



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 11
ENGLISH INTERPRETATION**

Held at :

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

Friday, April 5, 2024

Tenue à:

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

Le vendredi 5 avril 2024

INTERNATIONAL REPORTING INC.

<https://www.transcription.tc/>

(800)899-0006

II Appearances / Comparutions

Commission Lead Counsel /
Procureure en chef de la commission

Shantona Chaudhury

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
Maia Tsurumi
Leila Ghahhary
Emily McBain-Ashfield
Hamza Mohamadhossen

Commission Research Council /
Conseil de la recherche de la
commission

Geneviève Cartier
Nomi Claire Lazar
Lori Turnbull
Leah West

Commission Senior Policy Advisors /
Conseillers principaux en politiques de la
commission

Paul Cavalluzzo
Danielle Côté

III

Appearances / Comparutions

Commission Staff / Personnel de la commission	Annie Desgagné Casper Donovan Michael Tansey
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

V
Table of Content / Table des matières

	PAGE
MR. ALLEN SUTHERLAND, Sworn/Assermenté	1
Examination in-Chief by/Interrogatoire en-chef par Ms. Lynda Morgan	1
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	27
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	31
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	33
Cross-Examination by/Contre-interrogatoire par Ms. Mani Kakkar	36
Cross-Examination by/Contre-interrogatoire par Mr. Nando de Luca	41
MR. ERIC GORDON, Sworn/Assermenté	47
MS. GALLIT DOBNER, Affirmed/Sous affirmation solennelle	47
MS. TARA DENHAM, Affirmed/Sous affirmation solennelle	47
MR. LYALL KING, Affirmed/Sous affirmation solennelle	48
CSIS REPRESENTATIVE, Affirmed/Sous affirmation solennelle	48
Examination in-Chief by/Interrogatoire en-chef par Ms. Lynda Morgan	48
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	110
Cross-Examination by/Contre-interrogatoire par Ms. Mani Kakkar	117
Cross-Examination by/Contre-interrogatoire par Ms. Emily Young	126
Cross-Examination by/Contre-interrogatoire par Mr. Nando de Luca	128
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	135
Cross-Examination by/Contre-interrogatoire par Mr. Jon Doody	140
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	145
Cross-Examination by/Contre-interrogatoire par Mr. Matthew Johnson	154

VI
Table of Content / Table des matières

	PAGE
MS. GALLIT DOBNER, Resumed/Sous la même affirmation	158
MR. LYALL KING, Resumed/Sous la même affirmation	158
MS. LISA DUCHARME, Sworn/Assermentée	159
CSIS REPRESENTATIVE, Affirmed/Sous affirmation solennelle	159
Examination in-Chief by/Interrogatoire en-chef par Mr. Jean-Philippe MacKay	159
Cross-Examination by/Contre-interrogatoire par Mr. Preston Lim	208
Cross-Examination by/Contre-interrogatoire par Mr. Sujit Choudhry	216
Cross-Examination by/Contre-interrogatoire par Mr. Nando de Luca	226
Cross-Examination by/Contre-interrogatoire par Mr. Gib van Ert	231
Cross-Examination by/Contre-interrogatoire par Mr. Guillaume Sirois	239
Cross-Examination by/Contre-interrogatoire par Mr. Prajbot Singh	249
Cross-Examination by/Contre-interrogatoire par Ms. Sarah Teich	260

VII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT 40	A. Sutherland Public Summary of Classified Interview	2
CAN 10432	Briefing to political parties on Threats to Canada's electoral process - Talking points for the assistant secretary to cabinet (machinery of government and democratic institutions)	4
CAN 457	Critical Election Incident Public Protocol - the Panel	19
CAN 1082	Liberal Party Representatives SITE Briefing	42
WIT 45	L. King, T. Denham, G. Dobner, E. Gordon and CSIS Representative Public Interview Summary	49
WIT 44	SITE TF 2019 Public Summary of Classified Examination	50
CAN 8287	SITE TF - Lessons Learned Summary	53
CAN 12788	SITE TF - Partner Roles - Leading to Election 2019	56
CAN 9397	SITE TF SITREP: 09 September 2019	78
CAN 13638	Progress Update to ADMs - SITE Task Force	87
CAN 3126	Email: Response from CSIS	105
CAN 8973	SITE Task Force After Action Report - 2019 Federal Election	107
CAN.DOC.11	Institutional Report for PCO	128
CAN 13303	Briefings on Foreign Election Interference	133
CAN 2327	Political Parties Classified Briefing - 2019-10-02	134
HRC 28	The Atlantic Council's questionable relationship with Gabon's leader _ The Hill	135
WIT 47	SITE TF 2021 Public Summary of Classified Interview	160

VIII
Exhibit List / Liste des pièces

No.	DESCRIPTION	PAGE
WIT 46	SITE TF 2021 Public Summary of Classified Examination	161
CAN 3498	SITE TF Briefing to Secret Cleared Federal Political Parties	188
CAN 6595	GE44: Chinese Communist Party Social Media Accounts Spreading Negative Narratives about the Conservative Party of Canada	201
CAN 6748	Email thread: 04 Oct 2021	204
CAN 3590	SITE TF SITREP: 27 August 2021	208
CAN 12854	SITE TF SITREP: 13 September 2021	210

1 Ottawa, Ontario

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

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

4 This sitting of the Foreign Interference
5 Commission is now in session. Commissioner Hogue is
6 presiding. The time is 9:37 a.m.

7 **COMMISSIONER HOGUE:** Good morning, everybody.
8 Another day.

9 Is there any housekeeping or you're ready to
10 go?

11 **MS. LYNDA MORGAN:** No housekeeping today.

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

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

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

19 **MR. ALLEN SUTHERLAND:** Sworn.

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

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

24 **THE REGISTRAR:** Thank you.

25 **--- MR. ALLEN SUTHERLAND, Sworn:**

26 **--- EXAMINATION IN-CHIEF BY MS. LYNDA MORGAN:**

27 **MS. LYNDA MORGAN:** Mr. Sutherland, I
28 understand that you have been the Assistant Secretary to the

1 Cabinet machinery of government and Democratic Institutions
2 at the Privy Council Office since the fall of 2016. Is that
3 right?

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

5 **MS. LYNDA MORGAN:** So short form, which I may
6 use, is PCODI. Is that right?

7 **MR. ALLEN SUTHERLAND:** Okay.

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

10 **--- EXHIBIT No. WIT 40:**

11 A. Sutherland Public Summary of
12 Classified Interview

13 **MS. LYNDA MORGAN:** And Mr. Sutherland, you
14 were interviewed by Commission Counsel on February 7, 2024 in
15 a classified space. Is that correct?

16 **MR. ALLEN SUTHERLAND:** It is.

17 **MS. LYNDA MORGAN:** And have you reviewed a
18 copy of the summary that is in front of you?

19 **MR. ALLEN SUTHERLAND:** I have.

20 **MS. LYNDA MORGAN:** Do you agree that the
21 summary accurately reflects the substance of your evidence
22 that can be made public?

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

24 **MS. LYNDA MORGAN:** Any changes to be made to
25 that document?

26 **MR. ALLEN SUTHERLAND:** No.

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

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

2 **MS. LYNDA MORGAN:** Just as a starting point,
3 can you explain, briefly, the role of Democratic
4 Institutions?

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

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

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

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

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

24 **MS. LYNDA MORGAN:** Thank you. And I will
25 move on to ask you some specific questions about the Plan
26 itself, but in terms of its development, was the Plan
27 developed in consultation with any of the other political
28 parties?

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

2 It may well have been that there were discussions at the
3 political level, but I did not participate in any of those.

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

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

11 Can I have CAN 10432 pulled up, please.

12 **--- EXHIBIT No. CAN 10432:**

13 Briefing to political parties on
14 Threats to Canada's electoral process
15 - Talking points for the assistant
16 secretary to cabinet (machinery of
17 government and democratic
18 institutions)

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

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

23 **MS. LYNDA MORGAN:** And if we can scroll down
24 on that page, just stopping there.

25 We can see Pillar 1. I'm going to ask you
26 about the pillars. Did the pillars of the Plan change from
27 2018 to 2021?

28 **MR. ALLEN SUTHERLAND:** There was a slight

1 change to Pillar 4. In 2019, Pillar 4 was -- had a
2 expectation that social media companies will respond,
3 expectations on social media companies. By 2021, it had a
4 more broader -- a broader definition that was more about
5 issues around engagement of civil society, but it did include
6 -- still included social media platforms.

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

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

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

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

16 **MR. ALLEN SUTHERLAND:** The Protocol itself,
17 or the pillar?

18 **MS. LYNDA MORGAN:** The Protocol itself under
19 that pillar.

20 **MR. ALLEN SUTHERLAND:** So the Critical
21 Election Incident Public Protocol is a Cabinet directive that
22 was first developed and approved by Cabinet in 2019, in the
23 summer of 2019. And what the Protocol does is it -- what's
24 important -- there are a couple of important things to know
25 about the Protocol. One, it's a time-limited protocol. It
26 -- in 2021, it referred to the -- it was in operation during
27 the Caretaker Convention.

