  
5 foreign interference, particularly around elections and  
6 democratic processes.

7           The impression that I had even before hearing  
8 Mr. Cameron, but especially after hearing him, is that this  
9 has been a preoccupation of the service's for some time now,  
10 several years. Is that fair?

11           **MR. DAVID VIGNEAULT:** I think as we have  
12 commented, Madam Commissioner, since 1984, even before 1984,  
13 foreign interference has been an issue of importance for CSIS  
14 and we have been working on this issue. My predecessors --  
15 our predecessors have been working on this issue.

16           One thing that is important, I think, to  
17 mention is with globalization, with technology, with great  
18 power politics, with new -- as my colleague said, with more  
19 countries wanting to assert their interests, including to the  
20 use of foreign interference, we have seen the intensity and  
21 the impact of foreign interference in the last years to  
22 increase and that's why ---

23           **MR. GIB van ERT:** I'm speaking specifically  
24 about ---

25           **MR. DAVID VIGNEAULT:** --- there have been --  
26 what has led to our ongoing efforts.

27           **MR. GIB van ERT:** Yes. Well, I think maybe I  
28 didn't ask the question well or maybe you've missed the

1 point.

2 But what you I thought had agreed to Mr.  
3 Cameron already is that the service's particular interest in  
4 dealing with foreign interference as it relates to electoral  
5 processes has increased in recent years. You mentioned 2016  
6 in the U.S., 2018 in the United Kingdom.

7 So I had took that to mean that this has  
8 become a major preoccupation of the service in recent years,  
9 not '84. Recently. Am I wrong?

10 **MR. DAVID VIGNEAULT:** I would just say, Madam  
11 Commissioner, that, you know, the focus of the -- has  
12 increased in CSIS and the specificity around the democratic  
13 processes, including elections, since 2016.

14 **MR. GIB van ERT:** Yes. All right. I think  
15 we're on the same page there.

16 What the public has been able to see so far  
17 through this process, and it's necessarily very limited,  
18 paints a picture, I'm going to suggest to you, Director --  
19 and I'm looking at you in particular as the face of the  
20 service -- of you and no doubt your agency generally trying  
21 in recent years to sound the alarm about this risk to our  
22 elections and to our democratic institutions. You personally  
23 meeting with senior politicians, with senior public servants,  
24 with relevant agencies in advance of the 2019 election, in  
25 the course of the election, and then again in 2021.

26 I'll just ask the Court Operator to put up  
27 MMC20, please.

28 **--- EXHIBIT No./PIÈCE No. MMC 20:**

1 117-2023-231 (CSIS) - release - C

2 (CSIS briefings on PRC elxn inter)

3 **MR. GIB van ERT:** This is a document that I  
4 think will illustrate the point I'm trying to make, Director.  
5 So I'll give you a moment to look at that document, but what  
6 I understand it to be is a list that was prepared of CSIS  
7 briefings and intelligence around elections in recent years.  
8 Are you with me?

9 **MR. DAVID VIGNEAULT:** Yes, I am.

10 **MR. GIB van ERT:** Thank you. And what I see  
11 in this document is, just focusing on 2019 for the moment --  
12 and if you scroll up a bit, please? Or scroll down, rather.  
13 Thank you. We'll stop there.

14 Twenty-nineteen (2019) goes over the page,  
15 but I'm just going to summarize for you what I'm seeing here,  
16 and you tell me if it accords with your recollection.

17 You briefed Director -- Minister Gould seven  
18 times ahead of the 2019 General Election. You briefed the  
19 NSIA on the 1<sup>st</sup> of August 2018 on that same topic. You  
20 briefed the full Cabinet on the 30<sup>th</sup> of October. You briefed  
21 a DM meeting on election readiness on the 7<sup>th</sup> of November.  
22 You briefed the NSIA, the Public Safety Deputy Minister, and  
23 the CSE Chief on the 8<sup>th</sup> of January. And you've directed --  
24 sorry, you briefed the Panel of Five five times in advance of  
25 2019.

26 I know that's a lot on the screen there, but  
27 this is why I'm saying that I get the picture that you are  
28 raising these issues with the decision makers all around

1 town. Is that fair?

2 **MR. DAVID VIGNEAULT:** I think, Madam  
3 Commissioner, that list of topics speaks to two issues. Yes,  
4 that CSIS was increasing its engagement and working with the  
5 partners about understanding foreign interference and the  
6 impact it was having, but it's also a reflection of the  
7 number of other partners who are interested in these issues  
8 and were asking us for our advice, and our intelligence, and  
9 our assessments.

10 So I think it's both CSIS increasing, but  
11 also the number of other partners who were increasing in  
12 their demands and their engagement on this topic. So I think  
13 both are important to point out.

14 **MR. GIB van ERT:** We heard evidence from the  
15 Office of the Commissioner of Canada Elections that the  
16 Saturday before polling day in 2019, you had an emergency  
17 briefing with that body. Do you recall that?

18 **MR. DAVID VIGNEAULT:** I do not recall that  
19 specific meeting, Madam Commissioner.

20 **MR. GIB van ERT:** All right. And then in  
21 2021, this same document.

22 If you go over the page, please? Thank you.

23 We start getting into briefings in 2021. I  
24 won't go through them all, but again, you briefed the Panel  
25 of Five four times, you briefed Minister Blair, the Deputy  
26 Prime Minister, and the Prime Minister, all ahead of the 2021  
27 Election.

28 My point is this. It seems to me that you

1 were trying, on behalf of the agency, to ensure that decision  
2 makers, senior politicians, senior public servants,  
3 understood that there was a risk and a need to counter it,  
4 particularly in the run up and during those two elections.  
5 Do you agree with that?

6 **MR. DAVID VIGNEAULT:** Madam Commissioner,  
7 I'll go back to the answer I gave previously. I think it's  
8 fair to say that absolutely CSIS was increasing the sharing  
9 of information and engagement on foreign interference, and in  
10 parallel, our partners were also increasing their demands on  
11 us, and those two dynamics I think have to be understood  
12 together.

13 **MR. GIB van ERT:** Let's go to the witness  
14 statement, WIT 41, please.

15 **--- EXHIBIT No./PIÈCE No. WIT 41:**

16 D. Vigneault, M. Tessier and C.  
17 Henderson Public Summary of  
18 Classified Interview

19 **MR. GIB van ERT:** And if you'll start at  
20 paragraph -- page 12, rather, of that document? Down the  
21 page, please. Yes. Yes. The paragraph that begins -- I  
22 think we need to go up a little bit further. Sorry. There  
23 we are. No, a little further still. There we are.

24 The paragraph that begins Ms. Tessier, I'll  
25 just read it:

26 "Ms. Tessier noted that CSIS had  
27 wanted to conduct such briefings..."

28 We're talking about defensive briefings of

1 MPs. Do you recall this, Madam Tessier?

2 **MS. MICHELLE TESSIER:** I do.

3 **MR. GIB van ERT:** Thank you. So you:

4 "...noted that CSIS had wanted to  
5 conduct such briefings even before  
6 the 43<sup>rd</sup> elections..."

7 You wanted to do that, but you didn't do so?

8 **MS. MICHELLE TESSIER:** We began our  
9 briefings. And what I want to highlight is that the Service  
10 has always recognized the importance, the integrity of the  
11 democratic institutions. And it's the importance of allowing  
12 for free and fair elections. So anything to do with  
13 interviewing, meeting elected officials, CSIS employees know  
14 that that is a sensitive issue, that the Service doesn't want  
15 to be seen as somehow, itself, interfering in any election.

16 So there's always been a lot of discussion in  
17 terms of the Service's approach, and it's evolved over the  
18 years. Certainly interest in foreign interference,  
19 communicating on foreign interference, but frankly increasing  
20 our methodologies regarding the investigation, particularly  
21 as it affects elections.

22 And so there was a lot of discussion, but I  
23 can say that the intent was always to reach out to as many  
24 elected officials at all levels as we could.

25 **MR. GIB van ERT:** Ms. Tessier, you have given  
26 evidence that you wanted to conduct such briefings before the  
27 43<sup>rd</sup> Election. The question I asked you was very straight  
28 forward. You wanted to, but you didn't; right?

1                   **MS. MICHELLE TESSIER:** We did conduct some.  
2 We didn't conduct as many as we would have liked, but we did  
3 conduct some.

4                   **MR. GIB van ERT:** All right. Why didn't you  
5 conduct as many as you would have liked?

6                   **MS. MICHELLE TESSIER:** Well there were  
7 discussions. Some of it is timing. Some of it is with the  
8 writ dropping, some of it is timing, some of it is  
9 availabilities. But also there were discussions. I was not  
10 involved in those discussions, in terms of what -- who should  
11 be met, what is the appropriate methodology of meeting with  
12 the purpose ---

13                   **MR. GIB van ERT:** Did you ask the Government  
14 -- did the Service ask the Government whether it could  
15 conduct such briefings? Did you ask permission and were you  
16 told no?

17                   **MR. DAVID VIGNEAULT:** So, Madam Commissioner,  
18 I think -- I'm trying to remember if it's -- whether it is in  
19 the public domain, but there was the National Security  
20 Committee Intelligence -- NSICOP Committee of  
21 Parliamentarians had been reflecting on the need to produce -  
22 - to do so briefings to the -- all elected officials. And so  
23 there's been discussions at play. We prepared briefings, and  
24 those discussions are ongoing, and we'll see if such  
25 briefings are taking place soon.

26                   **MR. GIB van ERT:** I'm going to try again.  
27 Would you have needed the Government's permission to conduct  
28 defensive briefings of MPs?

1                   **MR. DAVID VIGNEAULT:** Madam Commissioner,  
2 there's -- as my colleague, Ms. Tessier, mentioned, what we  
3 did is we used our authorities to do, you know, those  
4 briefings to a number of elected officials.

5                   What was also being discussed was to have,  
6 you know, an organized approach to the House of Commons, you  
7 know, where we would have all Members of Parliament briefed,  
8 yes by CSIS, but also by other parties, like the  
9 Communications Security Establishment, the Royal Canadian  
10 Mounted Police Sergeant-at-Arms to talk about issues related  
11 to foreign interference.

12                   And so this is what I refer to when those  
13 plans are being discussed as we speak still.

14                   **MR. GIB van ERT:** Madam Commissioner, I'm  
15 going to ask the question again, and this time I'm hoping the  
16 Director will answer it.

17                   Would you have required permission from the  
18 Government to conduct these defensive briefings?

19                   **MR. BARNEY BRUCKER:** Excuse me. I hate to  
20 interrupt my friend. Before we go on and on with this cross-  
21 examination on a statement, I think there are some parameters  
22 around this on -- under Rule 59. And certainly it's  
23 appropriate to ask some questions about this, but we're going  
24 over and over the same question. I think the witness has  
25 answered the question. If there's any force in this rule,  
26 then we ought to move on to something else.

27                   **MR. GIB van ERT:** Commissioner, ---

28                   **COMMISSIONER HOGUE:** My understanding is

1 you're not trying to contradict the witness with ---

2 **MR. GIB van ERT:** Not at all.

3 **COMMISSIONER HOGUE:** --- his previous  
4 summary.

5 **MR. GIB van ERT:** Thank you. That's quite  
6 right. He's adopted this evidence as his own today and I  
7 just -- I don't believe the question has been answered. I'm  
8 not trying to be repetitive; I'm just trying to get the  
9 answer.

10 **COMMISSIONER HOGUE:** Repeat the ---

11 **MR. GIB van ERT:** Yes, thank you.

12 The question is, would you have needed ---

13 **COMMISSIONER HOGUE:** As short as possible.

14 **MR. GIB van ERT:** Would you have needed the  
15 Government's permission to conduct defensive briefings of  
16 MPs?

17 **MR. DAVID VIGNEAULT:** So we do not need the  
18 Government's permission, Madam Commissioner, for CSIS to  
19 conduct these briefings, you know, on our own, but of course  
20 we -- in order to convene the House of Commons and to  
21 organize briefings of all Parliamentarians in an organized  
22 way with our partners, we could not do that on our own. It  
23 requires coordination and it requires authority. I'm not  
24 sure if it's, you know, just the government, if it's the  
25 House of Commons, you know, the House is sovereign in its own  
26 right, so those plans to be briefing the entire House of  
27 Commons, and potentially, eventually also, the Senate are  
28 still being discussed.

1           But we -- what was in our authority or our  
2 mandate, we did on our own, but the organised approach  
3 requires more players, including potentially, yeah, the  
4 government, but also, the House of Commons, and this has not  
5 yet happened. So it's probably the best answer I could  
6 provide to the question.

7           **MR. GORDON CAMERON:** All right. You've now  
8 said that you don't need permission, thank you, but you did  
9 need to coordinate ---

10          **MR. DAVID VIGNEAULT:** But I'm....  
11           Commissioner, for the record, this is not, I  
12 think, what the record identifies.

13          **MR. GIB van ERT:** I'll go on.

14          **COMMISSIONER HOGUE:** I think he answered this  
15 time.

16          **MR. GIB van ERT:** Yes, he did answer and I  
17 have a follow up.

18           Which is you didn't need permission, thank  
19 you for that, but you did indicate you would need help  
20 coordinating it. Did you ask for that help, and were you  
21 told no?

22          **MR. DAVID VIGNEAULT:** Madam Commissioner,  
23 this -- I -- I said that, you know, CSIS could not on its own  
24 brief the entire House of Commons. That is what I have just  
25 mentioned. I have said that we have been part of discussions  
26 with other parties of the government, the government, the  
27 Privy Council Office, other partners. That's what my  
28 testimony and my answer to previous question.

1           **MR. GIB van ERT:** I'll try one last time.

2 Did you ask the government for help coordinating those  
3 meetings, and were you told no?

4           **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
5 have said ---

6           **COMMISSIONER HOGUE:** I think you've got the  
7 answer.

8           **MR. GIB van ERT:** All right. Let's go to  
9 page 13, please. Yes. One moment. So scroll down a little  
10 further, please. I'm sorry, go back up, please. There we  
11 are.

12           Mr. Vigneault, the paragraph that reads:

13                   "Mr. Vigneault indicated that the P5  
14                   had been created to address these  
15                   challenges during the writ period,  
16                   [and] also noted that it could not  
17                   intervene on [foreign interference]  
18                   incidents that did not meet its  
19                   threshold for action..."

20           I want to ask you about the P5's threshold  
21 for action. Can you tell the Commissioner, please, what the  
22 P5's threshold for action was?

23           **MR. DAVID VIGNEAULT:** Just give me one  
24 second.

25           **MR. GIB van ERT:** Of course.

26           **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
27 I think you're going to have witnesses who are coming from  
28 the Panel who will speak specifically about the Panel, but --

1 so I'll defer to them on the -- on more specific.

2 But the -- my understanding of the threshold  
3 is that this is something that would have an impact on the  
4 integrity of the election. And so what I have testified to  
5 and what we have said is that you could have at the same time  
6 foreign interference activities during election, and at the  
7 same time you can say that -- conclude that the interference  
8 did not interfere with the integrity of the election.

9 And I think this is what this notion of it --  
10 of this is here, is that we, CSIS, and other partners of the  
11 security intelligence community, would, including during the  
12 writ period, bring forward information that would be related  
13 to foreign interference. Some of it, you know, will be  
14 absolutely of concern to the Panel because, you know, they  
15 have to assess, you know, how that it will impact or not the  
16 integrity of the election, but other pieces of this would not  
17 be elements that, you know, would meet that threshold that --  
18 the integrity of the election.

19 And so that's why I think it's important, and  
20 again I'm speaking to the perspective of CSIS of what we're  
21 bringing forward, I think the Panel members will be able to  
22 explain how they interpreted their own threshold with that  
23 information. But that is the spirit in which I have  
24 testified to *in-camera*.

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

26 If we go to Witness Statement Number 48,  
27 please. And if you'll go to paragraph 19, please. Thank  
28 you.

1 Mr. Cameron was showing you this earlier.

2 Go, in particular, to -- so the middle of  
3 this paragraph 19. It says:

4 "The report initially assessed it  
5 likely that the actor 'has already  
6 had an impact on the 2019 federal  
7 election...'"

8 So it's that phrase, "impact on the  
9 election".

10 And then if you look at paragraph 20 here,  
11 Ms. Henderson speaks, and she indicates that:

12 "...while the actor could potentially  
13 have had an impact on democratic  
14 processes, their actions had not  
15 compromised the integrity of the 2019  
16 election."

17 Right? And my question for you is this:  
18 Ms. Henderson, are you referring to the integrity of the  
19 election as a whole, or the integrity of any particular  
20 riding -- election in one of the 338 ridings that make up the  
21 general election?

22 **MS. CHERIE HENDERSON:** The integrity of the  
23 election as a whole.

24 **MR. GIB van ERT:** As a whole. Thank you.

25 And similarly, if you go to paragraph 29,  
26 please, of this same statement. Mr. Vigneault, this is  
27 attributed to you. It indicates that you:

28 "...assessed that, while there were

1 FI activities during the [two]  
2 elections, [these]...incidents did  
3 not impact the integrity of either  
4 election."