28 So the Caretaker Convention is from the

1 dropping of the writ, or the start of the election, to the
2 formation of a new government, usually understood to be
3 formation of a new Cabinet, but if the election result is
4 clear, the Caretaker Convention dissolves away on election
5 night if the results are known.

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

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

21 **MS. LYNDIA MORGAN:** And we see that under the
22 pillar of Enhancing Citizen Resilience. What's the kind of
23 link between the concept you've just described and the
24 pillar?

25 **MR. ALLEN SUTHERLAND:** Yeah. From the very
26 beginning, Minister Gould's vision of protecting democracy
27 was that it ought to be citizen centred. That, you know, the
28 strongest bulwark against electoral interference is a

1 critical-thinking informed citizenry. And really, the
2 Panel's authority is one of informing citizens in the event
3 of an exceptional interference in our democracy. So it --
4 it's connected to informing citizens because if the Panel is
5 required to act its job is to inform citizens.

6 **MS. LYNDIA MORGAN:** Okay.

7 And I'll ask that we scroll down in this
8 document, please.

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

11 If we can keep scrolling down.

12 The second pillar is described as Improving
13 Organizational Readiness. Can you describe kind of high
14 level what that pillar means within the concept of the Plan
15 itself?

16 **MR. ALLEN SUTHERLAND:** Sure. This reflects
17 sort of a broader view of how do you protect the system writ
18 large. We understood that a narrow vision would be just the
19 election, but a broader vision would incorporate other parts
20 of Canadian society.

21 What you see there is kind of different
22 members, if I can put, of a kind of democratic ecosystem that
23 also need to be protected. For instance, political parties
24 are vital parts of our democracy, and also vulnerable parts
25 of our democracy because they are large volunteer
26 organisations. So outreach to them to ensure that they were
27 aware of the threats facing them was an important part of the
28 Plan.

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

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

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

22 **MR. ALLEN SUTHERLAND:** Correct.

23 **MS. LYNDA MORGAN:** Was -- is Pillar 2, the
24 Improving Organizational Readiness prong, time limited in the
25 same way?

26 **MR. ALLEN SUTHERLAND:** So there are different
27 elements to the Plan. Certainly, the briefing of political
28 parties, there is an aspect of that that only occurs during

1 the caretaker period. Direct briefings during the electoral
2 event with cleared staff from the different political
3 parties, but other elements would occur 24/7. As we have
4 understood the nature of the threat, it's increasingly seen
5 as one that doesn't just exist in the electoral period.

6 You know, obviously, during an electoral
7 period is a time of heightened vulnerability, but
8 increasingly, we view it as throughout the entire cycle, not
9 just the election and the election event.

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

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

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

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

19 So -- and if you'll permit me a machinery
20 comment, when you start to develop a plan, you start with the
21 assets you have. And the assets we had were the national
22 security agencies, in particular the RCMP, the Canadian
23 Security and Intelligence Service, Canadian Security
24 Establishment and one that was created subsequently was the
25 Rapid Response Mechanism within Global Affairs Canada.

26 So you start with the assets you have and
27 what you try and do, and this is where the innovation comes
28 in, you direct them to a common issue, electoral

1 interference, and you ask them to work within their mandates,
2 so that's what was happening with the SITE Task Force. It
3 was originally set up to feed the panel with information and
4 to provide an oversight of the -- of kind of the democratic
5 ecosystem during the election time period.

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

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

13 **MR. ALLEN SUTHERLAND:** Yeah.

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

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

23 It's a Canadian innovation. It is used by
24 the G7 and it is also -- a number of countries have adopted
25 observer status to be part of it. It's a sharing of best
26 practices, and it's a way of kind of providing a defence
27 system, an early warning system against foreign interference
28 that might come through social media, which became a growing

1 concern as time has gone on.

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

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

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

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

23 **MS. LYNDA MORGAN:** --- in 2018-2019. Did you
24 attend at those briefings with the Minister?

25 **MR. ALLEN SUTHERLAND:** With the social media
26 companies, you mean?

27 **MS. LYNDA MORGAN:** Just in -- starting just
28 generally, did you typically attend briefings with the

1 Minister?

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

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

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

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

14 **MS. LYNDA MORGAN:** Did you attend
15 intelligence briefings with Minister Gould?

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

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

22 **MR. ALLEN SUTHERLAND:** Sure.

23 **MS. LYNDA MORGAN:** Was this a concept that
24 existed in another country that was looked to as an example
25 or was this a kind of Canadian concept?

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

28 The Caretaker Convention is a protocol that

1 exists in Westminster countries. It was first made public by
2 Prime Minister Harper in 2015, I believe, and was
3 subsequently updated and made public by Prime Minister
4 Trudeau prior to the last two elections.

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

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

22 **MS. LYNDIA MORGAN:** And were you involved in
23 determining the identity or the composition of the panel
24 members?

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

27 **MS. LYNDIA MORGAN:** And so how would you
28 describe the composition that was eventually -- that was

1 settled upon for the purpose of the plan?

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

10 Why did we choose them? Well, they had
11 actually complementary experiences that we thought in the
12 development of the panel -- we thought and the Minister
13 thought would be important.

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

21 They also had an understanding, deep
22 understanding in the form of the Clerk of the public service
23 and also -- including its democratic institutions. So
24 there's an understanding of democratic institutions as well.

25 In the person of the Deputy Minister of
26 Foreign Affairs, there's a deep understanding of
27 international relations, diplomacy and the issues surrounding
28 them.

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

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

15 **MS. LYNDIA MORGAN:** And did the plan
16 developers consider any different types of panel
17 constitution? For instance, using a group of retired judges?

18 **MR. ALLEN SUTHERLAND:** Yes. Different
19 configurations as we were brainstorming were considered,
20 including retired judges.

21 You know, one of the issues that -- I think
22 the benefit you get from the Panel of Five is you have people
23 who are current in National Security, deeply versed in it,
24 and who also command their organizations. They can get
25 information sources from their own organizations that could
26 inform their deliberations. So it was thought, you know,
27 retired judges are some of our most accomplished Canadians.
28 It was a serious investigation of that, that we felt that

1 particularly if you consider the Panel's remit of the
2 Caretaker Convention, the use of Canada's top public servants
3 in this capacity was the appropriate one and was ultimately
4 agreed to by Cabinet.

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

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

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

11 **MR. ALLEN SUTHERLAND:** Yeah.

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

14 **MR. ALLEN SUTHERLAND:** So I had a secretariat
15 function as Co-Secretariat of Meetings. I didn't participate
16 in Panel meetings, but I did prepare the agenda and I did
17 provide support to the Panel of Five throughout both
18 elections.

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

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

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

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

28 **MS. LYNDA MORGAN:** Did you participate in any

1 discussions with the Panel about what that threshold meant in
2 practice?

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

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

14 So I did try and help the Panel with the task
15 of exercising their judgement as to whether a threshold event
16 had occurred.

17 **MS. LYNDIA MORGAN:** And I understand that
18 ultimately, I mean, the threshold is interpreted to be quite
19 high? Is that right?

20 **MR. ALLEN SUTHERLAND:** Yes. And has been
21 since the beginning.

22 **MS. LYNDIA MORGAN:** When that threshold was
23 developed and the plan was developed, was there any
24 particular type of event that was envisioned? Like, was this
25 designed to respond to a particular predicted or possible
26 event?

27 **MR. ALLEN SUTHERLAND:** Yeah, so certainly in
28 the run up to the development of the plan, there had been, as

1 I mentioned, these events across OECD countries, or
2 democratic countries. At the time, we're talking about 2018,
3 it was understood that about half of OECD countries had had
4 some form of known electoral interference in their systems.
5 The ones that really stuck out though were the American 2016
6 Election, the Brexit Election of 2016, and the 2017 Macron
7 leaks. And so those really helped inform them.

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

12 **MS. LYNDIA MORGAN:** And was the threshold
13 designed to consider impact on electoral integrity at a
14 riding level or at the national level?

15 **MR. ALLEN SUTHERLAND:** So this was an issue
16 that was discussed by both panels. You know, what is the
17 nature of something that would cause a threshold event? Does
18 it have to be national in scope? Can it be more localized?
19 And they had many discussions on this point. And ultimately,
20 I think they were looking at the -- so we started with, you
21 know, in the development of the threshold and understanding
22 of Russian cyber interference, I would say that that quickly
23 evolved as kind of the nature of the threat was more broadly
24 known. And so the Panel had many discussions about, kind of,
25 is it one riding? Could it be two ridings? Or does it have
26 to be national? How deep is the impact? There are all sorts
27 of considerations, very context specific, and the Panel did
28 have those discussions.

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

4 **MR. ALLEN SUTHERLAND:** In the original
5 development?

6 **MS. LYNDA MORGAN:** Yes.

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

11 Most nomination contests fall before then,
12 but it is something that is sort of adjacent to the electoral
13 process. And it was an issue that -- it was discussed by the
14 Panel.

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

17 **--- EXHIBIT No. CAN 457:**

18 Critical Election Incident Public
19 Protocol - the Panel

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

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

24 **MS. LYNDA MORGAN:** And you seem quite
25 familiar with it?

26 **MR. ALLEN SUTHERLAND:** Yes.

27 **MS. LYNDA MORGAN:** How are you familiar with
28 this document?