5 And again, I take that to mean, but please  
6 tell me, the election as a whole. Are you referring to the  
7 election as a whole having integrity here, or are you  
8 referring to the 338 individual elections that make it up?

9 **MR. DAVID VIGNEAULT:** So Madame Commissioner,  
10 this statement of course is a -- is the unclassified version  
11 of my full statement *in-camera* where we provided the details.  
12 It is the integrity of the election as a whole, but I think  
13 it's also important to say that, it goes back to my statement  
14 I just made a minute ago, that, you know, we have detected  
15 and reported on some foreign interference activities during  
16 those elections. However, the -- I am very comfortable with  
17 the decision the Panel reached that they did not impact the  
18 integrity. And I say that, you know, having been privy to a  
19 lot of the information, maybe not all of the information from  
20 the Panel, but I think these two statements are really  
21 important to understand in the context of the Commission of  
22 Inquiry, that yes, foreign interference takes -- is taking  
23 place, has taken place during these elections; however, based  
24 on at least what I know, and I concur with the Panel  
25 conclusion, this did not amount to impact the integrity of  
26 the election.

27 **MR. GIB van ERT:** As a whole.

28 **MR. DAVID VIGNEAULT:** As a whole, and I

1 understand the nuances that counsel is bringing forward here,  
2 Commissioner, and I think some of the classified evidence you  
3 received, you and Commission Counsel before, speaks to the  
4 nuances of this and I think, you know, the classified record  
5 will provide a full picture of the -- of what we knew then.

6 **MR. GIB van ERT:** Yes, so the classified  
7 record may tell us things about the integrity of the Don  
8 Valley North proceedings in 2019 or the Richmond --  
9 Steveston-Richmond East proceedings in 2021. The integrity  
10 of those matters is not necessarily what you're speaking to.  
11 You're talking about the integrity of these two elections as  
12 a whole. Have I got that right?

13 **MR. BARNEY BRUCKER:** The witnesses can't  
14 speak to the classified record.

15 **MR. GIB van ERT:** All right. I'll accept  
16 that. Thank you.

17 **COMMISSIONER HOGUE:** And your time is  
18 expired.

19 **MR. GIB van ERT:** Well, I wonder if I might  
20 have another five minutes?

21 **COMMISSIONER HOGUE:** Because you already -- I  
22 gave you already two more minutes. So I permit you to ask a  
23 last question. We are very tight today in terms of the  
24 schedule.

25 **MR. GIB van ERT:** All right.  
26 If you'll turn, in that case, to Canada  
27 Document 2359.

28 --- EXHIBIT No./PIÈCE No. CAN 2359:

1 SITE TF - After Action Report (2021  
2 Federal Election)

3 **MR. GIB van ERT:** If you go to the next page,  
4 please.

5 This is, as you can see, panelists, the 2021  
6 after action report of the SITE.

7 And if you go to the middle of the page,  
8 please, right about there.

9 Summary of Key Observations. So this is the  
10 SITE's observations, not yours, I appreciate that. They read  
11 as follows:

12 "The People's Republic of  
13 China...sought to clandestinely and  
14 deceptively influence Canada's 2021  
15 federal election. This F1 was  
16 pragmatic in nature...focused  
17 primarily on supporting individuals  
18 viewed to be either 'pro-PRC' or  
19 'neutral' on issues of interest to  
20 the PRC government and  
21 [the]...(CCP)."

22 And going on:

23 "...SITE TF also observed  
24 online/media activities aimed at  
25 discouraging Canadians, particularly  
26 of Chinese heritage, from supporting  
27 the Conservative Party of  
28 Canada...party leader Erin O'Toole,

1 and particularly former Steveston-  
2 Richmond East candidate Kenny Chiu  
3 [in the 44th election]. While we do  
4 not have clear evidence that this  
5 online activity was a PRC-directed Fl  
6 campaign, we have observed indicators  
7 of potential coordination between  
8 various Canada-based [China] language  
9 news outlets between various Canada-  
10 based China language news outlets as  
11 well as PRC and CCP news outlets."

12 My question for you is this. In response to  
13 the testimony that Mr. O'Toole gave yesterday, there has been  
14 some adverse commentary to the effect that -- and I'm  
15 paraphrasing -- that maybe he's just a sore loser and he  
16 should look in the mirror to see why he lost rather than  
17 looking to the Commissioner and this Inquiry to understand  
18 what happened.

19 And what I want to ask you, panelists, is do  
20 you accept these conclusions of the SITE that there was a  
21 little more going on than just a failure of Mr. O'Toole's  
22 politics, there was some foreign interference in these  
23 proceedings that affected in some way or another our  
24 proceedings in those elections?

25 Do you agree with me on that.

26 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
27 think it's very important -- as you can imagine, a summary of  
28 these key observations would have been crafted extremely

1 precisely with all the nuances, so I am -- I recognize this  
2 information and I am comfortable with the conclusions that  
3 this document speaks to.

4 I think I would not have any specific comment  
5 about political matters, as you can imagine, but I think it's  
6 important to see -- to read this very precisely and see what  
7 it says and what it doesn't say.

8 The last thing I would comment on is the  
9 online media activities. One of the most significant  
10 evolutions I have mentioned when I said technology has  
11 evolved and has created new dynamic for foreign interference,  
12 I think this is one of the areas that, you know, Canada, CSIS  
13 for sure, but also all of our other partners around the  
14 world, are struggling with to make sure we understand and  
15 we're able to detect but also to attribute these activities.

16 And I think this is an area that will  
17 continue to be of high interest, but I think these words have  
18 been crafted very carefully and for the Commission record,  
19 you know, I support those conclusions. But I would not want  
20 to go further than those specific words.

21 **MR. GIB van ERT:** You support those  
22 conclusions.

23 Thank you, panelists. Thank you very much.

24 **COMMISSIONER HOGUE:** Thank you.

25 **MR. DAVID VIGNEAULT:** Thank you.

26 **COMMISSIONER HOGUE:** Conservative Party, I  
27 think it's on Zoom.

28 **MR. NANDO de LUCA:** Madam Commissioner, can

1 everybody hear me and see me?

2 **COMMISSIONER HOGUE:** Can you speak louder or  
3 maybe raise the volume?

4 **MR. NANDO de LUCA:** I don't know how to do  
5 that.

6 Can you hear me now? I'll speak up.

7 **COMMISSIONER HOGUE:** Yes, okay. But speak  
8 louder, please.

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

10 **MR. NANDO de LUCA:**

11 **MR. NANDO de LUCA:** I will. Thank you.

12 Mr. Vigneault, as set out in your  
13 institutional report, pursuant to section 12 of the *CSIS Act*  
14 *CSIS* is statutorily mandated or bound to collect,  
15 investigate, analyze and retain information and intelligence  
16 that may constitute a threat to the security of Canada. Is  
17 that correct?

18 **MS. MICHELLE TESSIER:** It's Michelle Tessier  
19 responding.

20 Yes, that's correct.

21 **MR. NANDO de LUCA:** And information and  
22 intelligence about foreign interference in Canadian elections  
23 qualifies as being a threat to Canada's security; correct?

24 **MS. MICHELLE TESSIER:** That's correct.

25 **MR. NANDO de LUCA:** And *CSIS* takes this  
26 threat of foreign interference very seriously; correct?

27 **MS. MICHELLE TESSIER:** Absolutely, yes.

28 That's correct.

1           **MR. NANDO de LUCA:**     And am I also correct  
2     that under section 12 of the *CSIS Act* not only is CSIS  
3     statutorily mandated to collect and gather information and  
4     intelligence constituting a potential security threat, but it  
5     is also duty bound to report and to advise the Government of  
6     Canada in relation to all such collected intelligence?

7           **MS. MICHELLE TESSIER:**   We don't necessarily  
8     have to report all collected intelligence, but yes, our  
9     mandate is to report and advise government.

10          **MR. NANDO de LUCA:**     Okay.   And the  
11     Government of Canada as used in section 12, to your  
12     understanding, includes the Prime Minister and the PMO?

13          **MS. MICHELLE TESSIER:**   It could, yes,  
14     absolutely, as the government recipients of our intelligence.

15          **MR. NANDO de LUCA:**     And the Government of  
16     Canada also includes all the Ministers of Cabinet and the  
17     Privy Council Office?

18          **MS. MICHELLE TESSIER:**   It may or may not.  
19     They may be recipients of some briefing, but not necessarily  
20     of all intelligence of CSIS.

21          **MR. DAVID VIGNEAULT:**   Madam Commissioner, if  
22     I could add to this point, our colleague misunderstood and  
23     talked about the dissemination of the product based on  
24     intelligence requirements.   So the notion of what product  
25     goes to whom, when, the volume of information and so on is a  
26     fairly complicated -- or not necessarily complicated, but you  
27     know, requires, you know, some explanation.

28                   So I just want to make sure that we are not

1 providing answers to these questions that, you know, are  
2 providing a perspective that may not be as nuanced as it  
3 requires to be.

4 **MR. NANDO de LUCA:** Okay. For the purposes  
5 of these questions, I'm just trying to get an understanding  
6 as -- generally speaking, at least, as to who CSIS in  
7 particular understands comes within the ambit of Government  
8 of Canada as used in section 12 with respect to their  
9 mandate. And I think the answers that have been provided are  
10 helpful and there's nothing inaccurate in that respect.

11 **MR. DAVID VIGNEAULT:** Yes. The people with  
12 clearances, with the need to know who have part of the  
13 federal government, including Ministers, including political  
14 staff, you know, again with clearance and need to know, that  
15 is the ecosystem of people who may receive information,  
16 intelligence from CSIS and others. And again, the nuance of  
17 who gets what on what topic requires some -- so if it's  
18 relevant for the Commission, we can speak to that, but again,  
19 I just don't want a blanket explanation to cover everything.

20 **MR. NANDO de LUCA:** I'm going to try to get  
21 to that, if you'll just be patient.

22 So am I correct in my understanding or would  
23 you agree that the Government of Canada since 2019 has been  
24 headed by Prime Minister Trudeau, who is the leader of the  
25 Liberal Party?

26 **MR. DAVID VIGNEAULT:** Yes, I would agree.

27 **MR. NANDO de LUCA:** And the Liberal Party  
28 and the Prime Minister Trudeau have been in power since 2015?

1                   **MR. DAVID VIGNEAULT:** That's an accurate  
2 statement, yes.

3                   **MR. NANDO de LUCA:** And all of the  
4 Ministers appointed since 2015 have been drawn from the  
5 Liberal Party caucus. Is that correct, to your  
6 understanding?

7                   **MR. DAVID VIGNEAULT:** Yes, that's my  
8 understanding.

9                   **MR. NANDO de LUCA:** And in compliance with  
10 your duty to report and advise the Government of Canada, is  
11 it the case that different offices and members of the  
12 Government of Canada have different security clearances in  
13 terms of the types of details of information that they are  
14 entitled or permitted to receive?

15                   **MR. DAVID VIGNEAULT:** As I mentioned, Madam  
16 Commissioner, we have, depending on position, you know, at  
17 the political level, you know, if you're heading a  
18 department, if you're on specific Cabinet committees, if  
19 there is a specific reason why you would need to have, there  
20 is a variation of the clearances or the access that people  
21 will have.

22                                 Ministers are not requiring security  
23 clearances. Political staff and all officials require  
24 security clearances.

25                                 So again, there is an explanation that is --  
26 it's not everybody who has access to the same information.  
27 It's not everybody who should be receiving the same  
28 information. And this is not just governed by CSIS, but it's

1 also governed by other agencies producing intelligence and by  
2 a Privy Council office who works to manage Cabinet affairs.

3 **MR. NANDO de LUCA:** Can I ask, would I be  
4 correct in assuming that in terms of information and  
5 intelligence relating to foreign interference in elections,  
6 the Prime Minister and the Minister of Public Safety have the  
7 highest security and intelligence clearances?

8 **MR. DAVID VIGNEAULT:** I would say on that  
9 notion, Madam, I'm not at liberty to discuss, you know, who  
10 gets access to what, but you know, it is fair to say that the  
11 Minister of Public Safety and the Prime Minister have access  
12 to all relevant information from CSIS and, to my  
13 understanding, other agencies.

14 **MR. NANDO de LUCA:** Is there any security  
15 level of information or intelligence that the Prime Minister  
16 or the Minister of Public Safety is not entitled or permitted  
17 to receive?

18 **MR. DAVID VIGNEAULT:** Not to my knowledge,  
19 Madam Commissioner.

20 **MR. NANDO de LUCA:** Do you consider that  
21 the leaders or members of the opposition parties in the House  
22 of Commons come within the definition of Government of Canada  
23 as used in section 12 to which CSIS is bound to report  
24 intelligence?

25 **MR. BARNEY BRUCKER:** I'm not sure where this  
26 gets us. Are we not getting into legal considerations about  
27 who has what authorities that go beyond the remit of this  
28 Commission?

1                   **MR. NANDO de LUCA:**     Well, not at all  
2     because -- Madam Commissioner, because one of the questions  
3     that this Commission is considering is who had the  
4     information, who was it communicated to and who wasn't it  
5     communicated to. And so I'd like to know in terms of what --  
6     where CSIS considers itself bound to deliver information.

7                   We've gotten some clarity as to who's  
8     included in the list. This question attempts to elicit  
9     whether or not they consider members of the opposition  
10    parties as part of the Government of Canada as that term is  
11    used in section 12.

12                  **COMMISSIONER HOGUE:** I understand your  
13    explanation as meaning that you're not looking for an  
14    interpretation of the provision, but you're looking for the  
15    way this provision is applied by CSIS?

16                  **MR. NANDO de LUCA:**     Correct.

17                  **MR. DAVID VIGNEAULT:** Thank you, Madam  
18    Commissioner. My understanding is members of Cabinet,  
19    members of the government, so elected officials, have access  
20    to information in relation to them being member of the Privy  
21    Council Office -- the Privy Council.

22                  And so if you're a member -- not a member of  
23    the Government, if you're not a member -- if you're not been  
24    before a Privy Councillor, then you would not be having  
25    access to intelligence. And section 19 of the *CSIS Act* would  
26    preclude us from being able to distribute that intelligence.

27                  I've testified previously to some of the  
28    changes that, you know, the Government is contemplating --

1 looking, is to broaden the list of the people who could  
2 receive information. But to counsel's question, we would not  
3 be considering leaders of members of the opposition to be  
4 individuals under section 19 to whom we could share  
5 intelligence with.

6 **MR. NANDO de LUCA:** Okay. Thank you. You'll  
7 recall that my colleague who went before me put to you a list  
8 of briefings that CSIS had provided to different agencies.  
9 Included in those were briefings to the -- to Cabinet and to,  
10 you know, the Prime Minister or the PMO.

11 I have a general question. Would those  
12 briefings in particular have included the dissemination of  
13 classified information? Without getting into what that  
14 classified information was.

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
16 think it's fair to say that when CSIS would be briefing --  
17 including those briefings on the list that counsel refers to,  
18 overwhelmingly they will be talking about classified  
19 intelligence.

20 **MR. NANDO de LUCA:** Thank you. On May 26<sup>th</sup>,  
21 2023 and September 18, 2023, CSIS officials met with former  
22 Conservative Party Leader Erin O'Toole, who was the Leader of  
23 the Conservative Party during the 2021 Election and 2021  
24 Election Conservative Party candidate Kenny Chiu  
25 respectively. And we have reports of those briefings in the  
26 record. Are you familiar, generally, with those briefings?  
27 I can give you the document numbers, if you'd like.

28 **MR. DAVID VIGNEAULT:** Madam Commissioner, I

1 just want to make sure that -- because we have met with  
2 individuals for a number of different reasons, but we also  
3 have met with Mr. O'Toole, Mr. Chiu under the terms of the  
4 Threat Reductions Measures. So if counsel could clarify?

5 **MR. NANDO de LUCA:** Sure.

6 **MR. DAVID VIGNEAULT:** Are they -- are these  
7 the two sections you're talking about?

8 **MR. NANDO de LUCA:** So I'll do better. It's  
9 CAN.DOC 22 and CAN.DOC 24. These are the summaries that we  
10 have received in a public setting, or for the purposes of  
11 this Commission. Can I have those called up, please?

12 **--- EXHIBIT No./PIÈCE NO. CAN.DOC 22:**

13 Commission request for summary  
14 information on briefing to Erin  
15 O'Toole

16 **--- EXHIBIT No./PIÈCE NO. CAN.DOC 24:**

17 Commission request for summary  
18 information on briefing to Kenny Chiu

19 **COMMISSIONER HOGUE:** Mr. de Luca, I give you  
20 another two minutes to finish your line of questions.

21 **MR. NANDO de LUCA:** Sure. This will be the  
22 last line. This will be the last line.

23 **MR. DAVID VIGNEAULT:** So yes, Mr. -- Madam  
24 Commissioner. I believe that this -- the May 26 is -- refers  
25 to the Threat Reductions Measures briefing that was provided  
26 to Mr. O'Toole.