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

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

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

21 So if I just take you through the kind of
22 left-hand side of that, you know, the issues that might be
23 considered are well, is it something that is a really small
24 event? Or does it become viral? Does it -- is it something
25 that quickly comes out of control?

26 One of the features in our social media era
27 is that seemingly small bits of information can explode on to
28 the scene very quickly. So understanding that was a

1 consideration the Panel would have to make.

2 As you suggested earlier, the scale of it.
3 Is it localized or is it a national event is a consideration
4 for the Panel. The source. Is this something that is
5 domestic or foreign?

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

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

20 Whether it's relevant to elections or not is
21 something that is also important. Considerations of the
22 lifespan. We know that in our 24/7 news cycle that events
23 can seem important and disappear very quickly, and by
24 election day are not on anyone's radar. And similarly -- and
25 this is really the -- a very important one because I think it
26 underpins the protecting democracy plan, is the idea of self-
27 correction. The democratic ecosystem in Canada has people,
28 whether it's the media, whether it's some of our think tanks

1 or academics, whether it's the political parties themselves
2 who can call out misinformation. That's part of the
3 democratic debate. And we have seen instances where the
4 debunking of false information has been essential. And if
5 the ecosystem can cleanse itself in that way, that really is
6 the best outcome. The best outcome is that there's no
7 interference and the Panel doesn't have to happen. And so
8 that's a consideration as well.

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

20 **MS. LYNDA MORGAN:** Thank you. I'm going to
21 move onto one last topic with you, which relates to briefing
22 to political parties. We've spoken about that a bit earlier
23 today. And in your witness summary as well you discussed the
24 importance of briefings to the political parties during
25 elections.

26 **MR. ALLEN SUTHERLAND:** Yeah.

27 **MS. LYNDA MORGAN:** Were you involved in
28 coordinating or scheduling any of those briefings?

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

2 **MS. LYNDA MORGAN:** And can you comment on the
3 circumstances in which those briefings would be organized?
4 Like, was there -- would they need to be precipitated by a
5 certain event? Were they regularly scheduled?

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

15 **MS. LYNDA MORGAN:** Did you attend? Did you
16 generally attend those briefings?

17 **MR. ALLEN SUTHERLAND:** I did. I was kind of
18 a host, co-chair of the meetings. And in terms of, you know,
19 kind of what was discussed, we were trying to do a couple of
20 things. One is we were trying to explain the Panel and the
21 connection to the political parties. Because in the event
22 that there is a Panel announcement that would take place,
23 each of the parties gets contacted, and so that they know
24 that -- and they would simply be informed that this is --
25 that the threshold had been breached and there will be an
26 announcement. This includes the Prime Minister in his
27 capacity as leader, but the briefing that he would receive is
28 the same as that would be given to either the political party

1 heads of the other parties or their kind of nominated cleared
2 participant. So explaining the Panel was important.

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

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

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

22 **MS. LYNDIA MORGAN:** Okay. I have a couple
23 more questions for you. I know we're running short on time,
24 so I will just ask you, in 2019 we know there was a briefing
25 that involved just the Liberal Party representative. Are you
26 able to shed some light on the basis on which a decision
27 might be made to brief a particular party rather than
28 briefing the group?

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

11 **MS. LYNDA MORGAN:** And in your witness
12 summary, you describe attending one meeting with Mr. Walied
13 Soliman, the chair of the Conservative Party after the 2021
14 election. Do you remember when that meeting took place in
15 relation to the election?

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

20 **MS. LYNDA MORGAN:** And do you recall being
21 involved in any discussions about the WeChat misinformation -
22 --

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

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

25 **MR. ALLEN SUTHERLAND:** --- at that phone
26 call?

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

28 **MR. ALLEN SUTHERLAND:** He did explain that he

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

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

12 **COMMISSIONER HOGUE:** I had a question for you

13 ---

14 **MR. ALLEN SUTHERLAND:** Sure.

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

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

19 **COMMISSIONER HOGUE:** --- did you look at the
20 possibility of creating this body through a statute rather
21 than through a directive, or through amendments to a natural
22 statute?

23 **MR. ALLEN SUTHERLAND:** It was probably
24 considered early on. We -- I think it was felt that the
25 Cabinet directive model was an appropriate one. It's not a
26 model that's used very often. There are about six Cabinet
27 directives in existence, but they tend to focus on
28 enterprise-wide things, like, regulations or law making or

1 modern treaty. So they tend to encompass the entire public
2 service. So we thought it was actually a very good tool to
3 be using to basically send a signal to the entire public
4 service of a direction by Cabinet that the Panel would be in
5 operation and had some responsibilities and to set them out
6 clearly.

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

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

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

24 **COMMISSIONER HOGUE:** Thank you.

25 So cross-examinations. The first cross will
26 be conducted by RCDA.

27 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

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

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

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

4 Was it a significant investment of time and
5 resources to create the plan to protect Canada's democracy,
6 the Critical Election Incident Public Protocol and the SITE
7 Task Force?

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

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

21 **MR. GUILLAUME SIROIS:** I just want to know
22 that creating those structures; like, those structures
23 require a lot of investment from government, or significant
24 investment from government, right?

25 **MR. ALLEN SUTHERLAND:** Yes, I -- yes, I would
26 agree with that.

27 **MR. GUILLAUME SIROIS:** Okay.

28 **MR. ALLEN SUTHERLAND:** But not compared to

1 many policies, I would argue.

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

3 Yeah, it's just my introduction to the following questions.

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

5 **MR. GUILLAUME SIROIS:** I just want to know
6 that -- in your witness summary you say that this creation of
7 these institutions, these plans, this group, was made in
8 anticipation of a repeat of the Russian interference, similar
9 to what occurred during the 2016 US presidential election,
10 but in Canada.

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

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

20 **MR. ALLEN SUTHERLAND:** Correct.

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

22 **MR. ALLEN SUTHERLAND:** Well, Canada's a G7
23 country of significant size, and it is also a democratic
24 country who has understood that Russia had a geopolitical
25 desire to unsettle democracies.

26 It was originally understood that Russia
27 focused on the electoral event and would try to pick a
28 winner. We've subsequently -- or increasingly of the view

1 that in fact they have -- it's more of a destabilized
2 democracies, and less about a particular winner.

3 **MR. GUILLAUME SIROIS:** And this goal of
4 destabilizing democracies, when would it be the more
5 efficient or effective; would it be during election period or
6 at any other time?

7 **MR. ALLEN SUTHERLAND:** I think that it was
8 generally viewed that the electoral time period was a time
9 period of particular vulnerability.

10 **MR. GUILLAUME SIROIS:** For Russian
11 interference.

12 **MR. ALLEN SUTHERLAND:** For interference,
13 period, including Russian interference, sure.

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

17 **MR. ALLEN SUTHERLAND:** Correct.

18 **MR. GUILLAUME SIROIS:** Okay. And these
19 reasons for potential Russian interference remain true for
20 2019 and 2021 elections?

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

22 **MR. GUILLAUME SIROIS:** Okay. So can we say
23 that Russia had -- possibly had the intention of interfering
24 in the 2019 and 2021 elections?

25 **MR. ALLEN SUTHERLAND:** So that's probably a
26 question better asked of the National Security intelligence
27 folks from the National Security community. There was
28 nothing viewed by the panel that broke the threshold

1 emanating from Russia.

2 **MR. GUILLAUME SIROIS:** Okay, and that would
3 be my last question. From a policy perspective, you
4 mentioned that Canada was a democratic nation; that it was
5 part of the G7.

6 **MR. ALLEN SUTHERLAND:** Yeah.

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

9 **MR. ALLEN SUTHERLAND:** Yeah.

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

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

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

15 **COMMISSIONER HOGUE:** Thank you.

16 Next one is counsel for Human Rights
17 Coalition.

18 **(SHORT PAUSE)**

19 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

20 **MS. SARAH TEICH:** Good morning, Mr.
21 Sutherland.

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

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

28 **MR. ALLEN SUTHERLAND:** Certainly there were

1 scenarios developed that engaged issues around diaspora
2 groups. I can't, off the top of my head, recall whether one
3 was specifically developed on the issue you stated, but that
4 is the sort of thing that would be the subject of a scenario.

5 **MS. SARAH TEICH:** Do you recall the results
6 of that render? If you can share the results with me of
7 course.

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

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

23 Yesterday we heard from Mr. Vigneault, and he
24 explained that the process for determining Canada's
25 intelligence priorities is coordinated by the Privy Council
26 office; is that correct?

27 **MR. ALLEN SUTHERLAND:** If he said that it is,
28 yeah.

1 **MS. SARAH TEICH:** What does coordination
2 involve?

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

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

15 **MS. SARAH TEICH:** All right. No further
16 questions. Thank you.

17 **COMMISSIONER HOGUE:** Thank you.

18 Counsel for Michael Chong.

19 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

20 **MR. GIB van ERT:** I'll ask the Court Operator
21 to put up Witness 040, please. And if you go to the bottom
22 of page 6 to start, please.

23 Mr. Sutherland, I'm interested in the
24 comments at the bottom of this paragraph, starting about -- I
25 guess it's four lines from -- five lines from the bottom. It
26 says:

27 "Mr. Sutherland opined that the Panel
28 had to be cautious in setting the

1 threshold too low because doing so
2 could play into the objectives of
3 adversaries attempting to sow doubt
4 about Canadian democracy. If the
5 Panel intervened too often, the
6 public would stop listening..."

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

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

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

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

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

21 **MR. ALLEN SUTHERLAND:** Correct.

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

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

28 **MR. GIB van ERT:** Right. And so if there was

1 a need to bring to the panel's attention misinformation that
2 was in Mandarin, it would have to be translated to be
3 presented to the panel? Am I understanding that right?

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

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

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

10 **MR. ALLEN SUTHERLAND:** Correct.

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

12 And a different kind of misinformation on
13 WeChat. And the part that I'm interested in is, you've said
14 that there were two differences, the nature of the
15 misinformation and, secondly, the fact that it was written in
16 Mandarin meant that the content would likely only reach
17 Chinese diaspora readers. Do you see that?

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

19 **MR. GIB van ERT:** Is that to say that -- I'm
20 not sure if you're speaking for PCO or the panel here, but
21 there was less concern about misinformation targeted at the
22 Chinese diaspora than the English-speaking public?

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

27 The context of this part of the interview was
28 kind of how does the democratic ecosystem cleanse itself.

1 And so I was trying to show that different types of potential
2 misinformation had different features to them and so I talked
3 about the Buffalo Chronicle article as being something that
4 was highly inflammatory and was seen that it might go viral
5 and become a national event.

6 I was simply observing that in the case of
7 WeChat, the ability of that to go viral in a national scale
8 is different. It doesn't mean -- I do not want to leave you
9 with the impression that it was treated with any less
10 seriousness. I'm only observing that it had different
11 qualities.

12 **MR. GIB van ERT:** Right. It's less likely to
13 go national. It can have impacts in ridings with large
14 Mandarin language populations, but it's less likely to go
15 national.

16 **MR. ALLEN SUTHERLAND:** Yes, generally
17 speaking.

18 **MR. GIB van ERT:** Thank you. That's very
19 helpful.

20 **COMMISSIONER HOGUE:** Thank you.

21 Next one is counsel for Jenny Kwan.

22 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

23 **MS. MANI KAKKAR:** Good morning, Mr.
24 Sutherland.

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

26 **MS. MANI KAKKAR:** My name is Mani Kakkar.
27 I've just got a couple of questions for you on a single
28 point.

1 And please let me know if I misunderstood
2 your testimony, but I understand you to be saying that for
3 the Critical Election Incident Public Protocol, the threshold
4 is quite high.

5 **MR. ALLEN SUTHERLAND:** Correct.

6 **MS. MANI KAKKAR:** And that was purposefully
7 done.

8 **MR. ALLEN SUTHERLAND:** Correct.

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

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

15 **MR. ALLEN SUTHERLAND:** Yeah, in principle,
16 yes. If something is -- has very little impact and very
17 little scope, it would not meet the threshold.

18 **MS. MANI KAKKAR:** Okay. And so that
19 potentially means that the threshold could either over or
20 under-react to situations and, in comparison to other
21 contexts in which, in Canada or other OECD countries, there's
22 more of a sliding scale. And so ones that I'm thinking of
23 sort of on the top of my head are national terrorism threat
24 levels. There's sort of a very low, low, medium, high,
25 critical or ones that we probably know from media like the
26 DEFCON, the defence readiness conditions. There's levels 1
27 to 5.

28 Is there a reason why -- well, let's start

1 with, were there discussions of having the threshold be more
2 of a sliding scale as opposed to just a single threshold?

3 **MR. ALLEN SUTHERLAND:** So discussions that
4 were had kind of focused on just how significant an
5 intervention panel announcement might be, and so it was
6 understood that it would only be done as kind of a last
7 resort when the democratic ecosystem didn't cleanse itself,
8 that there wasn't someone debunking the information, that it
9 was persistent and that it was believed that it would have
10 impact on people's electoral decisions.

11 The reason for that is -- and it was alluded
12 to in my testimony, is too frequent interventions in itself
13 would kind of create -- it was worried that it would create
14 an impression that Canada's democratic institutions lack
15 integrity. In fact, we have seen instances where foreign
16 adversaries have simulated a hack. It hasn't actually
17 happened, and they're trying to destabilize us by saying that
18 something's been done in the hopes that we will overreact to
19 it.

20 And so that sort of situation was
21 anticipated, and so it was believed that our democracy is
22 robust, it needs robust discussion, and so an announcement by
23 the panel was really seen as kind of the last resort and not
24 a first resort.

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

1 I see what looks sort of like a wrench on the
2 far right of ---

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

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

5 **MR. ALLEN SUTHERLAND:** Yeah.

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

9 **MR. ALLEN SUTHERLAND:** Yeah.

10 **MS. MANI KAKKAR:** Do I understand that
11 correctly?

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

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

19 And I just want to make that clear, that it -
20 - the panel's threshold event, yes, the threshold's high, but
21 it's not the only way in which these issues can be addressed.

22 **MS. MANI KAKKAR:** I certainly appreciate
23 that.

24 During the course of the testimony that we've
25 heard in this Inquiry, there have been instances where some
26 of those other measures may have fallen through, and so I
27 appreciate that there are other possible measures for sure.
28 But what I would like to understand is, in your view, if

1 there's sort of a sliding scale of the kind of responses that
2 could take place, would it be appropriate to then also have a
3 sliding scale of thresholds that could mirror when a certain
4 lower response is required versus perhaps something higher up
5 on the wrench that would be workable or helpful given the
6 nature of foreign interference?

7 **MR. ALLEN SUTHERLAND:** So it's a very
8 interesting point, and it's one that came out of the
9 Rosenberg recommendations following the 2021 election where
10 he said that it should be -- that there should be
11 contemplation as to whether it is appropriate to have
12 government announcements of some sort that might be below the
13 threshold. So I would say that that is something that
14 certainly, in his opinion, merits further consideration.

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

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

19 **COMMISSIONER HOGUE:** Thank you.

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

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

24 **COMMISSIONER HOGUE:** Yes.

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

26 Can you see me as well?

27 **COMMISSIONER HOGUE:** Just a moment. I think

28 the ---

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

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

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

4 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

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

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

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

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

16 **MR. ALLEN SUTHERLAND:** That would be one way
17 it could happen. Certainly as part of the political
18 briefings, parties were invited that if they had questions
19 that they would like to take offline and didn't want to have
20 in forum, they could speak directly with us.

21 Now, of course, working within their
22 established mandates, national security agencies could
23 contact political parties as well.

24 **MR. NANDO de LUCA:** Okay. And I believe
25 Ms. Morgan referenced one particular briefing with the
26 Liberal Party. And was your evidence that, that that
27 briefing was at the invitation of the Liberal Party?

28 **MR. ALLEN SUTHERLAND:** I have no knowledge of

1 that briefing. I did not participate in it. It would make
2 sense to me, however, that it was done at the Liberal's
3 request, but I don't know that for sure.

4 **MR. NANDO de LUCA:** Were you present at that
5 briefing?

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

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

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

10 **--- EXHIBIT No. CAN 1082:**

11 Liberal Party Representatives SITE
12 Briefing

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

16 **MR. ALLEN SUTHERLAND:** I -- I'm not sure,
17 sir.

18 **MR. NANDO de LUCA:** Okay. And can you
19 comment on -- this is a document that's been provided by, I
20 believe, CSIS, and it indicates it's a summary of -- it's a
21 redacted summary of a briefing that was provided.

22 **MR. ALLEN SUTHERLAND:** Yeah.

23 **MR. NANDO de LUCA:** Can you comment on the
24 contents of this document? Because here, it suggested it was
25 at the request of CSIS and not at the request of the Liberal
26 Party.

27 **MR. ALLEN SUTHERLAND:** I have no information
28 to give you. And as you can see from the document, it

1 doesn't tell you very much either, so it's hard to divine
2 anything from it.

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

6 "We have asked to meet with you
7 today..."

8 **MR. ALLEN SUTHERLAND:** Yeah.

9 **MR. NANDO de LUCA:** And this is a CSIS
10 document.

11 **MR. ALLEN SUTHERLAND:** Yeah.

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

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

15 **MR. NANDO de LUCA:** Okay. Can I ask you -- I
16 believe you confirmed with my friend earlier that the Panel
17 of Five never actually made an announcement for either the
18 2019 or 2021 election; correct?

19 **MR. ALLEN SUTHERLAND:** Correct.

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

24 **MR. ALLEN SUTHERLAND:** Correct.

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

28 **MR. ALLEN SUTHERLAND:** So it's as per the

1 Cabinet directive, and you know, speaking colloquially about
2 it, it's whether an incident or incidents create -- threaten
3 the ability of Canadians to have a free and fair election.

4 **MR. NANDO de LUCA:** Okay. In its
5 implementation, the implementation of that threshold, at
6 least, for those two elections, was that -- was the election
7 or -- that was being considered the election writ large at a
8 national level or at a local level?

9 **MR. ALLEN SUTHERLAND:** So the Panel gave that
10 considerable thought throughout its deliberations. It looked
11 at issues that would hit at the riding level, and it also
12 looked at issues that were at a broader level.