27 **MR. NANDO de LUCA:** Okay. And similarly,  
28 with respect to Chiu, sir, is your answer the same?

1                   **MR. DAVID VIGNEAULT:** Is it -- I don't see  
2 the document at the moment, but is it contemporary to -- so  
3 18 September. Yes, I believe it is the case. I will make  
4 that assumption, depending on the next questions you have for  
5 me, ---

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

7                   **MR. DAVID VIGNEAULT:** --- but yeah.

8                   **MR. NANDO de LUCA:** They're very general.  
9 Would the intelligence that was shared in this format, and as  
10 is reflected here with both Mr. O'Toole and Mr. Chiu, have  
11 been gathered in the lead up to and during the 2021 Federal  
12 Election?

13                   **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
14 just -- my colleague just pointed out that indeed these --  
15 the meeting with Mr. Chiu on September 18 was under the guise  
16 of Threat Reduction Measures. So as my colleague, Mme  
17 Tessier explained earlier, that's the process by which we can  
18 use classified information.

19                   So the information, I was not -- I did not  
20 provide the briefing myself, but my understanding is that  
21 briefing would have included information, yes including  
22 related to the Federal Election 2021, but other relevant  
23 information ---

24                   **MR. NANDO de LUCA:** I see.

25                   **MR. DAVID VIGNEAULT:** --- that -- including -  
26 - because it was a TRM, including classified information.

27                   **MR. NANDO de LUCA:** Okay. So to the extent  
28 that there was information with respect to the 2021 period,

1 why was it being provided to both Mr. O'Toole and Mr. Chiu  
2 only in 2023?

3 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,  
4 we have -- as has been mentioned, you know, we have  
5 limitations on what we can and how we can apply Threat  
6 Reduction Measures when we also talked about -- testified  
7 about the fact that there's been an evolution of how we have  
8 approached foreign interference matters in the country.

9 And so at this point in 2023, discussions  
10 internally, and also to receiving a direction from the  
11 Minister to share all information with all Parliamentarians,  
12 we prepared those Threat Reduction Measures and then briefed  
13 Mr. Chiu and Mr. O'Toole with all the information we had at  
14 our disposal.

15 So it was in the context of that Ministerial  
16 Directive that these Threat Reduction Measures were  
17 undertaken.

18 **MR. NANDO de LUCA:** Okay. And ---

19 **COMMISSIONER HOGUE:** Thank you.

20 **MR. NANDO de LUCA:** Okay. That's fine.

21 **COMMISSIONER HOGUE:** Mr. de Luca, I think now  
22 it's over, because there's others ---

23 **MR. NANDO de LUCA:** Thank you, Madam  
24 Commissioner.

25 **COMMISSIONER HOGUE:** So the next one is  
26 counsel for Jenny Kwan.

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

28 **MR. SUJIT CHOUDHRY:**



1                   **MR. SUJIT CHOUDHRY:** So could I please ask  
2 you to scroll down, Mr. Registrar, to page 2? So there's  
3 five points here. And so I'd like to take you to a couple of  
4 the points. so the first point says:

5                   "Prior to and during the 43<sup>rd</sup> General  
6 Election of Canada in 2019 [...] a  
7 group of known and suspected [PRC]-  
8 related threat actors in Canada,  
9 including PRC officials, worked in  
10 loose coordination with one another  
11 to covertly advance PRC interests  
12 through Canadian democratic  
13 institutions."

14                   Is that statement correct, in your view?

15                   **MR. DAVID VIGNEAULT:** That is a correct  
16 statement, Madam Commissioner. And as we have testified to  
17 earlier, it speaks to the fact that we have been  
18 investigating foreign interference for many, many years, and  
19 that statement is based on the fact that we had that  
20 understanding of the threat.

21                   **MR. SUJIT CHOUDHRY:** Thank you. So for  
22 limitations of time, I just would like to take you to point  
23 five of this.

24                   And could we please scroll up? Thank you.  
25 Just hard for me to see over the podium. Thank you.

26                   So I just want to read point five out for the  
27 record. It says:

28                   "Additionally, intelligence

1 assessments suggest that some of  
2 these threat actors received  
3 financial support from the PRC. For  
4 example, there likely were at least  
5 two transfer of funds approximating  
6 \$250,000 from PRC officials in  
7 Canada, possibly for FI-related  
8 purposes, through [but] most likely  
9 not in an attempt to covertly fund  
10 the 11 candidates [that were referred  
11 to earlier in this document]. These  
12 were transferred via multiple  
13 individuals to obfuscate their  
14 origins: via an influential community  
15 leader, to the staff member of a 2019  
16 Federal Election candidate, and then  
17 to an Ontario [Member of Provincial  
18 Parliament]. The transfer(s)  
19 [repeatedly] took place in late 2018  
20 - early 2019."

21 Is this statement correct?

22 **MR. DAVID VIGNEAULT:** That is a correct  
23 statement, ---

24 **MR. SUJIT CHOUDHRY:** Yeah.

25 **MR. DAVID VIGNEAULT:** --- Madam Commissioner.

26 **MR. SUJIT CHOUDHRY:** So panel, as you know,  
27 there have been media reports that have been widely commented  
28 upon about a slush fund allegedly operated by the Chinese

1 Consulate in Toronto. Are you able to tell us in this  
2 setting, and if you can't, please advise us, whether this  
3 document refers to said slush fund?

4 **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
5 as you know, we are not at liberty to discuss classified  
6 information, but I think what -- there's a couple of very  
7 important points to make in relation to this question. The  
8 first one is one of the very negative impact of leaks of  
9 classified information is the fact that people may interpret  
10 partial information, may have access to only information, may  
11 provide an assessment of such information that may not be  
12 accurate. And so that's why -- that's one of the many  
13 reasons, over and above the fact that we need to protect our  
14 people and our sources, and when there leaks, you know, they  
15 are put in danger.

16 So we have to be very careful. I will not be  
17 commenting on the information in those leaks. However, at  
18 the request of the Commission, the Government of Canada has  
19 produced a summary of related very important intelligence,  
20 and I think these words have been -- as I said earlier, have  
21 been carefully chosen to make sure that they are providing  
22 you, Madam Commissioner, and Canadians the most accurate  
23 possible depiction of what we know, while protecting  
24 classified information.

25 But we also need to make sure that we read  
26 this, these words, in their context and not overinterpret or  
27 not draw conclusions that are not drawn here. And that's the  
28 caution that I want to make sure. And so these words, again,

1 have been chosen very carefully and it is an important aspect  
2 of the *transparence* of the Commission, Madam Commissioner,  
3 that this information now is in the public domain. And so  
4 these are important words of *caveat* and context I think are  
5 relevant at this point.

6 **MR. SUJIT CHOUDHRY:** Madam Commissioner, I'd  
7 like to move on.

8 **COMMISSIONER HOGUE:** Yes.

9 **MR. SUJIT CHOUDHRY:** I think the panel's  
10 answered this question.

11 I'd like to take you, sir, to the panel, to  
12 another document. And this is the witness summary of the CSE  
13 public -- it's the public summary of the classified *in-camera*  
14 examinations -- quite a mouthful -- of the CSE panel of Ms.  
15 Tayyeb and Mr. Rogers, and it's WIT 33. And this was entered  
16 as an exhibit today.

17 And Mr. Registrar, could you please take us  
18 to paragraph 15? And I think, with the leave of the  
19 Commissioner, I don't think the panel necessarily have seen  
20 this document.

21 **COMMISSIONER HOGUE:** No.

22 **MR. SUJIT CHOUDHRY:** So I think I'd like to  
23 give them a minute to, please, if they could, read paragraphs  
24 15 and 16. And if it's possible to reduce the size of it so  
25 others can read this as well. Thank you very much.

26 I see Mr. Vigneault is ready; I'm going to  
27 give his colleagues just a minute.

28 **(SHORT PAUSE/COURTE PAUSE)**

1           **MR. SUJIT CHOUDHRY:** So if I may, I have a  
2 couple of questions about this evidence. The first is it  
3 seems that the former -- the first document that I asked you  
4 to comment on was in relation to the 43<sup>rd</sup> election, but you  
5 can confirm that what Ms. Tayyeb seems to be referring to is  
6 the 44<sup>th</sup> General Election. Is that right?

7           **MS. MICHELLE TESSIER:** It's not clear, other  
8 than saying, "was obtained shortly after the 2021 election."  
9 So I'm certainly not in a position to ---

10          **MR. SUJIT CHOUDHRY:** Okay, fair enough.

11          **MR. DAVID VIGNEAULT:** I think I know what  
12 this refers to, and yes, it is the ---

13          **MR. SUJIT CHOUDHRY:** Okay. And so at the  
14 bottom of paragraph 16 there's a reference to the  
15 distribution of funds described in the intelligence report.  
16 And so a question, if you're able to answer in this setting;  
17 is this distribution of funds that's referenced here the same  
18 distribution of funds referenced in the first document that I  
19 showed you, or is it a separate distribution of funds?

20          **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
21 as you can imagine, we are not at liberty to discuss the  
22 specifics, but I think these documents, you know, again,  
23 should be read for what they say, be careful to  
24 overinterpret, you know, what is not being said here. But,  
25 yeah, that's the limit of what I can say.

26          **COMMISSIONER HOGUE:** Cannot go further than  
27 that, so...

28          **MR. SUJIT CHOUDHRY:** That's fine.

1 Madam Commissioner, how much time do I have  
2 left?

3 **COMMISSIONER HOGUE:** You have another three  
4 minutes.

5 **MR. SUJIT CHOUDHRY:** Okay, good. So I'd like  
6 to take you to a different theme, and so here ---

7 **COMMISSIONER HOGUE:** I'm going to give you  
8 three, but it's two minutes.

9 **MR. SUJIT CHOUDHRY:** Two minutes. I'll take  
10 whatever you give.

11 So could I please -- could you please put up  
12 CAN.SUM.3?

13 And this is about Foreign Interference  
14 Activities in Greater Vancouver. If we could just go down to  
15 the second page, and then I'd like to take you to point 3.

16 And so yesterday, Commission Counsel  
17 Rodriguez put to my client, MP Kwan, this particular  
18 document; and, in particular, point 3 was put to her. And if  
19 I could read it out for the record, it says:

20 "Intelligence reports indicate that  
21 these officials coordinated the  
22 exclusion of particular political  
23 candidates, perceived as 'anti-  
24 China', from attending local  
25 community events related to the  
26 election. This was accomplished via  
27 PRC proxy agents, hiding the direct  
28 involvement of these PRC officials."

1           So my question to you is that this statement  
2 was made in relation to the 43<sup>rd</sup> General Election; do you  
3 believe this statement to be true for the 44<sup>th</sup> General  
4 Election as well?

5           **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
6 would not want to mislead the Commission. I'm not ready to  
7 speak to specifically that aspect for General Election 44,  
8 but I am totally comfortable with that depiction for 43.

9           **MS. MICHELLE TESSIER:** What perhaps I can add  
10 is this is a typical *modus operandi* of the PRC. I can't  
11 speak to the election, but it is a typical *modus operandi*.

12           **MR. SUJIT CHOUDHRY:** So if I could maybe,  
13 perhaps sum up, there'd be no reason to doubt that they would  
14 continue with this *modus operandi*, having used it in the 43<sup>rd</sup>  
15 General Election, going forward?

16           **MS. MICHELLE TESSIER:** We have no information  
17 that they've changed that particular method of operating.

18           **MR. SUJIT CHOUDHRY:** Thank you very much.

19           **COMMISSIONER HOGUE:** Thank you.

20           Next one is counsel for the Sikh Coalition,  
21 Mr. Singh.

22           **(SHORT PAUSE/COURTE PAUSE)**

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

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

25           **MR. PRABJOT SINGH:**

26           **MR. PRABJOT SINGH:** Again, for the record,  
27 it's Prabjot Singh, counsel for the Sikh Coalition.

28           Thank you to the panellists today. I'm going

1 to try my best to move expeditiously as possible, referring  
2 your attention to some documents that are going to prompt  
3 some follow-up questions.

4 And I understand that we're navigating some  
5 difficult terrain and there's a likelihood that there may be  
6 some questions you're not able to answer in this setting, and  
7 that's totally fine. If you can indicate, and that will  
8 Madam Commissioner and Commission counsel to take note of  
9 those questions and consider if any follow-up is required in  
10 camera afterwards.

11 So Mr. Operator, if we can bring up CAN  
12 019304?

13 --- EXHIBIT No./PIÈCE No. CAN 19304:

14 Meeting between CSIS and the OCCE  
15 2021-11-02

16 **MR. PRABJOT SINGH:** And Mr. Vigneault, I'm  
17 going to direct my questions to yourself, but if anybody else  
18 wants to answer amongst yourself, that's fine.

19 My understanding is that these are notes from  
20 a meeting between CSIS and the Office of the Commissioner of  
21 Elections Canada in 2021. And one of the statements here is  
22 that the two main state actors most involved in the last  
23 election were China and India. Mr. Vigneault, is that your  
24 understanding today, that India has been one of the primary  
25 perpetrators of foreign interference in Canadian elections  
26 recently?

27 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
28 think it's fair to say that, you know, the behaviour of India

1 has been of concern the last couple of elections, and I think  
2 this document can speak to that. So I think it's an accurate  
3 depiction.

4 **MR. PRABJOT SINGH:** And another note in here  
5 says that India puts "...effort into individual campaigns."  
6 As you understand it, is it fair to say that Indian foreign  
7 interference targets a number of high-priority individual  
8 races, rather than the general election, to influence  
9 outcomes in favour of candidates considered favourable to  
10 Indian policy interests?

11 **MR. DAVID VIGNEAULT:** Commissioner, I'll  
12 elevate my comments to maybe be able to provide an answer. I  
13 think it is absolutely fair to say the purpose of foreign  
14 interference is to maximize the interests of the foreign  
15 party, and so this is absolutely a tactic that has been used  
16 to undermine candidates or individuals who may not be in  
17 favour of your position and promote people who might be in  
18 favour of your position. So in this context I can make that  
19 statement.

20 **MR. PRABJOT SINGH:** And in general terms,  
21 efforts by any foreign state to undermine or influence  
22 Canadian elections, even if it's one single electoral riding,  
23 would constitute foreign interference and a national security  
24 threat; is that fair?

25 **MR. DAVID VIGNEAULT:** Well, I think, you  
26 know, as my colleagues have described, foreign interference,  
27 you know, takes many different faces in our country;  
28 interference directed at democratic processes is one. And so

1 any action -- maligned action from a foreign state against  
2 Canadian is foreign interference and is something that we, of  
3 course, take extremely seriously.

4 **MR. PRABJOT SINGH:** And targeting that one  
5 single election would be considered a national security  
6 threat.

7 **MR. DAVID VIGNEAULT:** We would be  
8 investigating the behaviour. So if the behaviour falls  
9 within the definition of the *CSIS Act* of foreign  
10 interference, absolutely.

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

12 Mr. Court Operator, if you can bring up  
13 CAN 003771, and if we could go to page number 2.

14 **--- EXHIBIT No./PIÈCE No. CAN 3771:**

15 Ministerial Briefing : Foreign  
16 Interference - 2021-12-13

17 **MR. PRABJOT SINGH:** I believe this is a --  
18 notes prepared by the Service for a ministerial briefing.

19 **MR. DAVID VIGNEAULT:** Could you just please  
20 go back up to the page so that we can.... Okay.

21 **MR. PRABJOT SINGH:** And on page 2, there's a  
22 note that:

23 "Indian officials...used Canadian  
24 citizens as proxies to conduct  
25 [foreign interference] activities,  
26 including against democratic  
27 institutions."

28 Does that reflect your understanding that

1 India does employ proxies and proxy moves to target  
2 politicians in elections, including through the use of funds  
3 to specific campaigns?

4 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
5 would say that, you know, I -- I'm -- I concur with the  
6 statement as it is written on that document.

7 **MR. PRABJOT SINGH:** And in addition to  
8 targeting elections or campaigns specifically, proxies are  
9 also used to intimidate and coerce diaspora groups, and  
10 potentially amplify disinformation in electoral campaigns.  
11 Is that fair?

12 **MR. DAVID VIGNEAULT:** Yes, it is fair to say,  
13 Madam Speaker -- Speaker -- Commissioner, well, you may be  
14 speaker as well, I don't know what's the future. But  
15 Madam Commissioner, that the -- that proxies are engaging in  
16 the coercive activities. My colleague described a number of  
17 activities in the past, and this is why we take foreign  
18 interference so seriously because of the threatening nature  
19 often of foreign interference activities in Canada.

20 **MR. PRABJOT SINGH:** And I have a number of  
21 questions that I suspect that you may not be able to answer  
22 in a public setting such as this, but CSIS has identified and  
23 monitored some of these proxy networks with direct  
24 connections to Indian consulates over a period spanning the  
25 past two federal elections. Is that fair to say?