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

19 **MR. ALLEN SUTHERLAND:** I think that's
20 generally fair. They would have considered -- you know, they
21 would have considered what information they received. They
22 were considering small, if I can use the term, localised
23 examples of potential mis and disinformation, but they were
24 also considering ones that had a broader scope to them. And
25 since they didn't act, in their view, there was no breaching
26 of the threshold.

27 **MR. NANDO de LUCA:** Thank you. Those are my
28 questions.

1 **COMMISSIONER HOGUE:** Thank you.

2 Counsel for Han Dong.

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

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

7 **MS. EMILY YOUNG:** Certainly. We have no
8 questions for this witness.

9 **COMMISSIONER HOGUE:** No questions.

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

11 **COMMISSIONER HOGUE:** AG?

12 **MR. BARNEY BRUCKER:** We have no questions for
13 this witness.

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

15 **MS. LYNDA MORGAN:** Just a moment,
16 Commissioner.

17 **COMMISSIONER HOGUE:** Sure.

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

19 **COMMISSIONER HOGUE:** Thank you.

20 Mr. Sutherland, so you are ---

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

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

23 **MR. ALLEN SUTHERLAND:** Okay. Thanks very
24 much.

25 **(WITNESS IS EXCUSED)**

26 **COMMISSIONER HOGUE:** Before we -- because
27 we'll have to organise the next panel, I just want to let all
28 of you know that a represent of the RCRS will take part on

1 the next two panels, and their identity will be protected.
2 But I want to emphasise that I know who they are, so I'm in
3 the position to make any kind of evaluation that I may see
4 fit.

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

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

8 This hearing is in recess until 10:50.

9 --- Upon recessing at 10:44 a.m.

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

11 **THE REGISTRAR:** Order please.

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

14 **COMMISSIONER HOGUE:** Good morning.

15 **MS. LYNDIA MORGAN:** Good morning,
16 Commissioner.

17 **COMMISSIONER HOGUE:** Good morning.

18 **MS. LYNDIA MORGAN:** So we have five witnesses
19 on this panel. Four in person and one remotely. I'd ask
20 first that we affirm or swear the witnesses who are SITE 2019
21 members. If we swear or affirm those witnesses first,
22 please?

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

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

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

28 **MR. ERIC GORDON:** My name is Eric Gordon. G-

1 O-R-D-O-N.

2 --- MR. ERIC GORDON, Sworn:

3 THE REGISTRAR: Thank you.

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

6 MS. GALLIT DOBNER: Affirmed, please.

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

9 MS. GALLIT DOBNER: Sure. Gallit Dobner. D-
10 O-B-N-E-R.

11 --- MS. GALLIT DOBNER, Affirmed:

12 THE REGISTRAR: Thank you very much.

13 And for yourself, please Denham. Could you
14 please state your name and your spell your last name for the
15 record?

16 MS. TARA DENHAM: Tara Denham. Spelled D-E-
17 N-H-A-M.

18 THE REGISTRAR: Thank you. And do you want
19 to be ---

20 MS. TARA DENHAM: Affirmed.

21 THE REGISTRAR: Affirmed. Okay.

22 --- MS. TARA DENHAM, Affirmed:

23 THE REGISTRAR: Thank you very much.

24 And Mr. King.

25 MR. LYALL KING: Good morning.

26 THE REGISTRAR: Would you like to be affirmed
27 or sworn?

28 MR. LYALL KING: Affirmed, please.

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

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

4 **--- MR. LYALL KING, Affirmed:**

5 **THE REGISTRAR:** Thank you very much.
6 Counsel, you may proceed.

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

8 And Commissioner, I understand we have
9 counsel, Justin Roy, I believe, he's present to confirm the
10 affirmation or swearing of the other witness who is appearing
11 remotely.

12 **CSIS REPRESENTATIVE:** Yes. Hello. Can you
13 hear me?

14 **MS. LYNDA MORGAN:** Yes, we can hear you.

15 **CSIS REPRESENTATIVE:** Excellent. So I'm
16 Justin Roy. Called to the Bar of Ontario in 2020 and I'm a
17 Commissioner of Oaths. I confirm that I verified the
18 witness' identity and I've administered the affirmation.

19 The witness has affirmed and is now prepared
20 to testify before you.

21 I'll confirm the identity of the witness in
22 confidence in due course.

23 **--- CSIS REPRESENTATIVE, Affirmed:**

24 **COMMISSIONER HOGUE:** Thank you.

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

26 **COMMISSIONER HOGUE:** We can proceed.

27 **--- EXAMINATION IN-CHIEF BY MS. LYNDA MORGAN:**

28 **MS. LYNDA MORGAN:** Thank you. So I'm just

1 going to start with some preliminary housekeeping matters,
2 which I'll try to run through quickly.

3 If we could pull up WIT 45, please?

4 **--- EXHIBIT No. WIT 45:**

5 L. King, T. Denham, G. Dobner, E.
6 Gordon and CSIS Representative Public
7 Interview Summary

8 **MS. LYNDA MORGAN:** And I'll ask you each
9 collectively the same question. You were interviewed in a
10 panel format by Commission counsel on February 12th, 2024 in
11 a classified space. I think one of you can answer the lead
12 up questions, and then I'll eventually ask whether each of
13 you are prepared to adopt the summary.

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

15 **MR. LYALL KING:** Yes.

16 **MS. LYNDA MORGAN:** --- confirm that first
17 statement?

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

19 **MS. LYNDA MORGAN:** And I understand that each
20 of the panel members has had an opportunity to review the
21 publicly disclosable version of that evidence? Is that
22 right?

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

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

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

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

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

1 that could be made public and are you prepared to adopt the
2 summary as part of your evidence before the Commission today?

3 **MR. LYALL KING:** Yes, I agree. And I adopt.

4 **MS. TARA DENHAM:** Agree and adopt.

5 **MR. ERIC GORDON:** I agree and adopt.

6 **CSIS REPRESENTATIVE:** Agree and adopt.

7 **MS. LYNDA MORGAN:** And I will note one
8 correction. It's just a date on the second line. It
9 indicates that the examination occurred on March 1st, 2023.
10 I think we can agree the examination occurred on March 1st,
11 2024. Is that right?

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

13 Yes.

14 **MS. LYNDA MORGAN:** And sorry, one more
15 document to pull up is WIT37. And this is a GAC, or Global
16 Affairs, public summary of a classified interview. This
17 question is for Ms. Dobner and Ms. Denham. Again, you were
18 interviewed in a panel format with others on February 9th,
19 2024 in a classified space? Is that correct?

20 **MS. TARA DENHAM:** Yes.

21 **MS. LYNDA MORGAN:** And the document in front
22 of you is a publicly disclosable version of that classified
23 summary. Have you both had an opportunity to review that
24 summary?

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

26 **MS. LYNDA MORGAN:** Yeah. Okay. Any changes
27 to be made?

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

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

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

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

6 **MS. GALLIT DOBNER:** Yes.

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

10 So the five of you were, at various times,
11 representatives on the 2019 SITE Taskforce in the leadup to
12 or during GE 43. The acronym SITE stands for the Security
13 and Intelligence Threats to Elections Taskforce. And I'll be
14 referring to that as either SITE or SITE TF as we move
15 through today's examination.

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

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

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

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

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

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

1 **MS. LYNDA MORGAN:** Can we have CAN 8287,
2 please?

3 **--- EXHIBIT No. CAN 8287:**

4 SITE TF - Lessons Learned Summary

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

9 **MS. LYNDA MORGAN:** Okay. Thank you. And if
10 we scroll down on this page, is this the document you were
11 thinking of?

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

18 "Provide government partners engaged
19 in elections-related work with a
20 clear point of engagement..."

21 The reason why is because in 2018, you know,
22 it was not long after the U.S. 2016 Election, there had been
23 instance of foreign interference there, incidents of foreign
24 interference in Europe, Germany and France specifically. And
25 so a lot of discussion. And there was the U.S. 2018 midterms
26 that were approaching. So a lot of conversation in and
27 around what foreign interference was and what was happening
28 in various groups and committees within the Government of

1 Canada.

2 So one principal reason for creating SITE was
3 to kind of pull that dispersed conversation into a more
4 coordinated single space and have a smaller collective of
5 security and intelligence professionals looking at that
6 particular issue. So really to coordinate and be a central
7 point of contact. Equally to review what our collection was?
8 What did we know? Do we need to adjust that? Improve
9 collection to better understand foreign interference
10 activities. As part of information sharing, to inform others
11 so it wasn't just us talking amongst ourselves, but very much
12 so informing other partners within government and outside of
13 government. And finally, to promote the use of intelligence.
14 So we didn't want to be seen as just looking at an issue, but
15 when we had an ability to be able to take an action, we
16 wanted to be able to do so.

17 I'll maybe just briefly underline maybe a
18 misconception about SITE as well. SITE in and of itself does
19 not have any sort of authority or separate sort of structure
20 like that. We get our authorities to act from the member
21 parties.

22 So to be very clear, SITE might discuss an
23 issue if CSE, for example, thought we might be able to take
24 an action, for example, a cyber operation, I wouldn't be
25 going to SITE to ask permission to do that. CSE would act
26 under its own mandates and authorities to take that action.
27 Likewise for the other parties: CSIS, Global Affairs, and
28 RCMP. So SITE, in and of itself, didn't have any special

1 authorities or mandate in that sort of sense. It's very much
2 a discussion space, coordination space, information sharing
3 space.