26 **MR. DAVID VIGNEAULT:** Madam Commissioner, if  
27 counsel wants to point me to a document, I'd be happy to  
28 speak to it, but as a general comment I am going to refrain

1 from commenting.

2 **COMMISSIONER HOGUE:** So the question is ---

3 **MR. PRABJOT SINGH:** That's totally fair. I  
4 understand that, yeah.

5 And so two of these networks in the lead up  
6 to the 2019 election were specifically connected to two  
7 diplomats named Amar Jit Singh and Parag Jain, who are based  
8 out of the Vancouver and Ottawa Consulates. Is that correct?

9 **COMMISSIONER HOGUE:** This is the same thing?  
10 So....

11 **MR. PRABJOT SINGH:** And in July of 2017,  
12 there was a public initiative launched by Indian diaspora  
13 groups, led by members of the Canada India Foundation, with  
14 the objective of targeting federal ridings in the 2019  
15 elections, where current Sikh candidates were deemed to be  
16 inimical or contrary or detrimental to Indian interests.  
17 This initiative was also found to be connected to that  
18 network and connected to the consulate. Is that fair to say?

19 **COMMISSIONER HOGUE:** So the question is  
20 written down.

21 **MR. PRABJOT SINGH:** And that same year, is it  
22 true that CSIS wanted to use threat reduction powers to  
23 dismantle these networks that were engaging in foreign  
24 interference?

25 **COMMISSIONER HOGUE:** Question is written  
26 down.

27 **MR. PRABJOT SINGH:** And given the likely  
28 significant risks involved in this kind of threat reduction

1 measure, as the three of you have given testimony earlier in  
2 terms of the risk factors that are assessed and what kind of  
3 protocols are okay -- is necessary, CSIS consulted PMO and  
4 other bodies, including Global Affairs Canada, before  
5 engaging in those threat reduction measures, and later chose  
6 not to proceed with those measures. Is that correct?

7 **COMMISSIONER HOGUE:** Question is written  
8 down. The witness is looking at me, so I understand ---

9 **MR. PRABJOT SINGH:** And as a result of that  
10 decision not to proceed with those measures, CSIS did not  
11 inform targeted politicians, journalists, or the impacted  
12 communities about the risk, and those networks continued  
13 unhindered, presumably throughout both electoral periods, at  
14 least, if not further, until today. Is that correct?

15 **COMMISSIONER HOGUE:** Question is also written  
16 down.

17 **MR. PRABJOT SINGH:** Are you able to tell us  
18 in general terms, and you did touch on this earlier, so maybe  
19 you can touch on this briefly, when would foreign  
20 interference activity reach the threshold where threat  
21 reduction measures would be considered by CSIS? I would  
22 imagine it would be quite a significant threshold to take  
23 that kind of action?

24 **MS. MICHELLE TESSIER:** As I testified to  
25 earlier, CSIS needs to, is required by law to consult other  
26 government departments prior to embarking on a threat  
27 reduction mandate, and to ensure there are no other tools  
28 available in an investigation. So without being able to

1 respond to that specific case, I can say that it's not  
2 necessarily the first go-to because by law we have to have  
3 reasonable grounds to believe that the threat exists, that a  
4 measure has to be proportional to the actual threat. We have  
5 to think that there would be an impact, we have to assess  
6 that impact, but we, by law, must consider other measures  
7 first. So it is not necessarily the first go-to.

8 But because of the restrictions in the *CSIS*  
9 *Act* currently in terms of being able to share classified  
10 information. It is a tool that has been used increasingly in  
11 order to share classified information when we feel that at  
12 that particular moment that is the best tool to use.

13 **MR. PRABJOT SINGH:** And Ms. Tessier, I think  
14 you may have mentioned this earlier. There is those four  
15 risk factors that *CSIS* would kind of evaluate: operational  
16 risks, I think it was legal risks, and the potential of  
17 international relations and the impacts there. And so based  
18 on those factors, it is possible for other offices or  
19 departments to discourage or influence the threat reduction  
20 measures based on those parameters; correct?

21 **MS. MICHELLE TESSIER:** We most certainly  
22 consult with them. The ultimate decision belongs to *CSIS*,  
23 and if it's a high risk, the minister -- the Director and the  
24 Minister must approve it. But we will most certainly consult  
25 with them. We obviously don't want to harm their activities,  
26 but ultimately the decision rests with *CSIS*.

27 **MR. PRABJOT SINGH:** And within the factors  
28 that are considered and that would likely be considered by

1 those partners who are advising CSIS, partisan interests or  
2 policy interests, obviously if we're looking at international  
3 relations, that would be a significant factor that would be  
4 considered. Fair?

5 **MS. MICHELLE TESSIER:** We are not the ones  
6 who prepare a foreign policy risk assessment, that is done by  
7 our colleagues at Global Affairs Canada.

8 **MR. PRABJOT SINGH:** Understood.

9 And Mr. Operator, if you can bring up  
10 CAN 019456. And that'll be near the top of page 3, after you  
11 can show the panel the first page of the document.

12 **--- EXHIBIT No./PIÈCE No. CAN 19456:**

13 Speaking Points for EC Brief

14 **MR. PRABJOT SINGH:** My understanding is that  
15 this is a -- an intelligence briefing to Elections Canada on  
16 the work of SITE and the various threat actors engaging in  
17 foreign interference. So at the top of page 3, for the  
18 record, it says that:

19 "Indian officials...continue to  
20 conduct [foreign interference]  
21 activities in Canada, both directly  
22 and through...Canadian proxies,  
23 primarily against Canadian  
24 politician[s]...democratic processes,  
25 and...diaspora [communities]."

26 And then it goes into some detail about the  
27 objectives of Indian foreign interference.

28 Mr. Vigneault, is it your understanding that

1 the objectives of Indian foreign interference, specifically,  
2 are two-fold?

3 **MR. DAVID VIGNEAULT:** So just give me a sec.

4 **MR. PRABJOT SINGH:** Sure. The question is,  
5 is whether it's your understanding that India has two  
6 objectives for its foreign interference operations?

7 **MR. DAVID VIGNEAULT:** So Madam Commissioner,  
8 I would say that the -- in our assessment the two objectives  
9 of India are to promote pro India narrative, pro India  
10 dynamic here in Canada, but also to undermine the threat  
11 perceived by the notion of creating a separate independent  
12 Khalistan.

13 I think it's important to, and this document  
14 speak to that, there are very clear politically protected or  
15 *Charter* protected, you know, elements of people here in  
16 Canada of the Sikh community who are espousing Khalistan --  
17 an independent Khalistan. Unfortunately, there is also --  
18 it's important I think to note, a very small group of people  
19 who are engaging in threat related activity, including  
20 financing, and supporting terrorism. And so what we see is  
21 the -- your -- the second objective of India, as counsel is  
22 referring to, is the blending of these two things.

23 So something that is absolutely unacceptable,  
24 which would be, you know, supporting terrorism, but it's  
25 blending this with the rest of activities that are absolutely  
26 not only legal but acceptable in Canada, which is having  
27 political views and using legal means to push these political  
28 views.

1           **MR. PRABJOT SINGH:** Mr. Operator, if we can  
2 bring up CAN.SUM 7. This was recently uploaded to the party  
3 database I believe late last night.

4           And Mr. Vigneault, this is a topical summary  
5 of the intelligence holdings prepared by CSIS, with the  
6 natural caveats that are noted in the documents; correct?

7           **MR. DAVID VIGNEAULT:** Yes.

8           **MR. PRABJOT SINGH:** And so as you just  
9 indicated, in your understanding of India's threat  
10 perception, is it your understanding that India perceives  
11 anyone engaged in advocacy for a separate six state Khalistan  
12 as a so-called extremist threat without differentiating  
13 between those engaging in lawful advocacy, as well as those  
14 who believe in the pursuit of armed struggle. Is that  
15 correct? India doesn't distinguish between the two?

16           **MR. DAVID VIGNEAULT:** I think, Madam  
17 Commissioner, I generally agree with this, but the  
18 distinction I would make is that from our perspective is I  
19 would not be using armed struggle. I would say, you know,  
20 using terrorist means. But the general depiction on the  
21 document, I think, is a really good description of how we and  
22 our colleagues are perceiving the Indians' rationale for  
23 interference.

24           **MR. PRABJOT SINGH:** And so conceivably, even  
25 those simply critical of Indian policy or critical of human  
26 rights violations could also fall under that umbrella of a  
27 threat to Indian interests? Is that correct?

28           **MR. DAVID VIGNEAULT:** Again, Madam

1 Commissioner, I think it's well depicted in this document. I  
2 think it is fair to say that India will lump into same  
3 category of activities that, you know, would be potentially  
4 absolutely illegitimate here in Canada, inappropriate here in  
5 Canada, with other means. So I would stick to that kind of  
6 depiction if it's ---

7 **MR. PRABJOT SINGH:** Yeah, so India and their  
8 foreign interference activities, which may include  
9 disinformation, uses the framework and framing of extremism  
10 to target lawful activists, as well as those that you marked  
11 from the CSIS perspective are considered violent extremists.  
12 Has CSIS ---

13 **MR. DAVID VIGNEAULT:** Madam Commissioner, at  
14 this point, I think, you know, the document is quite clear  
15 about that and I would ---

16 **COMMISSIONER HOGUE:** You ---

17 **MR. PRABJOT SINGH:** I'm getting to my next  
18 question, if that's okay.

19 CSIS has not undertaken any threat reduction  
20 measures to address the disinformation towards members of the  
21 community engaging in lawful advocacy? Is that correct?

22 **COMMISSIONER HOGUE:** The question is written  
23 down.

24 **MR. PRABJOT SINGH:** And in general terms,  
25 what impact ---

26 **COMMISSIONER HOGUE:** It's going to be your  
27 last ---

28 **MR. PRABJOT SINGH:** This is my final

1 question. In general terms, what impact do you think this  
2 kind of disinformation and framing of lawful activism has on  
3 a vulnerable community targeted with disinformation that  
4 builds on pre-existing racist stereotypes about the nature of  
5 extremism and terrorism. And without getting into broader  
6 social implications, if we're focusing on Sikh Members of  
7 Parliament, elected officials or candidates, who are targeted  
8 with this brush of extremism, we're looking at a considerable  
9 impact on media narratives, which makes re-election or  
10 initial election quite difficult. Is that fair to say?

11 **COMMISSIONER HOGUE:** Madam Commissioner, I  
12 think it's fair to say that the -- as we testified to  
13 earlier, that foreign interference writ large, and  
14 specifically disinformation, is absolutely a question of  
15 concern in Canada. The disinformation part is one aspect  
16 that is growing in its complexity. And how we, as an  
17 intelligence service in a democratic society, can engage with  
18 proper communications and then monitoring of social media,  
19 there are a number of limits that are absolutely fair in a  
20 democratic system.

21 And I make that point to say that this is one  
22 of the areas disinformation and -- in the context of  
23 interference that is growing and that we need to find better  
24 ways, just not CSIS, but our partners, to address, because it  
25 is having more and more of an impact.

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

27 **COMMISSIONER HOGUE:** Thank you.

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

1 Those are all my questions.

2 COMMISSIONER HOGUE: Me Sirois for the RCDA.

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

4 MR. GUILLAUME SIROIS:

5 MR. GUILLAUME SIROIS: Good evening. Bon  
6 matin... euh... bonsoir.

7 Guillaume Sirois pour l'Alliance démocratique  
8 des canadiens russes. Je vais poser mes questions dans les  
9 deux langues officielles, mais sentez-vous à libre de  
10 répondre dans la langue de votre choix.

11 To start, just a general question. Are you  
12 aware of foreign interference or influence activity in our  
13 electoral processes conducted by the Russian intelligence  
14 services in Canada during the 43<sup>rd</sup> or 44<sup>th</sup> General Elections?

15 MR. DAVID VIGNEAULT: I will ---

16 MS. CHERIE HENDERSON: I think that's in the  
17 summary.

18 MR. DAVID VIGNEAULT: Madam Commissioner, we  
19 have provided a summary. I would refer counsel to that  
20 summary, which is the best depiction that we can provide in  
21 this context.

22 COMMISSIONER HOGUE: Do we have the number,  
23 Me Sirois?

24 MR. GUILLAUME SIROIS: Oh, I'm good. I just  
25 wanted ---

26 COMMISSIONER HOGUE: You're good?

27 MR. GUILLAUME SIROIS: Well I wanted to know  
28 if there was any other clarification except from the summary,

1 but... merci, Madame la Commissaire.

2 I would like to pull COM0000156, please.

3 --- EXHIBIT No./PIÈCE No. COM 156:

4 NSICOP Annual Report 2020

5 **MR. GUILLAUME SIROIS:** This is the 2020  
6 Annual Report from the National Security and Intelligence  
7 Committee of Parliamentarians, NSICOP.

8 At paragraph 55, page 34, please.

9 Under the heading "Foreign interference", we  
10 see it reads:

11 "The Russian Federation also  
12 continues to exploit [...] diaspora and  
13 compatriot organizations in Canada."

14 Is this statement true?

15 **MR. DAVID VIGNEAULT:** Madam Commissioner, I  
16 have not had a chance to read the entire context, so I will  
17 make a general statement, because I'm not sure what precedes  
18 this paragraph. But I would say that it's fair to mention  
19 that Russian Federation is engaging in a level of foreign  
20 interference in our country, as was mentioned in our -- in  
21 the Government's report.

22 **MR. GUILLAUME SIROIS:** Do you have any reason  
23 to doubt the statement?

24 **MR. DAVID VIGNEAULT:** I do not doubt the  
25 statement, Madam Commissioner. I just don't have the rest of  
26 the context. But I am familiar in general with the work of  
27 NSICOP and I think, you know, this is -- I have no reason to  
28 doubt it. But just to be fair to ---

1                   **COMMISSIONER HOGUE:** I think it's a fair  
2 comment from the witness.

3                   **MR. GUILLAUME SIROIS:** I'd like to pull now  
4 CAN005824. And I'll apologize if some documents were not  
5 indicated in advance. We received some documents quite late  
6 this morning and yesterday. So had to adapt in consequence.

7 **--- EXHIBIT No./PIÈCE No. CAN 5824:**

8                                   Special Report on the Government of  
9                                   Canada's Framework and Activities to  
10                                  Defend its Systems and Networks from  
11                                  Cyber Attack

12                   **MR. GUILLAUME SIROIS:** At the bottom of page  
13 -- this is, first, a SITE TF update on the Panel of Five, as  
14 we can see from the top of the document, on September 15,  
15 2021.

16                                   If we can go at page 4? The bottom of page  
17 4?

18                                   We can see:

19   "Russia has focused [foreign  
20   interference] activities on  
21   discrediting democratic institutions  
22   and processes, with an ultimate goal  
23   of destabilizing or delegitimizing  
24   democratic states."

25                                   We see this is a CSIS assessment. Do you  
26 have any reason to doubt its truthfulness?

27                   **MR. DAVID VIGNEAULT:** Madam Commissioner,  
28 this is -- I totally concur with that statement. This has

1 been one of the significant aspects of the Russian Federation  
2 activities, is not necessarily to go at interfering in all of  
3 the specific elements of democratic process, but generally  
4 speaking, to undermine democratic states. And we see that  
5 across the board in the activity of the Russian Federation.

6 **MR. GUILLAUME SIROIS:** So this was a concern  
7 of CSIS during the 2021 Election? In the final week of the  
8 election?

9 **MR. DAVID VIGNEAULT:** This was absolutely the  
10 final week, but I can say that this is a concern that we  
11 shared before, we continue to share to this day.

12 **MR. GUILLAUME SIROIS:** Thank you. Finally,  
13 the last document I'll show you is JKW a bunch of zeros 7.  
14 And this is *2022 Special Report on the Government of Canada*  
15 *Framework and Activities to Defend its Systems and Networks*  
16 *from Cyber Attacks*. Again, it's from the NSICOP.

17 **--- EXHIBIT No./PIÈCE No. JKW 7:**

18 Special Report on the Government of  
19 Canada's Framework and Activities to  
20 Defend its Systems and Networks from  
21 Cyber Attack

22 **MR. GUILLAUME SIROIS:** And I would like to go  
23 at page 36 once the document loads. Thank you. At the top  
24 here, paragraph 56. Can we go up a little bit? Yes.

25 So yes, at paragraph 56, it says:

26 "Russia is a highly sophisticated  
27 cyber threat actor. Russia engages  
28 in malicious cyber threat activity,

1 including cyber espionage and foreign  
2 interference, to support a wide range  
3 of strategic intelligence priorities.  
4 [Including the] identification of  
5 divisive events and trends in rival  
6 states to conduct influence campaigns  
7 and undermine liberal democratic  
8 norms and values."

9 That last part is the third bullet point, by  
10 the way.

11 This statement is true as well, to the best  
12 of your knowledge?

13 **MR. DAVID VIGNEAULT:** Yes, Madam  
14 Commissioner. And this goes back to a previous answer  
15 provided to your question when you were asking me about when  
16 did the threat environment change over time. And this is one  
17 of the aspects of this, is Russia, and other states, but  
18 Russia specifically, is trying to undermine the world, the  
19 international rules based order to create an environment that  
20 is more susceptible to benefit their own interests. And so  
21 by doing so -- in order to do so, they're trying to undermine  
22 democracies around the world, and that's why they are not as  
23 interested as picking specific individuals or parties to win,  
24 but undermine the democratic processes to what how people see  
25 democracy as opposed to a democratic regime as we have in  
26 Russia. This is one of the most significant elements that we  
27 see that speaks to the change in threat environment over the  
28 last number of years that we are to -- we have to deal with.

1           **MR. GUILLAUME SIROIS:** And is -- do you think  
2 that Russia is doing all of this by accident, the three  
3 statements that we just observed?

4           **MR. DAVID VIGNEAULT:** As I mentioned, I think  
5 there is a very deliberate intent in how Russia executes  
6 these actions.

7           **MR. GUILLAUME SIROIS:** So Russia, we can say  
8 that Russia has...

9                   La Russie a une intention de faire de  
10 l'interférence dans nos institutions démocratiques.

11           **M. DAVID VIGNEAULT:** La Russie a l'intention  
12 de causer de l'interférence dans nos institutions  
13 démocratiques. Elle le fait d'une façon différente de  
14 certains autres acteurs qui ont été discutés plus tôt. Leur  
15 objectif est surtout de pouvoir diviser les sociétés et de  
16 créer de la dissension et de diminuer la paix dans des... pour  
17 la démocratie dans le monde occidental et à travers le monde.

18           **Me GUILLAUME SIROIS:** Et est-ce qu'on peut  
19 qualifier un peu cette intention? Est-ce que c'est une très  
20 grande intention? Une faible intention? Une moyenne?

21           **M. DAVID VIGNEAULT:** Je vous dirais que c'est  
22 une... les activités qu'on voit, non seulement au Canada mais à  
23 travers le monde, font partie d'un plan bien intégré avec  
24 plusieurs acteurs qui sont coordonnés. Donc, je pense qu'on  
25 peut dire que c'est une priorité du régime russe.

26           **Me GUILLAUME SIROIS:** Et si jamais on voit de  
27 la preuve ou des documents qui indiquent qu'on pense que la  
28 Russie... donc, qu'on affirme que la Russie n'a pas un intérêt

1 sérieux à causer de l'interférence étrangère, est-ce qu'il y  
2 a un risque qu'on sous-estime la menace de la Russie par  
3 rapport à l'ingérence étrangère si on dit qu'elle n'a pas  
4 d'intérêts sérieux à mener cette ingérence étrangère?

5 **M. DAVID VIGNEAULT:** Madame la commissaire,  
6 je comprends la question. Si l'avocat a un document  
7 spécifique qu'il voudrait me présenter pour pouvoir commenter  
8 de façon plus précise, ça serait très utile.

9 **COMMISSIONER HOGUE:** And I agree.

10 **MR. GUILLAUME SIROIS:** Merci, Madame la  
11 procureure.

12 Juste parce que c'est dans mes notes à moi,  
13 je vais sortir le résumé WIT 45, mais c'est probablement  
14 aussi dans le résumé... topical summary, en anglais, je ne  
15 connais pas le terme en français, qui a été produit par la  
16 Commission.

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

18 Public Interview Summary: Mr. Lyall  
19 King, Ms. Tara Denham, Ms. Gallit  
20 Dobner, Mr. Eric Gordon, CSIS  
21 Representative

22 **COMMISSAIRE HOGUE:** Ça va être votre dernière  
23 question, hein?

24 **Me GUILLAUME SIROIS:** Ah! En fait, Madame la  
25 commissaire, est-ce que je peux demander cette... j'avais pas  
26 l'intention d'aller ici, c'était juste... c'est dans le  
27 contexte de ma question précédente. Est-ce que je peux poser  
28 une question après avoir référé le témoin à ce passage-là?

1                   **COMMISSAIRE HOGUE:** Euh...

2                   **Me GUILLAUME SIROIS:** Parce que c'est des  
3 questions... c'est des questions d'importance majeure et la  
4 question...

5                   **COMMISSAIRE HOGUE:** Je comprends, mais tout  
6 le monde en a d'importance majeure, c'est... et là, vous avez  
7 déjà dépassé. Je vais vous laisser poser une question.  
8 Choisissez ce que vous voulez faire. Vous allez au document  
9 ou vous posez la question suivante que vous avez.

10                  **Me MATTHEW FERGUSON:** Avec égard, Madame la  
11 commissaire, mon collègue n'a pas dépassé, il a 10 minutes,  
12 puis là, il vient d'arriver à 10 minutes.

13                  **COMMISSAIRE HOGUE:** Ah, moi, j'ai noté et 32.

14                  **Me MATTHEW FERGUSON:** Excusez.

15                  **COMMISSAIRE HOGUE:** La fin de son contre-  
16 interrogatoire.

17                  **Me GUILLAUME SIROIS:** Donc, j'aimerais... en  
18 tout cas, bref, on a eu quelques interruptions, j'aimerais  
19 avoir un bon 2 minutes de plus, si possible, Madame la  
20 commissaire.

21                  **COMMISSAIRE HOGUE:** Posez la question que  
22 vous avez là, puis...

23                  **Me GUILLAUME SIROIS:** Oui, on va commencer  
24 par ça, ensuite je vais voir si...

25                  **COMMISSAIRE HOGUE:** On verra où ça mènera,  
26 mais...

27                  **Me GUILLAUME SIROIS:** Donc, sur la question...

28                  **COMMISSAIRE HOGUE:** ...on a des contraintes

1 qu'on ne peut pas...

2 **Me GUILLAUME SIROIS:** Non, je suis bien  
3 conscient de ça, c'est... je suis conscient de ça, Madame la  
4 commissaire.

5 Donc, au paragraphe... pardon, on demandait  
6 d'apporter le résumé de témoignage WIT 45, s'il vous plait,  
7 au paragraphe 45.

8 **M. MITCHEL KERSYS:** Je n'ai aucun document  
9 WIT 45.

10 **Me GUILLAUME SIROIS:** Ah, WIT-0000045. C'est  
11 le résumé d'entrevue 45. Au paragraphe 45, s'il vous plait.

12 **(COURTE PAUSE/SHORT PAUSE)**

13 **MR. BARNEY BRUCKER:** I believe Mr. King is  
14 going to be here tomorrow.

15 **MR. GUILLAUME SIROIS:** Oui, OK. Peut-être  
16 qu'on peut passer à une autre question vu qu'on n'a pas  
17 beaucoup de temps.

18 **COMMISSAIRE HOGUE:** OK.

19 **Me GUILLAUME SIROIS:** On peut enlever ce  
20 document, s'il vous plait.

21 Ma prochaine question porte sur... donc, on a  
22 conclu que la Russie a un sérieux intérêt à mener de  
23 l'ingérence étrangère dans les élections; les moyens, ça,  
24 c'est même pas en question. On peut conclure que la Russie a  
25 mené des activités d'ingérence étrangère significatives  
26 pendant la période de 2019 à 2021 au moins. Oui ou non?

27 **M. DAVID VIGNEAULT:** Madame la commissaire...

28 **Me GUILLAUME SIROIS:** Parce que peut-être...

1                   **M. DAVID VIGNEAULT:** ...le témoignage que j'ai  
2 donné n'est pas le cas. Nos documents ont démontré... ont été  
3 assez clairs sur ce qu'on pouvait dire. Ce que j'ai mentionné  
4 à l'avocat plus tôt, c'est qu'il y a une intention très  
5 claire, il y a des moyens très clairs qui ont été utilisés  
6 pour engager dans l'interférence étrangère, il y a des  
7 nuances qui ont été apportées sur le fait que c'est plus pour  
8 attaquer le système démocratique au lieu d'être... d'avoir des  
9 résultats spécifiques au plan électoral.

10                   **Me GUILLAUME SIROIS:** Et ces tentatives-là  
11 dont vous venez de décrire n'ont pas été mises sur pause lors  
12 des élections de 2019 et 2012, elles ont continué.

13                   **M. DAVID VIGNEAULT:** Madame la commissaire,  
14 je... il y a certains documents qui ont été présentés qui ont  
15 déterminé ce qui était... ce qu'on pouvait dire de façon  
16 publique sur ces activités-là, y compris spécifiquement sur  
17 la Russie. Je vais devoir m'y référer, je n'ai pas le détail  
18 devant moi.

19                   Ce que j'ai dit par contre, puis je comprends  
20 la question de l'avocat, c'est de dire qu'il y a des  
21 capacités très claires, des intérêts très clairs et une  
22 approche organisée de la part de la Russie de s'attaquer aux  
23 démocraties, y compris le Canada, mais il y a des limites qui  
24 ont été décrites, de ce qu'on sait, dans les documents. Je  
25 pense que c'est la meilleure façon de répondre à votre  
26 question.

27                   **Mme MICHELLE TESSIER:** Si je peux ajouter  
28 juste... oui, ajouter de l'information. C'est clair, comme le

1 directeur l'a dit : la Russie, c'est une préoccupation au  
2 niveau de l'ingérence étrangère. C'est très clair. Ce que  
3 disent ces documents, c'est que dans les élections  
4 précisément nous n'avons pas vu énormément d'activité de la  
5 part de la Russie dans ces deux élections, fort probablement  
6 pour la propre raison, c'était pas une priorité ou il n'y  
7 avait pas suffisamment d'informations qui divisaient la  
8 société parce qu'on sait que, et on l'a dit publiquement, la  
9 Russie cherche à créer des divisions.

10 Donc, s'il se trouvait que, pour une raison  
11 ou une autre, ces exactions-là n'étaient pas une opportunité  
12 pour eux de créer des divisions, c'était peut-être pas une  
13 priorité à ce moment-là, mais ça ne veut pas dire que pour le  
14 Service, on n'est pas préoccupé par les activités de la  
15 Russie en ce qui concerne l'ingérence étrangère.

16 **Me GUILLAUME SIROIS:** OK. So, Madame la  
17 commissaire...

18 **COMMISSAIRE HOGUE:** Ça va être terminé là.

19 **MS. CHERIE HENDERSON:** I just ---

20 **COMMISSAIRE HOGUE:** Ça va être votre collègue  
21 qui va continuer.

22 Ah, bien, si vous voulez compléter la  
23 réponse...

24 **MS. CHERIE HENDERSON:** I was just going to  
25 add one small point, and I think we say it quite well in the  
26 summary, that Russia has a significant capability to augment  
27 its interference and disinformation campaign should it chose  
28 -- choose to do so. So while we may not have seen as much to

1       undermine the 43rd and 44th elections, should it choose, it  
2       has the capability to engage in much greater interference in  
3       the future.

4                   **MR. GUILLAUME SIROIS:**  Merci.

5                   **COMMISSIONER HOGUE:**  Merci.

6                   Counsel for Human Rights Coalition.

7       **--- CROSS-EXAMINATION/CONTRE-INTERROGATOIRE BY**

8       **MS. HANNAH TAYLOR:**

9                   **MS. HANNAH TAYLOR:**  Good evening, everyone.

10                   Mr. Vigneault, the panel's witness summary  
11       notes that you explained that the process to determine  
12       Canada's intelligence priorities is coordinated by the Privy  
13       Council Office.  You agree it's coordinated by the Privy  
14       Council Office?

15                   **MR. DAVID VIGNEAULT:**  It's coordinated by the  
16       Privy Council Office and -- but the priorities are issued by  
17       the Cabinet.

18                   **MS. HANNAH TAYLOR:**  Also, Mr. Vigneault,  
19       earlier you mentioned that CSIS has to produce intelligence  
20       to protect all Canadians.  Is investigating transnational  
21       repression an intelligence priority of CSIS?

22                   **MR. DAVID VIGNEAULT:**  Madam Commissioner, the  
23       -- I believe the intelligence parties, there's a plan to --  
24       I'm not sure if they've been made public yet, but I believe  
25       there might be a plan to do so.  Yes, we can say that, you  
26       know, we're investigating foreign interference.  In the case  
27       of CSIS specifically, it includes transnational repression.

28                   **MS. HANNAH TAYLOR:**  Thank you.  With counsel

1 for Mr. Chong and the Conservative Party, you discussed  
2 provided -- providing briefings to those in government  
3 vulnerable to potential foreign interference activity. Does  
4 CSIS believe it's important to brief members of targeted  
5 diaspora who are vulnerable to potential foreign interference  
6 activity, including that which is related to elections?

7 **MR. DAVID VIGNEAULT:** Madam Commissioner,  
8 what we've said earlier about transnational repression,  
9 there's something very important is that often, as my  
10 colleague said, these are people who came to Canada to escape  
11 conditions from other countries, and the fact they might be  
12 subject to these tactics and actions here in Canada is  
13 obviously unacceptable and that's why, you know, our mandate  
14 is clear when investigating that. We have been increasing  
15 our engagement with diaspora community over the years. As I  
16 testified earlier, we have reallocated resources internally  
17 to create a stakeholder engagement with the sole purpose of  
18 engaging with communities. Our annual report of last year  
19 and the upcoming one that will be tabled in Parliament very  
20 soon by the Minister of Public Safety will speak at some  
21 length of what -- how we have engaged with diaspora  
22 community.

23 The last thing I would say, Madam  
24 Commissioner, is going back to -- there are limitations of  
25 what we can say to people who engage outside government, as  
26 was discussed. Section 19 is precluding us from that. And  
27 the government as -- with us has engaged in consultations  
28 with Canadians, including specifically diaspora groups, to

1 understand, you know, changes to the *CSIS Act* that would make  
2 us more relevant to engage in those discussions with diaspora  
3 communities.

4 **MS. HANNAH TAYLOR:** And so thinking within  
5 *CSIS's* limitations pursuant to the Act, would those efforts  
6 to engage with stakeholders -- let me rephrase, maybe.  
7 Within the limits of the Act, you believe that it's important  
8 to brief individual members of targeted diaspora communities  
9 if they face a threat? Would that within your limits be  
10 considered important?

11 **MR. DAVID VIGNEAULT:** This is where, Madam  
12 Commissioner, that it's getting difficult when we are going  
13 to very specifics, so if we talk of individual, you know,  
14 like, individual specific threat, it becomes complicated  
15 because that would mean revealing classified information if  
16 it's so specific. So we tend to engage at organization  
17 level. If we are aware of any activity, and this is  
18 something that we have to be very clear, we have any  
19 intelligence or indication that someone might be under  
20 threat, we are immediately engaging law enforcement to make  
21 sure that, you know, they raise -- an action can be taken to  
22 protect individual. But this is one of the area -- counsel  
23 is speaking to one of the area that I think is part of the  
24 next phase of engagement with diaspora communities, and the  
25 next phase of discussion with Canadians on foreign  
26 interference is how can we be more specific, more engaged to  
27 have better impact to counter foreign interference.

28 **MS. HANNAH TAYLOR:** Thank you. Commissioner,

1 with your leave, I'm hoping to read paragraph 11 from the in-  
2 camera examination summary of a branch within the CSIS ADR  
3 Directorate to the panel to get their opinion on what's  
4 mentioned in the paragraph. This document, it's not on our  
5 list, as it was made available last night. And, of course,  
6 I'll make it clear, with your leave.

7 **COMMISSIONER HOGUE:** Go ahead.

8 **MS. HANNAH TAYLOR:** Thank you. As -- and we  
9 don't need to pull it up just because I think pursuant to  
10 those rules -- to the Commission's rules, we should not be  
11 pulling it up. But I'll make it clear to the panel, as this  
12 summary is not yours, it -- and it has not been adopted -- it  
13 has not been adopted into evidence, and it's not evidence  
14 before the Commission. For the benefit of the Commission,  
15 I'm talking about WIT 43, but again, I ask that it not be  
16 pulled up.

17 Witnesses are not identified by name in the  
18 summary. And just to provide a little bit of context to the  
19 paragraph I'll read to you, immediately preceding that  
20 paragraph, the summary makes reference or ---

21 **COMMISSIONER HOGUE:** I think it will be  
22 better to put the document on the screen.

23 **MS. HANNAH TAYLOR:** Is that okay? Okay.

24 **COMMISSIONER HOGUE:** Yes.

25 **MS. HANNAH TAYLOR:** Excellent. Thank you.

26 If we could, it's WIT 43 with 5 0s in the  
27 middle, I believe. Okay. And we'd be going down to  
28 paragraph 11. And we'll note just above in paragraph 10 the

1 last sentence, we're referring to the PRC, so it's  
2 preferenced we're referring to the PRC. And I'll read out,  
3 "Diaspora communities can be pressured  
4 to vote in accordance with its  
5 preference using sticks and carrots.  
6 Witness two said that many members of  
7 this diaspora community are afraid that  
8 the PRC will know who they voted for  
9 and do not dare vote against the  
10 country's express preferences. Witness  
11 two believes that the PRC's ultimate  
12 objective is to condition the response  
13 of the diaspora community, so that they  
14 vote in a certain way without having to  
15 be told to. The United Front Work is  
16 that of work that is concern for CSIS  
17 is when it is clandestine, deceptive  
18 and threatening." (As read)

19 Do you agree with this observation, and if  
20 so, to the extent that you can tell us, how does CSIS combat  
21 this?