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

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

7 **COMMISSIONER HOGUE:** --- another
8 organization?

9 **MR. LYALL KING:** There may be, certainly, a
10 need to coordinate potentially between one or two partners.
11 For example, on a cyber operation, we would naturally be
12 consulting with as part of the process Global Affairs Canada.
13 We, sorry, CSE, excuse me, would be coordinating with Global
14 Affairs. So there is a need to highlight, share and
15 deconflict at times in that sense.

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

20 **MR. LYALL KING:** I think, generally speaking,
21 it was a -- you know, it was a unique construct, not
22 something that we had done before; that is to say, in terms
23 of coordinating across different agencies that have different
24 capabilities. It was over and above existing relationships
25 between our organizations. So, for example, CSIS and the
26 RCMP have longstanding engagements and relationships. CSE
27 does as well with CSIS, and Global Affairs likewise. So SITE
28 wasn't intended to take over those existing channels or

1 relationships, it was meant to add an extra layer on top of
2 that, looking thematically at foreign interference to give us
3 a broad view of the issue. So instead of CSE just talking to
4 CSIS maybe about actor X or actor Y, this was for all of us
5 to see the full range of actors, what they were doing and
6 understanding in that space. It was intended to broaden out
7 our understanding in that sense.

8 **MS. LYNDA MORGAN:** So I'd like to pull up CAN
9 12788, please.

10 **--- EXHIBIT No. CAN 12788:**

11 SITE TF - Partner Roles - Leading to
12 Election 2019

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

22 **MR. LYALL KING:** Certainly. So I had two
23 functions, effectively, on the SITE Task Force. I was the
24 chair of the SITE Task Force from 2018 up until 2022. That
25 role really was me managing the group administrating -- or
26 administering our activities, making sure that we were
27 prepared for an election from an operational perspective,
28 from a communications perspective, establishing a work plan,

1 follow throughs, keeping records of discussion, et cetera, so
2 that administrative function I served. I was also the
3 principal CSE representative to SITE. At that time, I was a
4 Director within the Directorate General of Intelligence at
5 CSE, so I had broad view of the intelligence that we were
6 producing. And as you can see on that particular chart that
7 we are looking at, we would bring to that table -- I would
8 bring to the SITE table information related to our foreign
9 intelligence collection, our signals intelligence mandate,
10 that is. I would bring information related to our cyber
11 security or information insurance activities as well to that
12 table. There's a third component there listed, which is
13 CSE's support to federal security and intelligence partners.
14 That's just a way for us to assist in a technical means if
15 RCMP, for example, of CSIS needed our support. So I could
16 help broker that, but there are existing processes for that
17 relationship.

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

20 **MS. TARA DENHAM:** Yes, so at the time, I was
21 the Director of the Centre for International Digital Policy
22 at Global Affairs Canada, and that's the team that houses the
23 G7 Rapid Response Mechanism, as you see there often referred
24 as the RRM. So it was a -- within the Rapid Response
25 Mechanism, this was a new function within Global Affairs, so
26 there had been -- there's many existing relationships within
27 Global Affairs and the various entities as part of SITE, but
28 the RRM is specifically focussed on the social media

1 environment and disinformation. So the role was as the
2 representative of GAC and as the lead for the RRM. We were
3 able to bring information not only from our G7 partners on
4 threats or tactics that we were seeing, but also, we would
5 monitor the social media environment. And at that time
6 period, I was -- I actually was in that role from 2016 to
7 August 2019, so I helped set up the RRM and helped set up the
8 SITE Task Force and then changed positions in August 2019.

9 **MS. LYNDA MORGAN:** Thank you. And I will
10 have some further questions for you specific to RRM, but I'll
11 continue just for now with Ms. Dobner in relation to your
12 role.

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

25 **MS. LYNDA MORGAN:** Thank you. And, Mr.
26 Gordon?

27 **MR. ERIC GORDON:** Good morning. In 2019, I
28 was a Director of Federal Policing National Intelligence. I

1 was tasked with participating on the Task SITE Force. As
2 described in the document there, I think it pretty clearly
3 explains the breadth of the RCMP's responsibilities as the
4 principal investigating agency for criminal threats to
5 national security in Canada across a broad number of domains,
6 whether that's cyber, counterterrorism, threats to democratic
7 institutions, and also, in some cases, economic integrity.
8 We are also responsible for a significant protective role,
9 particularly during the writ period, and that's the physical
10 personal protection of party leaders, and also, certain
11 designated individuals. So that's a role that we have, as
12 well as a role through a memorandum of understanding with the
13 COCC with the Commissioner of Elections Canada to provide
14 technical and specialist investigative assistance on an ad
15 hoc basis. So my role within the SITE Task Force was to help
16 coordinate information sharing between the security
17 intelligence partners and the RCMP using and leveraging
18 existing mechanisms to share that information between the
19 agencies.

20 **MS. LYNDIA MORGAN:** Thank you. And I'll ask
21 the same question of CSIS representative 2019 as well.

22 **CSIS REPRESENTATIVE:** Hi. In 2019, I was the
23 principal representative on SITE for CSIS. What CSIS's role
24 that they brought to SITE was our ability to collect, assess
25 and advise on threats to national security, and where
26 appropriate, reduce those threats. Internally here, we had a
27 working group on FI that would have brought forward all of
28 our relevant intelligence on foreign interference.

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

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

6 **CSIS REPRESENTATIVE:** Yes, are you able to
7 hear me now?

8 **MS. ERIN DANN:** Could I just have a moment,
9 Commissioner?

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

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

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

14 **CSIS REPRESENTATIVE:** Hi, are you able to
15 hear me now?

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

17 **CSIS REPRESENTATIVE:** Okay. Sorry, I can
18 start again. So I was the principal representative on SITE
19 for CSIS. What that involved was working with the internal
20 foreign interference working group within CSIS to ensure that
21 all of the relevant intelligence and pieces of information
22 were coming forward to the SITE table. I would have brought
23 those to the SITE table, in addition to bringing forward any
24 of the activities the service would have been undertaking
25 during that timeframe.

26 **MS. LYNDA MORGAN:** Thank you. So before we
27 get into some of the day-to-day functioning of SITE, I also
28 just want to get a broader understanding of RRM, which you've

1 started to discuss in some detail.

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

4 **MS. TARA DENHAM:** Sure. So perhaps I'll
5 first start by giving context into the creation of the RRM.
6 So the Rapid Response Mechanism, the RRM, was created in
7 2018. So this was one of Canada's flagship initiatives
8 during our G7 presidency.

9 And it's been mentioned a few times, but at
10 that time there was a lot of international concern and across
11 G7 members about threats to democracy, what we were seeing.
12 And again to the context, we had seen the U.S. elections, we
13 had seen interference in France and Germany. So within the
14 G7, there was a lot of interest to understand what those
15 threats looked like, and a particular interest in the
16 disinformation landscape that was becoming a new phenomena,
17 just the volumes that we were seeing, you know, millions of
18 hits and information being spread through different campaigns
19 that had been researched.

20 So when the RRM was announced, there was an
21 agreement across the G7 that they -- we wanted to be able to
22 share information, share information quickly across the RRM
23 members, across the G7 members, about that threat landscape,
24 and at that time, a particular focus on disinformation.

25 In order to share information quickly, we
26 also focussed on open source information. So any of the
27 information that we were researching was always publicly
28 available. Anyone with access to the internet would be able

1 to find that same information and openly available tools, and
2 that is what enabled us to be able to share quickly. And of
3 course, in a social media environment anyone can see it,
4 what's happened.

5 So within the context of SITE, the RRM was a
6 new mechanism. It was a new capability within Government of
7 Canada, it was a new capability within Global Affairs. But
8 our focus was then to begin to understand the tactics behind
9 disinformation, in particular, and disinformation by foreign
10 actors.

11 Perhaps I'll just remind on the distinction
12 between mis and disinformation. The misinformation being,
13 you know, unintentional. It could be not factual but it's
14 unintentional. I think all of us may have experienced
15 believing something that we see online and forwarding it, but
16 we don't know that it's inaccurate.

17 Disinformation is deliberately inaccurate or
18 non-factual information, but with a malign intent, an intent
19 to do harm, and disinformation in that social media
20 environment, a number of actors could be conducting this.
21 You know, foreign actors, but also Canadians, different
22 groups, anyone who sort of participates in the social media
23 environment.

24 So I want to be clear that our mandate was,
25 as a grouping, to look for disinformation, so malign,
26 inaccurate information, with indicators that it was being
27 directed or linked to a foreign state. We were not mandated
28 to look at the whole information environment, and if we were

1 ever -- if we were not able to make that link to foreign
2 entities, we would stop looking, i.e. that is, conversations
3 in an online space, which can be messy, but it could be -- it
4 is unable to -- with a foreign link, you don't want to
5 impinge on Canadians or others' freedom of expression, so you
6 stop.

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

10 **MS. TARA DENHAM:** So within the SITE Task
11 Force or outside?

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

13 **MS. TARA DENHAM:** Sure. So within the RRM,
14 again what we're really trying to research and share across
15 the members is the tactics that we're seeing. So we're not
16 there to sort of say whether something is truth or factual,
17 we're trying to identify the content and then look behind it
18 to see if there's indicators of potential foreign
19 interference.