22 **MR. DAVID VIGNEAULT:** So, Madam Commissioner,  
23 I do agree with this statement, and I would say that the  
24 reference to the United Front Work is critical to understand  
25 how PRC is engaging in foreign interference activities.  
26 United Front Work is part -- is encapsulating a number of  
27 different parts of the Chinese Communist Party and of the  
28 government of the PRC. Its budget is now larger than the

1 entire Ministry of Foreign Affairs. And their sole purpose  
2 is to work abroad to condition people and to be able to  
3 exercise in a -- amongst other things, foreign interference  
4 in those countries. Xi Jinping, president -- the leader of  
5 China is considering United Front Work Department as one of  
6 its magic weapons because it has the ability to condition so  
7 much and to push the interest of the PRC abroad in a very  
8 effective way.

9 And so CSIS, as part of its intelligence  
10 work, will undertake a number of intelligence operations  
11 using all tools at our disposal to understand who are the  
12 actors, what are their modus operandi, and be able to inform  
13 government, and in some occasions, take threat reduction  
14 measures to diminish the threat activity of the United Front  
15 Work, but also, of other actors involved in those activities  
16 in Canada.

17 **MS. MICHELLE TESSIER:** If I can add, CSIS is  
18 very concerned about impacts on the diaspora communities, and  
19 is also very cognizant that certain individuals have a fear  
20 of the intelligence service. Some may have arrived here from  
21 countries that the intelligence service does not work in a  
22 democracy, and they may not feel comfortable coming to CSIS,  
23 and CSIS knows that, which is one of the reasons that, as the  
24 Director testified to earlier today, so much public  
25 communication is being done, and this inquiry being an  
26 example of that, in terms of communicating that CSIS does  
27 want to hear from the communities. And as the Director  
28 mentioned, we will work with -- we work with our law

1 enforcement partners and have successfully done so in  
2 countering certain threats to the extent that we can. So we  
3 absolutely are very concerned about any threat to the  
4 diaspora communities and are welcoming for the cooperation.

5 **MS. CHERIE HENDERSON:** So I would just add  
6 onto that that it's fundamentally important for the Service,  
7 and therefore, for the rest of Canada and the diaspora  
8 communities for us to be begin to build trust within the  
9 diaspora communities, so that they will actually talk to us  
10 as well and tell us what they are experiencing, and that  
11 helps to strengthen the overall awareness of exactly what's  
12 going on within our country. It's fundamental to us as  
13 Canadians and all Canadians that we have this ongoing  
14 conversation and we can start to inform everybody, so that  
15 they recognize what they're seeing and that we can start to  
16 build better structures to protect against it.

17 **MS. HANNAH TAYLOR:** Thank you very much,  
18 everyone.

19 **COMMISSIONER HOGUE:** Thank you.

20 AG?

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

22 **MR. BARNEY BRUCKER:**

23 **MR. BARNEY BRUCKER:** I just wanted to perhaps  
24 clear something up. In the various topical summaries that  
25 have been introduced as CAN SUM 1 to 14 at the outset of your  
26 testimony today contain a page of caveats, and I just wanted  
27 to confirm that those caveats are not CSIS caveats. They're  
28 caveats that have been developed and arrived at in

1 consultation and they are the government's caveats; is that  
2 correct?

3 **MR. DAVID VIGNEAULT:** That's accurate.

4 **MR. BARNEY BRUCKER:** Mr. De Luca for the  
5 Conservative Party brought you to the -- I guess the  
6 summaries of the threat reduction measure briefings of Mr.  
7 O'Toole and Mr. Chiu. Am I correct that threat reduction  
8 measures of this type may rely on past information,  
9 information gathered over time to help inform the person  
10 who's being briefed of the nature of the threat?

11 **MR. DAVID VIGNEAULT:** Yes, the information  
12 would include all information that is relevant. The  
13 Ministerial directive was first issued, is the one that we  
14 operated under for the briefing Minister for Mr. O'Toole and,  
15 subsequently, there were clarification added to the direction  
16 so that the briefing would be more tailored to be more  
17 relevant, to include more of the relevant information as  
18 opposed to all information that may be not confirmed, not  
19 information that we would normally on. So there was an  
20 evolution, I think it's important to mention, between the  
21 first TRM discussion with Mr. O'Toole and subsequent to --  
22 subsequent one with Mr. Chiu.

23 **MR. BARNEY BRUCKER:** Sure. But my question  
24 is, even in the briefing of Mr. O'Toole, which we understand  
25 took place in May of 2023, would include -- or let me ask you  
26 if it would include information that existed back in 2021 and  
27 information that was obtained subsequent to that right up to  
28 the time of the briefing.

1                   **MR. DAVID VIGNEAULT:** That's accurate.

2                   **MR. BARNEY BRUCKER:** And would it be fair to  
3 say that the purpose of those briefings or as a threat  
4 reduction measure would be to help educate one on a potential  
5 threat to the person and on measures that might be taken to  
6 mitigate the threat?

7                   **MR. DAVID VIGNEAULT:** Very accurately  
8 described, yes.

9                   **MR. BARNEY BRUCKER:** Okay. Early on in your  
10 testimony, Mr. Cameron and Mr. MacKay took you through  
11 various initiatives and measures that the service was  
12 conducting. And is it fair that those initiatives and  
13 measures that you describe, and there were quite a few of  
14 them, are consistent with the intelligence priorities set by  
15 Cabinet which are then -- flow to you through direction by  
16 the Minister of Public Safety?

17                   **MR. DAVID VIGNEAULT:** Yes, that's the case.

18                   **MR. BARNEY BRUCKER:** Those are my questions.  
19 Thank you.

20                   **COMMISSIONER HOGUE:** Thank you.

21                   So we have a last witness and I see that he's  
22 in the room so we won't break. We'll just change the  
23 witnesses.

24                   Thank you very much.

25                   **M. DAVID VIGNEAULT:** Merci, Madame la  
26 commissaire.

27                   **COMMISSIONER HOGUE:** Sorry. I was looking at  
28 the time.

1 (SHORT PAUSE)

2 COMMISSIONER HOGUE: Good evening, Mr.  
3 Basler.

4 MR. GORDON CAMERON: Madam Commissioner,  
5 Gordon Cameron for Commission counsel. We have Bo Basler  
6 here to speak as a representative of the CSIS regional  
7 offices. Could I have the witness sworn or affirmed, please?

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

10 MR. BO BASLER: It's Bo Basler, B-a-s-l-e-r.

11 --- MR. BO BASLER, Sworn/Assermenté:

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

13 MR. GORDON CAMERON:

14 MR. GORDON CAMERON: Good afternoon, Mr.  
15 Basler. You might recollect that on February 20th the  
16 Commission had an interview with you and two of your  
17 colleagues whose identity has been anonymized, but have been  
18 noted to have been other Directors General of other regions  
19 working in CSIS.

20 Have you reviewed this summary to confirm  
21 that insofar as information can be disclosed publicly, it is  
22 an accurate summary of that interview?

23 MR. BO BASLER: It is, and I have, yes.

24 MR. GORDON CAMERON: Thanks.

25 And insofar as it summarizes your input and  
26 in respect of your recollection of the input of others at the  
27 interview, do you adopt this summary as part of your evidence  
28 before the Commission?

1           **MR. BO BASLER:** I do.

2           **MR. GORDON CAMERON:** Thank you.

3           And for the record, that document is WIT 36.

4           --- EXHIBIT No./PIÈCE No. WIT 36:

5                           CSIS Regions Officials Public Summary  
6                           of Classified Interview

7           **MR. GORDON CAMERON:** And also, Mr. Basler,  
8           you might recollect that you this time on not on a panel, but  
9           appearing just yourself, had an examination *in camera* by the  
10          Commission. And have you had a chance to review the summary  
11          of that *in camera* session that was prepared for public  
12          disclosure?

13          **MR. BO BASLER:** I have, yes.

14          **MR. GORDON CAMERON:** And insofar as  
15          information can be disclosed publicly, is it an accurate  
16          summary of that *in camera* evidence?

17          **MR. BO BASLER:** It is, yes.

18          **MR. GORDON CAMERON:** Thank you.

19                   And you adopt that public summary of your *in*  
20          *camera* evidence as part of your evidence today?

21          **MR. BO BASLER:** I do.

22          **MR. GORDON CAMERON:** Perhaps you could begin  
23          by -- because we are short of time we don't need to go all  
24          the way back to high school. If you could just give us a  
25          quick account of your experience with the service and, in  
26          particular, your experience with the regions and where you  
27          are now.

28          **MR. BO BASLER:** I certainly can. I'll do it

1 in reverse order. I think that's probably the easiest.

2 So currently, I am the CSIS Counter Foreign  
3 Interference Coordinator, so I'm based here in Ottawa in our  
4 headquarters. It's a position I assumed and was created in  
5 March of 2023, so last year.

6 Prior to that, I was the Director General of  
7 British Columbia Region. I was in that role for almost three  
8 years.

9 And prior to that, I was the Deputy Director  
10 General of Operations in the service's Prairie Region.

11 I have been with the service since 2001 in a  
12 variety of capacities spanning three different regional  
13 offices and headquarters.

14 **MR. GORDON CAMERON:** Thank you.

15 Now, we had some information when the CSIS  
16 headquarters panel was here about the different roles of  
17 headquarters and the regions, but we have you now as a former  
18 Director General of one of the regions and now with an  
19 overview of the situation from headquarters. Can you tell us  
20 your perspective on the role that -- the primary role that  
21 the regional offices of CSIS serve in the organization?

22 **MR. BO BASLER:** I think the best way to  
23 describe the regional function is it's -- regions are focused  
24 on collection of intelligence. It spans all mandates of the  
25 service, but it's really the regions that deploy the tools  
26 that are at the forefront of collecting that intelligence to  
27 be able to send it back into our headquarters branch and our  
28 central units to be able to do the analysis and

1 dissemination. But the regions, it's really the collection  
2 and they control not only the collection but how we go about  
3 the collection of the intelligence as well.

4 **MR. GORDON CAMERON:** All right. Now, on that  
5 point, presumably the regional offices need to figure out  
6 what to collect, what their priorities should be, where to  
7 devote their resources ---

8 **MR. BO BASLER:** Correct.

9 **MR. GORDON CAMERON:** --- and whatnot.

10 Can you talk to me about the extent to which  
11 regions give input to headquarters about what should be  
12 collected, the extent to which headquarters gives input to  
13 regions? How does that map get generated?

14 **MR. BO BASLER:** Sure. There's an ongoing  
15 conversation daily depending on the level, weekly, monthly  
16 between regional offices and our headquarter branches in  
17 regards to the priorities that any given region is collecting  
18 upon, so the overall intelligence priorities, I think it was  
19 mentioned earlier, are established by the government,  
20 approved by Cabinet. The service takes those and creates the  
21 internal intelligence requirements that we can collect upon  
22 under our mandate, and then the regions focus on what they  
23 have the capacity to collect. So sometimes the collection  
24 may be driven by capacity; it may be driven by the local  
25 threat environment. The threat environment in one region of  
26 the country may be a little different than another region of  
27 the country.

28 So those conversations are ongoing between

1 regional offices and Headquarters on what any individual  
2 region or unit should be prioritizing on. And it may be --  
3 as I noted, it may just be focused on what a region has  
4 access to, or if a threat is presenting greater in one part  
5 of the country than it is in another, that region, in  
6 consultation with the Headquarters' branches, will prioritize  
7 their collection activities in that particular region.

8 **MR. GORDON CAMERON:** That's very helpful.

9 Now, if you could talk about what happens  
10 with the product. So the regions go out, they do whatever  
11 they do to collect information, sources and surveillance, or  
12 whatever techniques they have. They bring it into the  
13 office, write it down. Take it from there to Headquarters.

14 **MR. BO BASLER:** Sure. After the collection  
15 activity happens, it's produced into what would be, I think,  
16 probably best termed as an internal intelligence report. So  
17 if it's -- it doesn't matter if it's collected from, you  
18 know, one of our communications analysts, one of our  
19 intelligence officers or surveillance teams, they create the  
20 report, they put it into the internal database, and direct it  
21 towards our Headquarters' units, or another region if it's  
22 applicable to activity that may be happening there.

23 So the intelligence gets collected, it gets  
24 put into a digestible format; a report, if you will, into the  
25 system, and then that's notified to our Headquarters'  
26 counterparts, who are taking and consuming that intelligence  
27 that's coming in from every different regional office across  
28 the country.

1           So it's collected, kind of assessed at a  
2 local level. So what -- a local assessment is done with it,  
3 and then it's sent to our Headquarters' branches.

4           **MR. GORDON CAMERON:** Okay. Now, we're here  
5 to think of this from exactly the perspective you just gave  
6 it, the collection by the regions and send it to  
7 Headquarters, but just to help with the sort of narrative arc  
8 of there. It gets to Headquarters, all these pieces of  
9 intelligence collected by the regions. Maybe just give us a  
10 quick description of what happens when it gets to  
11 Headquarters.

12           **MR. BO BASLER:** Sure. It's our Headquarters'  
13 branches, there's a couple of different functions that  
14 they're responsible for, but in this context it's taking in  
15 the intelligence, be it from the regional domestic offices,  
16 from our international stations, our partners around the  
17 world, our domestic partners, taking in all the different  
18 pieces of intelligence, assessing it, conducting the  
19 analysis, be it on kind of a more tactical, focused analysis  
20 or a more comprehensive analysis of a situation, taking  
21 intelligence from everywhere.

22           They're also responsible for the  
23 dissemination function. So taking, assessing that  
24 information that's coming in from the regions or partners and  
25 determining if it should go out to other government  
26 departments; and if so, which ones, or conducting the  
27 analysis and then determining those analytical products,  
28 where they should be distributed to. So it's that taking it

1 in and processing, analyzing, and dissemination function.

2 **MR. GORDON CAMERON:** Okay. Now, were you  
3 watching the Headquarters' panel when it was up?

4 **MR. BO BASLER:** I was, yes.

5 **MR. GORDON CAMERON:** Okay. Well, then we can  
6 be a little more compact, then. I just want you to give the  
7 perspective, from a Regional Director General, of the dynamic  
8 between the regions that are collecting the intelligence and  
9 sending it off to Headquarters, Headquarters analyzes it.  
10 And we heard some evidence from the Headquarters' witnesses,  
11 about the discussion that then goes on between the region, or  
12 the regions, and Headquarters about what elements of the  
13 intelligence that's sent to Headquarters ends up getting  
14 actioned by Headquarters and disseminated to government.

15 **MR. BO BASLER:** Yes, it's important to note  
16 in that context that all the intelligence, once it's  
17 collected, it's actioned in some way. It may not be  
18 disseminated immediately upon receipt out to another  
19 government department, but it forms, and will always form,  
20 part of our intelligence holdings.

21 So every piece of intelligence is important  
22 to be able to understand a threat writ large. So it's always  
23 important to the information going in. But Headquarters, the  
24 branches and Headquarters are reviewing it, are assessing it  
25 for its uniqueness, its pertinence to the intelligence  
26 requirements of other government departments, or to senior  
27 decision-makers. So they are evaluating it against the  
28 holdings we have collected over the years, but also the other

1 intelligence coming in on that particular topic, and really  
2 making that decision of to whom it should go out to.

3 As you had just noted, that is an ongoing  
4 discussion on what the priorities are and what the collection  
5 priorities are, and how that information that gets collected,  
6 how it's being used. So regions, although they don't own the  
7 dissemination function, they certainly have an ongoing  
8 conversation with our Headquarters' branches, in terms of  
9 ensuring that what is being collected is the right type of  
10 information to be able to get it out to the rest of  
11 government. That's why we exist; that's our *raison d'être* to  
12 collect, to do that analysis and to inform, to advise  
13 government.

14 So that conversation at a local level, like,  
15 at a desk -- a unit level, between analysts and officers and  
16 Headquarters and those in the region, that's an ongoing  
17 conversation on a regular basis.

18 **MR. GORDON CAMERON:** Okay, thank you.

19 Just one last topic I wanted to raise with  
20 you, just because there is information in the interview  
21 summary about this, but just because it's been discussed  
22 already today, I just want to get your perspective on it.

23 Are there occasions when the regions get  
24 called upon to do, for example, briefings to candidates or  
25 elected members, defensive or protective briefings with  
26 respect to foreign interference? Don't need to talk about  
27 any specific example, but is that one of the tasks that falls  
28 to the regions on occasion? And if so, when is that the

1 case?

2 **MR. BO BASLER:** On occasion. If there were  
3 to be a defensive briefing to an MP, generally speaking, the  
4 majority of the times it would be a regional officer that  
5 would go out and do that. Not exclusively; sometimes,  
6 depending on the situation, may bring a subject matter expert  
7 from Headquarters, but by and large the vast majority of the  
8 times the interaction and engagement with individuals, be  
9 they MPs or any other Canadian across the country, that's  
10 done by our regional personnel. So it really is the regions  
11 that are that face with local populations across the country.

12 **MR. GORDON CAMERON:** Thank you.

13 Now, Madam Commissioner, we have been  
14 fortunate with this witness to have been able to develop a  
15 witness -- a public summary of the witness interview, and a  
16 public summary of the *in-camera* appearance of Mr. Basler that  
17 are quite comprehensive, and they've been provided to the  
18 parties. I think the best thing to do with the time  
19 available to the Commission is to hand the microphone over to  
20 the parties for cross-examination.

21 **COMMISSIONER HOGUE:** Thank you.

22 So the first one will be counsel for Jenny  
23 Kwan, and I'm going to insist on the time. We have no choice  
24 because we have a hard stop at 7:00.

25 **MS. MANI KAKKAR:** Thank you, Madam  
26 Commissioner.

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

28 **MS. MANI KAKKAR:**

1                   **MS. MANI KAKKAR:** My name is Mani Kakkar,  
2 counsel for Jenny Kwan.

3                   I have some questions for you, Mr. Basler,  
4 and I will respect the time, because I understand it's late  
5 for everyone. Actually, this follows very neatly from what  
6 Mr. Cameron just last talked about, which is the briefings.

7                   In the summary you talk about two different  
8 kinds of briefings, defensive or protective security  
9 briefings, and briefings undertaken as part of TRMs. Can you  
10 explain the difference between those two kinds?

11                   **MR. BO BASLER:** Sure. I think one set back,  
12 just for a brief moment. Threat reduction measures and --  
13 can include a wide range of activity, of which a briefing  
14 that includes classified information, or a series of  
15 briefings are just one -- but one type of a threat reduction  
16 measure. So I just don't want to leave the impression that  
17 that is the only kind of threat reduction measurements that's  
18 undertaken by the Service or by the Service in this space.

19                   So there are -- we over a number of years now  
20 have been engaging with elected officials at all levels of  
21 government, federal, provincial, municipal, territorial,  
22 Indigenous governments, their staff to do defensive  
23 briefings. So these are engagement with those individuals or  
24 their offices to increase their awareness of the foreign  
25 interference threat. So it really is an awareness building.

26                   It is not -- those briefings do not contain  
27 specific classified information on individual threats to the  
28 person we're engaging with, they're really designed and aimed

1 at increasing the resilience of the individual and of their  
2 staff to that particular threat. So they're informed. We  
3 discuss the individual -- like the overall threat of foreign  
4 interference that they may face because of their position as  
5 an elected official, but it's not specific necessarily to  
6 them as an individual. We don't discuss kind of individual  
7 threats.

8 A threat reduction measure that may contain  
9 classified information which is designed to provide certain  
10 specific classified pieces of classified information to the  
11 elected official in order to inform them of the specific  
12 threat and give them enough tools to reduce that threat.

13 So I think it's been mentioned earlier today  
14 that the threat reduction measures undertaken by the Service,  
15 they have to fit a number of criteria, one of which we have  
16 to have reasonable grounds to believe that the threat exists,  
17 as defined in the *CSIS Act*, but we also have to have  
18 reasonable grounds as to believe that what we're undertaking,  
19 so in these cases the provision of classified information  
20 specific to the individual, allows them to take those  
21 measures to reduce the threat.

22 So it's -- it really is -- those ones are --  
23 there's a nuance, but they're different in that they're  
24 honestly focussed on helping the individual reduce the  
25 specific threat as presented to them.

26 Does that....

27 **MS. MANI KAKKAR:** That answers my question  
28 and then some, so I appreciate that. And you mentioned that

1 your briefings are general in nature.

2 And I would ask that we pull Document JKW 69.

3 --- EXHIBIT No./PIÈCE No. JKW 69:

4 CSIS pamphlet provided to Jenny Kwan  
5 during the 44th election

6 **MS. MANI KAKKAR:** And Commissioner, I ask for  
7 your indulgence in this matter. I provided this document ID  
8 to the Commission quite late in the day, given some of the --  
9 our documents we received from the Commission. This is a  
10 CSIS document. It is a pamphlet or brochure that was  
11 provided during a briefing to an MP.

12 And I just want to ask you, Mr. Basler, if  
13 you're comfortable, that this is an example of the kind of  
14 document that you would provide during one of the defensive  
15 or protective briefings that you had mentioned?

16 And to the extent possible, it would be good  
17 to rotate the document so it's a little bit more legible.

18 **MR. BO BASLER:** Can we go one more?

19 **COMMISSIONER HOGUE:** It's not easy to read,  
20 this one.

21 **MR. BO BASLER:** Can we just scroll down to  
22 the bottom of the -- oh, sorry. I just -- yeah. That was  
23 what I wanted to be able to look at was the classification  
24 level. So this is an unclassified document.

25 Yes, this would be the type of document that  
26 we may leave behind on a defensive security briefing. When  
27 we discuss the overall strategic threat of foreign  
28 interference to be able to increase that resiliency, this

1 would be the type of document that -- yes.

2 **MS. MANI KAKKAR:** Thank you, Ms. Basler. And  
3 when would you say that the regional offices began providing  
4 these sorts of briefings?

5 **MR. BO BASLER:** To my best recollection, I  
6 would think somewhere probably around 2018 or 2019. We have  
7 been doing it for a number of years, a number within reason,  
8 but as the foreign interference threat changed and we saw  
9 somewhat of a difference in the way the threat was being  
10 realised, we took action to be able to engage with individual  
11 parliamentarians who were at higher levels of risk. So  
12 that's been done for at least four or five years now.

13 **MS. MANI KAKKAR:** So you say four or five  
14 parliamentarians in or around 2018 or 2019?

15 **MR. BO BASLER:** No. Sorry, four or five  
16 years we've been doing it.

17 **MS. MANI KAKKAR:** Four or five ---

18 **MR. BO BASLER:** Yes.

19 **MS. MANI KAKKAR:** Okay.

20 **MR. BO BASLER:** Yeah.

21 **MS. MANI KAKKAR:** But it's a meaningful  
22 difference.

23 **MR. BO BASLER:** Yeah.

24 **MS. MANI KAKKAR:** And would you be able to  
25 estimate how many parliamentarians have gotten such a  
26 briefing?

27 **MR. BO BASLER:** The last numbers, and I ask  
28 that I not be quoted on a hard number on this, but the last

1 numbers I believe I saw were in excess of 65 or 70  
2 parliamentarians have been briefed.

3 **MS. MANI KAKKAR:** In this general way.

4 **MR. BO BASLER:** Yes.

5 **MS. MANI KAKKAR:** And do you have any insight  
6 into who made that decision or why or when?

7 **MR. BO BASLER:** To brief parliamentarians?

8 **MS. MANI KAKKAR:** To brief parliamentarians.

9 **MR. BO BASLER:** I don't have insights into  
10 the individual decision. I feel it most likely was not a  
11 decision by an individual person, but the recognition of the  
12 threat and the threat environment in which we were living in  
13 -- at the time that this started, and this might be a useful  
14 tool for the organisation to deploy to help build that  
15 resilience. But I don't -- I didn't attend the meeting where  
16 the concept was approved for example.

17 **MS. MANI KAKKAR:** And have you gotten  
18 feedback from those that you have provided those briefings to  
19 as to their effectiveness?

20 **MR. BO BASLER:** We have received some  
21 feedback, yes. We don't always get feedback, but we have --  
22 we've received it directly where individuals have said they  
23 appreciate it. It has increased their awareness and their  
24 understanding of the threat. We have also kind of heard  
25 feedback, not necessarily direct to us, but that some  
26 individuals have found them to be less useful, overly  
27 general. I think that is completely understandable.

28 There is varying degrees, if you look at the

1 number of parliamentarians at the federal level. There are  
2 going to be varying degrees of understanding of this threat.  
3 So it's a -- when we're taking a -- somewhat of a unified  
4 approach, a standard approach to each of these briefings,  
5 it's going to be new to some individuals and not new to  
6 another individuals.

7 **MS. MANI KAKKAR:** In the period that you have  
8 been providing these briefings, both as a result of the  
9 feedback, and you mentioned in your witness summary, the  
10 evolution, for example, of the PRC strategy on foreign  
11 interference, have you made changes to the kind of briefings  
12 you provide to members of parliament?

13 **MR. BO BASLER:** The briefings -- I believe  
14 the best way to phrase this is, is they represent our  
15 understanding of the threat as the threat is being realised  
16 at the time of the briefing. That understanding changes  
17 every year. As we learn how individual threat actors are  
18 behaving, it changes our understanding, it changes our  
19 approach, and therefore, it will inform and change the  
20 briefing.

21 So yes, the information that we're providing  
22 in 2024, and I don't have the content of what was briefed if  
23 one was done say last month and what was done in 2019 to do a  
24 side-by-side comparison, but the -- I would assume the  
25 difference, there would be a significant difference or a  
26 difference in between the two because our understanding of  
27 the threat is different.

28 **MS. MANI KAKKAR:** I'm mindful of my time, so

1 I'll ask just one last question. Actually, I may try to  
2 squeeze in two, but let's see.

3 So when you provide these briefings, you --  
4 it seems to leave information for those candidates or those  
5 members of parliament to be able to contact you if they  
6 discover any possible foreign interference. Have you found  
7 that there has been an increase in the number of potential  
8 foreign interference complaints your office has received?

9 **MR. BO BASLER:** Yeah, not -- yes, there are  
10 more engagements. I'm not sure if I'd refer to them as  
11 foreign interference complaints because it's -- I think  
12 that's something that's -- it's a construct that lives in the  
13 policing world a little more than this -- than our world.  
14 When we go out and engage with Canadians across the country,  
15 MPs included, it is very much designed to be able to build  
16 the resilience but also open that line of communication.

17 So there are a number of individuals across  
18 the country, MPs, that have continued that conversation with  
19 the Service after that initial briefing, and we will continue  
20 to engage them on their specific situations as part of the  
21 relationships. But these briefings, that is one of the  
22 functions of them is to open that door in line of two-way  
23 communication individually.

24 **MS. MANI KAKKAR:** Okay. So that ---

25 **COMMISSIONER HOGUE:** Thank you.

26 **MS. MANI KAKKAR:** --- was more for me than  
27 for you, but thank you so much for your answer.

28 **COMMISSIONER HOGUE:** Thank you.

1 Counsel for Michael Chong?

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

3 MR. GIB van ERT:

4 MR. GIB van ERT: Mr. Basler, I want to ask  
5 you about some statements in the document WIT36.

6 If the Court Operator would put that on the  
7 screen? And if you'll go to page 7 at the bottom, please?  
8 There we are. Yeah. Exactly.

9 Just under the heading "PRC", Mr. Basler.  
10 I'll read this to you so we all have it, but you're  
11 contrasting the PRC strategies and level of influence, I  
12 think it's fair to say, in 2019 in this country versus 2021.  
13 And what you said is -- well, what the statement says is:

14 "Mr. Basler explained that in 2019,  
15 candidates the PRC disliked received  
16 little to no coverage in Chinese-  
17 language news media, and would not be  
18 invited to Chinese-Canadian community  
19 events."

20 I'll just pause there. I was dumbstruck by  
21 that. And I just want to make sure that I've understood you  
22 correctly. Are -- is it the Service's view, in your  
23 experience, that in 2019, again, the PRC, a foreign country  
24 across the ocean, thousands of kilometres away, has such  
25 influence in Chinese-language news media in this country,  
26 again, five years ago now, that it could persuade media in  
27 our country, Chinese-language media, a small segment perhaps,  
28 but nevertheless, media in our country, to not cover people

1 who the PRC disliked? Is that what you're saying here, sir?

2 **MR. BO BASLER:** I think we need to  
3 disentangle the broad statements from the specific  
4 statements. So yes, absolutely it is our understanding that  
5 there are levers that the People's Republic of China will  
6 use, including influence over media outlets, some here, some  
7 international, that Canadians access that aren't based here  
8 in Canada. So the news media is not just restricted to that  
9 which is produced here in Canada. So there are different  
10 avenues or different means by which Canadians consume the  
11 media. But using influence over those media outlets  
12 absolutely is understood to be one of the techniques that's  
13 used.

14 That statement, though, is not a blanket  
15 statement. It was part of a discussion which was a little  
16 bit larger and a little bit more nuanced and included more  
17 classified specifics as examples.

18 But yes, as a general statement, not a  
19 blanket statement, that's accurate.

20 **MR. GIB van ERT:** Thank you. That's very  
21 helpful and I do take your point. I think if the idea were  
22 limited to the notion that news media outside the country ---

23 **MR. BO BASLER:** M'hm.

24 **MR. GIB van ERT:** --- might be influenced ---

25 **MR. BO BASLER:** Yeah.

26 **MR. GIB van ERT:** --- by China, especially if  
27 they were coming from China, we might be a little less  
28 surprised. I'd be a little less dumbfounded.

1                   **MR. BO BASLER:** Fair.

2                   **MR. GIB van ERT:** But your -- I think what  
3 you said is, yes, it's outside the country, but it's also  
4 even within the country?

5                   **MR. BO BASLER:** There absolutely is attempts  
6 to make influence over Canada-based Chinese-language media  
7 outlets. Yes.

8                   **MR. GIB van ERT:** Yes, attempts. But what I  
9 thought you were saying here, and correct me if I've  
10 misunderstood, is that there's successful ---

11                   **MR. BO BASLER:** Some.

12                   **MR. GIB van ERT:** --- attempts in 2019?

13                   **MR. BO BASLER:** Yes.

14                   **MR. GIB van ERT:** Yeah. Thank you. And  
15 likewise, PRC, again in 2019, had such influence that certain  
16 candidates that were unpopular with the PRC would be  
17 disinvited to events happening in our country?

18                   **MR. BO BASLER:** Yes.

19                   **MR. GIB van ERT:** All right. That -- I find  
20 that staggering. And I thank you for bringing that to our  
21 attention in this public forum.

22                   Then you go on about 2021. Well, let me  
23 finish reading the paragraph. You say: "The PRC's strategy..."  
24 We're talking about 2019 here:

25                   "...was to make these candidates  
26 unappealing by rendering them  
27 unknown..."

28                   **MR. BO BASLER:** M'hm.

1                   **MR. GIB van ERT:**

2                   "...while heavily promoting the PRC's  
3                   favoured candidates."

4                   And then you come on to 2021 and you say  
5                   that:

6                   "By 2021, the [...] strategy had  
7                   evolved, from passive shunning to  
8                   active reputational attacks."

9                   And you give the example of Kenny Chiu, who  
10                  you note was labelled as racist or anti-Chinese.

11                  So again, I just want to understand better.  
12                  If you can add anything to it, and I understand you were  
13                  speaking in a different forum and you may not feel able to  
14                  add anything to it, in which case fine, please say so. But  
15                  again, I think this will open a lot of people's eyes and I do  
16                  invite you, if you are able, to explain that move to active  
17                  reputational attacks in this country?

18                  **MR. BO BASLER:** Yeah. I think what I can say  
19                  is highlighting some of the I'd say negative space in between  
20                  the two. So there was what appeared, at least in my region,  
21                  that there was a change in tactic in between the two  
22                  elections.

23                  Why there was a change in tactic, that is not  
24                  highlighted here. There can be a multitude of different  
25                  reasons, which may change it, including the fact that in  
26                  2019, there was not a pandemic and in 2021 there was; right?  
27                  So the ability to use the same levers and tools that may have  
28                  been at a state's disposal in 2019 may not be as effective in

1 2021.

2 So while we saw a change in tactic, I'm not  
3 willing or not in the position in this venue to go further  
4 into the details of why that may have been, besides a  
5 statement that they are different and there is reasons behind  
6 that, maybe.

7 **MR. GIB van ERT:** Thank you. And you  
8 mentioned your region at the time. And was that British  
9 Columbia at the time for 2021?

10 **MR. BO BASLER:** Correct.

11 **MR. GIB van ERT:** Right. So the region where  
12 Mr. Chiu's riding was? Steveston-Richmond East?

13 **MR. BO BASLER:** Correct.

14 **MR. GIB van ERT:** Right. In this paragraph,  
15 again, I don't want to read too much into it.

16 **MR. BO BASLER:** M'hm.

17 **MR. GIB van ERT:** I will tell you what I  
18 think I'm reading into it, and you'll correct me if I've gone  
19 too far.

20 You're describing observations in a shift in  
21 strategy from -- and a shift in influence from 2019 to 2021.  
22 Was your agency, if you're free to say, detecting the 2019  
23 strategy in 2019? Or is it something that you look upon now  
24 and can see, but didn't see at the time?

25 **MR. BO BASLER:** So I think, again, I'm going  
26 to step back and disentangle some -- a couple of things.