20 So I can walk-through some of the indicators
21 if you'd like, but what we're able to do over time is by that
22 sharing with other G7 members we're all increasing our
23 understanding collectively of what disinformation by foreign
24 actors starts to look like in a very complicated social media
25 environment. And so that's what we're aiming to build over
26 time, is those -- the tactics is what you're looking for.
27 These are -- we're not aiming, we're not after -- the intent
28 is not to decide what is true or not true, we're trying to

1 see if there are actors that are using those types of
2 tactics, and specifically foreign actors.

3 If you walk-through and you see a number of
4 the indicators, then within the RRM, obviously an option is
5 to share that. We -- as Gallit mentioned, the RRM actually
6 has a wide network, so there's obviously the G7 members, but
7 we also have a wide network of academics. Every member of
8 the G7 would have networks with academics and researchers.
9 The whole intent is to increase the collective understanding
10 so we can share that information. And we're sharing that
11 back and forth.

12 In some instances, again I'm not speaking
13 during a writ period, but we have also published reports. So
14 we can publish reports domestically, within Canada. France
15 has also published reports on what they saw after the Macron
16 leaks in 2017. The U.S. has published reports on what they
17 saw after 2016, again, after two years of research. So you
18 can publish domestically to shine a light on that, and then
19 we can agree, in some instances, to agree on public
20 statements.

21 And then that, I would say an example would
22 be RRM reports, G7 RRM reports. The first one was the 2022
23 report, and that represents the collective of the G7 members
24 who have shared information about the tactics they're seeing.
25 We bring it together, we agree that we have seen or we
26 understand those tactics to be happening, and we all publish
27 it as a collective, which is a powerful statement for the
28 RRM, for the G7 to agree and publish a report. I think all

1 of those reports are available online.

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

4 **MS. TARA DENHAM:** The purpose is to shine
5 light on the tactics. That would be one, first and foremost;
6 right? So as we are all learning about it, not just as
7 governments, but as a whole society, everyone acknowledges
8 that it's not just governments that can address
9 disinformation, you need a whole of a society approach, and
10 that means everyone's increasing their understanding. So by
11 publishing and making -- by publishing information, first and
12 foremost, you're exposing it. You're shining light, you're
13 educating populations, you're educating everyone.

14 Secondly, it's a strong statement by a
15 grouping of governments to name countries and call out that
16 behaviour. So there's multiple impacts, but I would say
17 those would be two of the main purposes of publishing
18 information.

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

23 **MS. TARA DENHAM:** I'm not sure I understand
24 the question.

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

26 **MS. TARA DENHAM:** Like if we see something
27 can we take action?

28 **MS. LYNDA MORGAN:** Yes.

1 **MS. TARA DENHAM:** Okay. Yeah, so if we're
2 looking at the disinformation environment, and we work
3 through the various indicators, and we can see certain
4 activities that meet multiple of the indicators. So you --
5 it's not just one, it's not just what the content is, but you
6 have to actually see do we have indicators of where it's
7 coming from or any links to a foreign state, do we have
8 volume, do we have -- you know, who is being targeted. If
9 you see multiple of those, and you can validate with a higher
10 level of confidence, then you can call out that; right?

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

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

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

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

25 So we helped contribute to an understanding
26 of what the baseline environment looks like in Canada from a
27 disinformation landscape. And then as you move -- so we
28 would share reports, we would share *ad hoc* reports, we would

1 -- our technical analysts would engage with other technical
2 analysts so that we could understand each others' language
3 and what we're seeing.

4 As you're then moving closer to the election
5 period, and Ms. Dobner can share further, but at a high-level
6 we would be contributing to the daily and weekly SITE sitreps
7 reflecting and sharing any information that we were seeing in
8 the social media landscape. And perhaps here I would say
9 because it's the social media landscape and you may not
10 always know, it takes -- we may not always know if there's a
11 foreign link or if it's disinformation.

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

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

20 And so you -- oh, sorry.

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

22 When you see this information or
23 misinformation on social media, is it always possible to find
24 who is the originator?

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

26 Social media is a very difficult environment
27 and I would say it's become more and more difficult. So I
28 think that's why it's really important and that we stress

1 that you have to look at many indicators so that you can
2 increase your level of confidence, but there will be times
3 where we're just not able to.

4 Some accounts -- as many people may know,
5 some accounts may be online but you can't -- there's ways to
6 disguise it as to where that account is actually located,
7 right. So you may not know which country it's coming from,
8 you may not know who's behind that account or you may see
9 many, many accounts. So it's really difficult, so we do our
10 best to use those indicators to build that confidence, and I
11 would say confidence also has increased over time.

12 There's more academics and other researchers,
13 not just within the RRM, that are also understanding those
14 tactics and that's where the information sharing is so
15 crucial because if we see similar tactics -- if we see
16 tactics, other countries are seeing similar tactics and it's
17 been validated perhaps by an expert, an outside expert or an
18 academic that's seen similar tactics, you can see how your
19 confidence would increase, but it's -- you have to balance
20 all of this before and as you're increasing your level of
21 confidence. It's very difficult environment to work in.

22 **COMMISSIONER HOGUE:** Thank you.

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

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

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

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

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

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

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

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

18 **MR. LYALL KING:** Sure.

19 I would describe generally that the first few
20 months of SITE's existence was really us trying to understand
21 one another, understand what foreign interference was. I
22 mean, we all come to it with different kind of views, so have
23 a consolidated view and definition of that, creating
24 foundational documents, as I mentioned, the Terms of
25 Reference to guide our activities, a work plan to delineate
26 what we were going to try to achieve over an arc of time to
27 include things like engagement through RRM or through our
28 individual contacts with allies to learn from their

1 experiences, building a baseline from intelligence of what
2 the foreign threat looked like as well. Again, just to have
3 an understanding of the type of activity we see on a
4 persistent basis.

5 So there was a lot of organization in the
6 first few months.

7 Every SITE meeting would typically have, for
8 example, an update from each of the partners on what they
9 might be observing from their own collection or partner
10 spaces when it came to foreign intelligence so that we had a
11 constant update of information from different sources. And
12 then, really, follow-on and discussion about what we needed
13 to achieve, so following up on actions, establishing and
14 talking about visiting our U.S. partners, for example, to
15 discuss foreign interference. So it was a very -- that's the
16 sort of nature on a weekly basis that we discussed.

17 And yeah, again, I think the first phase was
18 very much learning and educating as well within the
19 Government of Canada, so we began with, I believe, monthly
20 briefings initially focused towards the Minister of
21 Democratic Institutions, Karina Gould, at the time, to at
22 least highlight what we were doing, what our plans were and
23 what the general threat environment looked like.

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

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

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

28 **COMMISSIONER HOGUE:** Was it within SITE's

1 mandate to brief the political parties and/or the
2 politicians?

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

9 I will just underline that Privy Council
10 Office played a crucial role in terms of being a point and
11 coordinating those political party briefings. It was not
12 something that SITE, our member departments, did
13 independently. That was always done through Privy Council
14 Office.

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

19 **COMMISSIONER HOGUE:** Thank you.

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

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

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

25 Yes.

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

28 **THE REGISTRAR:** Order please.

1 This hearing is in recess until 11:55.

2 --- Upon recessing at 11:36 a.m.

3 --- Upon resuming at 11:56 a.m.

4 **THE REGISTRAR:** Order please.

5 This sitting of the Foreign Interference
6 Commission is back in session.

7 **MR. ERIC GORDON, Resumed:**

8 **MS. GALLIT DOBNER, Resumed:**

9 **MS. TARA DENHAM, Resumed:**

10 **MR. LYALL KING, Resumed:**

11 **CSIS REPRESENTATIVE, Resumed:**

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

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

14 Can I just confirm our remote witness is back
15 as well?

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

17 **MS. LYNDIA MORGAN:** Thank you. And I'll just
18 ask the Registrar to run a -- continue running the timer as
19 well. Thank you.

20 **--- EXAMINATION IN-CHIEF BY MS. LYNDIA MORGAN, (cont'd):**

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

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

2 Generally speaking, information coming into
3 SITE comes from its constituent members. So as we described
4 before the break, I, as the CSE rep, would bring to the table
5 information from our CSE's intelligence collection, whether
6 that was from the signals' intelligence perspective, or maybe
7 cyber security threats, and likewise the other members would
8 contribute in that fashion.

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

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

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

27 And then more formally we would write
28 documentation and pull our information together in documents

1 to be shared, either through the general threat summaries, or
2 during the writ period we talk about SITREPs, those are
3 situational reports; that's what SITREP means. That was a
4 mechanism for sharing.

5 **MS. LYNDA MORGAN:** And when you speak about
6 briefings, you touched on briefings to the Minister of
7 Democratic Institutions.

8 **MR. LYALL KING:** Yes.

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

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

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

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

28 **MR. LYALL KING:** What type of information I

1 was receiving?

2 **MS. LYNDA MORGAN:** Or what type -- sorry;
3 what type of information was -- what you've just described,
4 information incoming into SITE, as I understand it.

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

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

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

21 **MR. LYALL KING:** Yes.