27 First, we speak about the strategy or we  
28 speak about the activities that we witnessed or that we saw

1 that our intelligence led us to believe we're undertaking.  
2 That's not coupled with the influence; right? So it's not --  
3 what is detailed in the summary is the intelligence on the  
4 activities undertaken, not the scope of influence of those  
5 activities. So there's no commentary on how effective they  
6 may or may not have been. So I just want to draw that  
7 distinction. There's not that conclusion in this.

8 We are continually collecting intelligence  
9 that is focused in the present and in the past, and with an  
10 eye towards the future.

11 So our understanding of what we saw in 2019  
12 would be informed by what we were collecting at the time. It  
13 may also, when we collect something in 2019 and compare it  
14 with something that we collected in 2014, we may understand  
15 the relevance of that piece of intelligence that was  
16 collected in 2014.

17 So something collected many years earlier may  
18 all of a sudden inform us and become pertinent to our  
19 understanding of 2019. The same thing looking forward. So  
20 when we're collecting in 2019, it may be informing what we  
21 might see and give us an opportunity to crystal ball, for  
22 example, what may be coming in future elections. But it's  
23 not purely restricted to our understanding of 2019 threat as  
24 it was being realized is based only on the collection of  
25 2019. It's the collection of stuff much earlier and much  
26 later. We may get something a year from now which informs  
27 our understanding of what happened in 2019.

28 **MR. GIB van ERT:** Thank you. My ---

1                   **MR. BO BASLER:** It's a very common  
2 occurrence.

3                   **MR. GIB van ERT:** Thank you. My last  
4 question.

5                   **COMMISSIONER HOGUE:** Yes, because your time  
6 is over ---

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

8                   **COMMISSIONER HOGUE:** --- so ---

9                   **MR. GIB van ERT:** My last question is, are  
10 you aware of any efforts that either the Service made or  
11 other agencies, departments of the government made to advise  
12 Chinese language candidates from any party of these sorts of  
13 influences and activities that you were detecting, so that  
14 they could arm themselves in advance of the 2021 election,  
15 for instance?

16                   **MR. BO BASLER:** Yeah, I think the best answer  
17 I can give to that is that is, you know, a big part of why we  
18 were engaging with the defensive security briefings, was to  
19 increase that resilience and understanding to this threat.

20                   **MR. GIB van ERT:** Thank you. You've been  
21 very helpful.

22                   **COMMISSIONER HOGUE:** Thank you.

23                   So next one is Human Rights Coalition.

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

25                   **MS. HANNAH TAYLOR:**

26                   **MS. HANNAH TAYLOR:** Hello, Mr. Basler. I  
27 would like to refer you to a document submitted by the Human  
28 Rights Coalition. It's a report prepared by Human Rights

1 Action Group and Secure Canada. It can be found at HRC 6.  
2 And if the Court Reporter could please pull it up and turn to  
3 page 129.

4 --- EXHIBIT No./PIÈCE No. HRC 6:

5 Combating Transnational Repression  
6 and Foreign Interference in Canada: A  
7 Paper by Secure Canada and Human  
8 Rights Action Group

9 **MS. HANNAH TAYLOR:** And then I believe --  
10 make sure this is right. No, 129, and then on the -- sorry,  
11 at 129 of the document, not the PDF, please. Okay. And  
12 right there. So thank you very much.

13 On the right-hand column, the second  
14 paragraph, starts with "Freedom House". I'll just read it  
15 out to you.

16 "Freedom House states that while CSIS  
17 and the RCMP maintain ways for  
18 reporting national security  
19 information, these are not specific to  
20 transnational repression, and as most  
21 reports are deemed not to be national  
22 security related, they're not followed  
23 up with by law enforcement." (As read)

24 In the context of election interference, and,  
25 of course, I know you can speak to CSIS, RCMP, what are your  
26 thoughts on this finding by Freedom House?

27 **MR. BO BASLER:** To have a full understanding  
28 of their findings, I would kind of need to be able to read

1 everything that went into their findings. But kind of on a  
2 general level, so not to deal with this is as finding on  
3 transnational repression, so in terms of foreign interference  
4 in the electoral space, we did -- one of the documents that  
5 we've produced, I believe it might have been brought up when  
6 the headquarters panel was in, we did produce that in, if I'm  
7 not mistaken, six or seven different languages, so not just  
8 in the two official languages, but foreign interference knew  
9 we produced it in a number of languages, so that it could be  
10 distributed and understood by non-native English or French  
11 speakers. So that was a way to try and open up the door and  
12 create that kind of two-way dialogue with communities across  
13 the country and give them that avenue to be able to reach  
14 back into the Service, if it's the Service or the RCMP, if  
15 need be. That was our document ---

16 **MS. HANNAH TAYLOR:** Okay. Perhaps we'll move  
17 to CSIS's public reporting or complaints mechanism more  
18 specifically.

19 **MR. BO BASLER:** Sure.

20 **MS. HANNAH TAYLOR:** To the extent you're  
21 aware, did CSIS receive reports from diaspora members  
22 regarding potential election interference in the 2019 and  
23 2021 elections?

24 **MR. BO BASLER:** I am not aware personally,  
25 but I was not in positions to be able to be aware of what was  
26 coming into our tip line so.

27 **MS. HANNAH TAYLOR:** Do members of the public  
28 in your opinion tend to know that they can contact you or

1 contact CSIS with complaints?

2 **MR. BO BASLER:** I believe so. We are as  
3 accessible as -- we try and be accessible. Back when people  
4 used phone books, we were in phone books. Nowadays, you  
5 know, we have our website. We are engaging across the  
6 country. Our regional offices are engaging across the  
7 country. Our academic outreach stakeholder engagement units  
8 is engaging with community groups across the country. So the  
9 -- trying to raise the awareness to ensure that Canadians  
10 have that ability to reach up, pick up the phone, send us an  
11 email, do the tip line, whatever it may be. So a fair amount  
12 of outreach does happen. Its efficacy, I don't think I can  
13 speak to though.

14 **MS. HANNAH TAYLOR:** Speaking to, I suppose --  
15 you talked about appearing in phone books, now online, over  
16 the phone, information about the tip line and how it can be  
17 accessed, is that advertised in language other than English  
18 and French, to your awareness?

19 **MR. BO BASLER:** I'm not a hundred per cent  
20 sure. I wouldn't be able to give a definitive answer one way  
21 or another on that.

22 **MS. HANNAH TAYLOR:** Okay.

23 **COMMISSIONER HOGUE:** Your time is over.

24 **MS. HANNAH TAYLOR:** Yes, I'm afraid. Thank  
25 you.

26 **MR. BO BASLER:** Thank you.

27 **COMMISSIONER HOGUE:** Thank you.

28 So next one is Mr. Sirois for RCDA.

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

2 MR. GUILLAUME SIROIS:

3 MR. GUILLAUME SIROIS: Merci. Guillaume  
4 Sirois for the RCDA. Are you aware of any foreign  
5 interference or influence activity in our electoral processes  
6 conducted by the Russian Intelligence Services in Canada  
7 during the 43<sup>rd</sup> and 44<sup>th</sup> general elections?

8 MR. BO BASLER: I would draw on -- I don't  
9 have the authority to pull up on the screen or ask, but in  
10 our country summary on Russia, we detailed that we didn't see  
11 a significance of Russian attempts at interference in those  
12 elections.

13 MR. GUILLAUME SIROIS: But in your witness  
14 summary, there's no mention about Russia; is that right?

15 MR. BO BASLER: I do not believe there is any  
16 mention in the witness summary, no.

17 MR. GUILLAUME SIROIS: Is that because ---

18 MR. BO BASLER: So I meant the country  
19 summary ---

20 MR. GUILLAUME SIROIS: Right.

21 MR. BO BASLER: --- that we produced, but,  
22 no, I don't believe in my witness summary that there's  
23 mention of Russia.

24 MR. GUILLAUME SIROIS: And is it because  
25 Russia was not a concern or is it because there was no  
26 questions -- further questions asked about the topical  
27 summaries during the interviews and in-camera hearings about  
28 Russia?

1           **MR. BO BASLER:** Right. So the -- both the  
2 topical summaries, the publicly releasable versions of the  
3 in-camera hearings and the publicly releasable versions of  
4 the interviews, all three are information which can be  
5 released and discussed publicly. The information which  
6 cannot be released for national security grounds is not found  
7 in those documents. So the reason I give that explanation is  
8 so it's not -- the absence of a conversation in a public  
9 document doesn't mean a conversation did or did not occur.  
10 It's what can be publicly released in the documents.

11           **MR. GUILLAUME SIROIS:** Okay. But your  
12 witness summary talks about India. It talks about China. It  
13 doesn't talk about Russia. I find this peculiar. Don't you  
14 agree?

15           **COMMISSIONER HOGUE:** What is your question,  
16 I'm sorry?

17           **MR. GUILLAUME SIROIS:** I want to know if the  
18 witness discussed with the Commission about Russian  
19 interference prior to his testimony today. I want to know  
20 more about Russian interference in the last two elections in  
21 the context of the topical summary that was submitted.

22           **MR. GORDON CAMERON:** Madam Commissioner, I  
23 think this is a point where the witness has done as well as  
24 counsel could have done to state the dilemma he's in, that a  
25 great deal of effort's been put into saying what can be said  
26 publicly ---

27           **MR. GUILLAUME SIROIS:** I'll move on.

28           **MR. GORDON CAMERON:** --- and what can't.

1           **MR. GUILLAUME SIROIS:** Thank you. Did CSIS  
2 witness any rise in what we know as IMVE, being ideologically  
3 motivated violent extremism in the days or weeks leading up  
4 to the 2021 election?

5           **MR. BO BASLER:** I'm not a -- so the IMVE  
6 investigation is under the remit of our counter-terrorism  
7 branch. I am not an expert in that area, so I can't say if  
8 in the weeks leading up -- so the very small timeframe of the  
9 weeks leading up to the election that there was an increase  
10 in IMVE related threat activity. I'm not in a position to be  
11 able to say that. It is, broadly speaking, it is a threat  
12 that has been increasing over the years, absolutely.

13           **MR. GUILLAUME SIROIS:** Okay. But you cannot  
14 talk about any increase during the election period,  
15 specifically?

16           **MR. BO BASLER:** I can't, no; I'm sorry.

17           **MR. GUILLAUME SIROIS:** Thank you. No further  
18 questions.

19           **COMMISSIONER HOGUE:** Thank you.

20           Sikh Coalition.

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

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

23           **MR. PRABJOT SINGH:**

24           **MR. PRABJOT SINGH:** If Mr. Court Operator can  
25 bring up Mr. Basler's witness summary, page 7.

26           And Mr. Basler, if you could remind me, you  
27 were the Director General of CSIS's B.C. regional office.  
28 Can you remind me of what time period that was in?

1           **MR. BO BASLER:** I was. I arrived in the  
2 summer of 2021, and then began this position in 2023 on a  
3 temporary basis, and then transitioned to a ---

4           **MR. PRABJOT SINGH:** Oh, so you're now the  
5 Counter Foreign Interference Coordinator; correct?

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

7           **MR. PRABJOT SINGH:** And so from that vantage  
8 point, and I would imagine the Service has some institutional  
9 memory as well, would you agree with me that Indian foreign  
10 interference activity in Canada, whether that's transnational  
11 repression or electoral interference, has increased from say  
12 2017 until now, and including the last two electoral periods?

13           **MR. BO BASLER:** I'm actually not, I think,  
14 well positioned to put a baseline level in one year versus  
15 another year. It certainly is a threat that has been on the  
16 radar, yes, and is a threat that has been obviously of  
17 importance to the Service and to the government, but I -- I'm  
18 not -- I don't think I'm positioned to be able to say there  
19 was a certain level of activity in 2017 and then in 2019 and  
20 then 2021. I can't -- I can't graph it like that for you;  
21 I'm sorry.

22           **MR. PRABJOT SINGH:** Right. Yeah, that's  
23 fair. And so referring to page 7 of your witness summary, it  
24 is fair to say, however, that India is only second to the PRC  
25 in terms of the level of foreign interference in Canada.  
26 Fair?

27           **MR. BO BASLER:** Is that on page 7? Sorry.

28           **MR. PRABJOT SINGH:** Yeah, in the middle of

1 page 7, Foreign Interference Involved In FI:

2 "The witness indicated that in India,  
3 while a clear second to PRC in terms  
4 of the level of a foreign  
5 interference threat..." (As read)

6 **MR. BO BASLER:** Yeah.

7 **MR. PRABJOT SINGH:** Is that a fair statement?

8 **MR. BO BASLER:** That's a fair statement.

9 **MR. PRABJOT SINGH:** And I want to draw your  
10 attention to that last sentence in that paragraph that, "All  
11 interviewees", that's yourself and two of your CSIS  
12 colleagues:

13 "...agreed that foreign interference  
14 by India was corrosive to Canadian  
15 democratic processes and to regional  
16 community cohesion." (As read)

17 Could I ask you to expand on the latter part?  
18 What did you mean about being corrosive to regional community  
19 cohesion?

20 **MR. BO BASLER:** So I think the -- one of the  
21 documents that you have accessed to is the country summary  
22 for India that was primarily produced by the Service in  
23 consultation with other government departments. In that  
24 particular document, we discuss the fact that the Government  
25 of India undertakes -- has different driving forces behind  
26 why it undertakes foreign interference activities. One of  
27 those is to counter what it perceives as threats to its own  
28 internal stability.

1                   And as soon as any country, India included,  
2 but as soon as any country does those kinds of activities  
3 focussed on a particular element of Canadian society, so in  
4 this case what it perceives as threats, which is individuals  
5 or groups that are advocating for an independent Sikh  
6 homeland, that is corrosive to Canadian society. So that's  
7 the context in there, and it's corrosive to community  
8 cohesion as well.

9                   **MR. PRABJOT SINGH:** So sorry, just to  
10 clarify. So India's targeted activity that targets Sikh  
11 advocates for a Sikh homeland and the results of that  
12 targeting is what leads to the breakdown in community  
13 cohesion?

14                   **MR. BO BASLER:** I think the way to best  
15 characterise that is it certainly is a factor, absolutely,  
16 yes.

17                   **MR. PRABJOT SINGH:** And so a lot of observers  
18 of India's ruling party, the VJP, talk about how Indian  
19 officials seek to polarise politics along sectarian and  
20 ethnic and identity lines. So when you talk about being  
21 corrosive to community cohesion, is that polarisation within  
22 diaspora communities something that you're referring to as a  
23 byproduct of India's foreign interference?

24                   **MR. BO BASLER:** My understanding that this  
25 part of the Inquiry is focussed on the electoral space as  
26 opposed to simply that -- the cohesion matters. So I think  
27 the -- I'll draw back to the country summary as produced  
28 because that document really reflects the understanding that

1 the Service has, again in consultation with other government  
2 departments, on their activities focussed on those elections.  
3 And that's really what has been produced and about as far as  
4 I'm going to be able to discuss in the confines of this  
5 Inquiry.

6 **MR. PRABJOT SINGH:** Madam Commissioner, I see  
7 that my time is ---

8 **COMMISSIONER HOGUE:** Your time is over.

9 **MR. PRABJOT SINGH:** --- over. I'm trying to  
10 follow up -- my last follow up just to clarify a little bit?

11 **COMMISSIONER HOGUE:** Ask your question, but -  
12 --

13 **MR. PRABJOT SINGH:** Sure.

14 **COMMISSIONER HOGUE:** --- I'll see whether I  
15 permit it or not.

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

17 I am just trying to understand like -- so  
18 we're talking about electoral interference, and within that  
19 context this community cohesion has been referenced, and I'm  
20 just trying to -- are you not able to expand upon what those  
21 impacts are on the ground in Canada?

22 **MR. BO BASLER:** Am I free to ---

23 **COMMISSIONER HOGUE:** You can answer.

24 **MR. BO BASLER:** Thank you.

25 The referencing was not done by the Service.  
26 So again, I draw back to the country summary in terms of the  
27 publicly releasable information that we have relative to the  
28 Government of India's attempts at interference in the

1 electoral processes.

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

3 **COMMISSIONER HOGUE:** Thank you.

4 AG?

5 **MR. BARNEY BRUCKER:** It's late. No

6 questions.

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

8 **MR. GORDON CAMERON:** No re-examination.

9 Thank you.

10 **COMMISSIONER HOGUE:** Thank you.

11 So we'll resume tomorrow morning at 9:30.

12 **THE REGISTRAR:** Order, please. À ordre, s'il

13 vous plaît.

14 This sitting of the Foreign Interference  
15 Commission has adjourned until tomorrow at 9:30 a.m. Cette  
16 séance de la Commission sur l'ingérence étrangère levée  
17 jusqu'à demain à 9h30.

18 --- Upon adjourning at 6:47 p.m.

19 --- L'audience est ajournée à 18h47

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C E R T I F I C A T I O N

I, Sandrine Marineau-Lupien, a certified court reporter, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Sandrine Marineau-Lupien, une sténographe officielle, certifie que les pages ci-hauts sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



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Sandrine Marineau-Lupien