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

24 **MS. LYNDA MORGAN:** So we did have a couple of
25 engagements as a group, SITE, with Elections Canada and OCCE,
26 just to share, again, awareness of what we were doing and
27 create a communications path. But there were already
28 preexisting linkages between Elections Canada, OCCE, and for

1 example, CSIS and the RCMP. But I would defer to my
2 colleagues to describe the nature of that engagement.

3 **MS. LYNDA MORGAN:** Okay. So perhaps I'll
4 follow up with you, Mr. Gordon, on that point specifically?

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

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

16 **MS. LYNDA MORGAN:** And, CSIS Representative
17 2019, are you able to provide a response as well?

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

24 Above and beyond that, our intelligence
25 reports, as they related to FI in a broad array of the
26 democratic institution space, so again, not just at the
27 federal electoral space, but we wanted them to see the types
28 of intelligence reporting we were seeing in, you know,

1 provincial level or municipal level politics as well so that
2 they could get an understanding of the trade, craft, and
3 methodologies of the different threat actors. So we would
4 bring them in for reading sessions and they would read, you
5 know, chunks of intelligence reports at a time. Both -- we
6 did that both for Elections Canada and the OCCE. And we
7 certainly had direct engagement with them if they had
8 questions back or if they wanted to bring an issue to us, or
9 we wanted to bring an issue to them, we had some formal
10 sharing arrangements with them.

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

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

23 So my job as the Chair of SITE was to collate
24 those inputs into the SITREPs, not to edit them, not to
25 reassess what was provided. The demand was for each of the
26 partners to provide whatever input they had to me by a
27 certain point in time, in the morning, I believe it was 10:00
28 a.m. We would collate that, CSE would collate that into the

1 document and send that -- and disseminate that over email
2 through secure networks, and also through the use of client
3 relations officers to deliver those to individuals that did
4 not necessarily have access to the secure networks.

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

7 **MR. LYALL KING:** Sure.

8 **MS. LYNDA MORGAN:** --- so we can take a look
9 at it.

10 So CAN 9397, please.

11 **--- EXHIBIT No. CAN 9397:**

12 SITE TF SITREP: 09 September 2019

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

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

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

18 **MR. LYALL KING:** Okay.

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

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

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

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

26 **MR. LYALL KING:** Yes.

27 **MS. LYNDA MORGAN:** --- quite visibly. And
28 below that, you can see "2019 Federal Election - Threat

1 Trend: STABLE".

2 MR. LYALL KING: Yes.

3 MS. LYNDA MORGAN: What is the kind of
4 purpose and meaning of that threat trend?

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

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

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

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

19 MS. LYNDA MORGAN: And shift specific to --
20 just to make sure we've covered this, all of the information
21 intelligence that ---

22 MR. LYALL KING: Right.

23 MS. LYNDA MORGAN: --- SITE is dealing with
24 relates specifically to what type of information?

25 MR. LYALL KING: Really to foreign
26 interference as it pertains to the Federal Election. Now,
27 foreign interference is a broad category. And I can
28 describe, if you'd like, but we had broken that out into

1 different categories of foreign intelligence -- sorry,
2 foreign interference, excuse me.

3 **MS. LYNDA MORGAN:** I will -- I will take you
4 ---

5 **MR. LYALL KING:** Okay.

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

7 **MR. LYALL KING:** Okay.

8 **MS. LYNDA MORGAN:** --- that goes through the
9 breakdown with you. But let's finish with the SITREP first.
10 So in terms of applying, though, the "Threat
11 Trend: STABLE", ---

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

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

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

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

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

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

4 "Please share with members of: SITE
5 TF ADMs; SITE TF DMs; [and] Panel of
6 5".

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

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

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

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

27 **MS. LYNDA MORGAN:** Thank you. And if you
28 look down the page, there's a category of "Threat Updates"

1 and then a category of "Operational Responses and Updates"
2 with a series of bullets.

3 I understand, Mr. King, you were the one
4 physically responsible for assembling the SITREPs?

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

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

8 **MR. LYALL KING:** Yes.

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

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

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

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

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

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

26 So it was really entirely up to the
27 constituent members to provide in the form, from their own
28 approvals, what they wanted to be reflected in there. For

1 me, it was simply take it, put it in, offer my staff to take
2 it, put it in, and then send it out the door.

3 **MS. LYNDIA MORGAN:** And I understand there was
4 some information that might be too sensitive to include in a
5 SITREP, and if that was the case, how was particularly
6 sensitive information disseminated beyond use of a clients
7 relation officer (sic), which you've described?

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

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

22 But I would defer to my CSIS colleague for
23 any further information on it.

24 **MS. LYNDIA MORGAN:** Right.

25 And CSIS Representative, do you have any
26 additional information on this point?

27 **CSIS REPRESENTATIVE:** So generally speaking,
28 any of the items we were adding to a SITREP would have had an

1 accompanying intelligence report of some kind with it. And
2 if we had deemed that even giving in the SITREP any
3 information about that report, even just the title of the
4 report was too sensitive, we would reference a report number,
5 rather than any other information.

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

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

18 **MS. LYNDIA MORGAN:** And can I make sure I
19 understand your evidence on the issue of dissemination of the
20 underlying reports. Were intelligence reports also regularly
21 sent directly to Panel members?

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

1 In some cases, they might have already been
2 regular recipients of our intelligence, but in others, it was
3 unlikely that they would have been receiving our
4 intelligence, would have -- they likely wouldn't have been a
5 client normally. And so we made certain that they were
6 receiving that intelligence regularly.

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

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

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

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

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

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

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

28 So we, SITE, would certainly combine our

1 information to share upwards to be delivered to the Panel.
2 Typically, that was delivered at the deputy minister level.
3 So representing SITE broadly speaking in 2019, that would
4 have been Shelly Bruce, the Chief of CSE, and David
5 Vigneault, the Director of CSIS, who delivered those
6 briefings verbally to the Panel based on material that SITE
7 would have prepared related to the threat of foreign
8 interference.

9 **MS. LYNDA MORGAN:** And who initiated those
10 briefings?

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

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

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

22 As I recall in 2019, these were kind of the
23 monthly briefings in the lead up to the election for the
24 Panel, and then we shifted to daily SITREPs. I cannot
25 recall, and you'll have to excuse me because it's getting on
26 five years, if there were any other additional weekly types
27 of briefings to the Panel. I know that certainly happened in
28 2021. I'm not entirely sure -- actually, forgive me. I'm

1 sure we have records of the timings and dates.

2 **MS. LYNDA MORGAN:** But -- so just to be clear
3 what the answer is. It's more based on regularly scheduled
4 briefings, rather than a particular urgency with a piece of
5 intelligence, for instance?

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

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

16 So can I pull up CAN 13638, please.

17 **--- EXHIBIT No. CAN 13638:**

18 Progress Update to ADMs - SITE Task
19 Force

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

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

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

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

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

3 **MS. LYNDIA MORGAN:** And can you describe,
4 briefly, because we have time limits on us ---

5 **MR. LYALL KING:** Understood.

6 **MS. LYNDIA MORGAN:** --- but can you describe,
7 briefly, what this document is, what it means in terms of
8 SITE's mandate?

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

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

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

28 So the rest of that document underneath those

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

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

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

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

27 **MR. LYALL KING:** That's correct. So if we
28 look at that category of disrupt on the far left that has CSE

1 and RCMP, that is really specific to what our authorities and
2 mandates might be, and the leaders of those individual
3 organizations might be able to bring to bear to address the
4 issues, so not SITE, which might be confusing because it's
5 called a SITE response matrix, so I understand maybe there's
6 some confusion there. This is for SITE to understand that
7 world, but really, it refers to an individual authority, one
8 of the constituent members to be able to take an action.

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

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

24 **MS. LYNDA MORGAN:** So I'd like to take you
25 now to some specific intelligence flow during the 2019
26 election. And just to be clear, I'm basing these on the
27 topical summaries, which I understand the SITE members have
28 had an opportunity to review and may have in front of you.

1 Although I'll start first with one that is not in those,
2 which is the Buffalo Chronicle. So I understand that there
3 was an issue relating to the Buffalo Chronicle that was
4 identified by the RRM in 2019; is that correct?

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

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

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

23 So my team at that point looked into the
24 Buffalo Chronicle to see if we could confirm some of these
25 news reports. And what the team found is that, yes, 8 out of
26 10 of the news stories in the Buffalo Chronicle were indeed
27 about Canadian politics and included what seemed to be a
28 number of false narratives. What we also saw was that the

1 Buffalo Chronicle was using a number of very poor
2 journalistic practices, so no bylines, anonymous sources, and
3 the folks that they listed on their website as contributing
4 authors in no way affiliated themselves with the newspaper.

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

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

27 **MS. LYNDA MORGAN:** Thank you. And it's in a
28 sitrep, so it was -- am I right it was shared with the Panel

1 of Five?

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

3 **MS. LYNDA MORGAN:** Okay. I'm going to ask
4 you now very high level about some other groups of
5 intelligence, so that we can move on to two other topics that
6 I want to cover with SITE. So I understand that SITE
7 received intelligence on alleged foreign interference in a
8 Don Valley North nomination contest that took place during
9 the 2019 federal election; is that accurate?

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

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

13 **MR. LYALL KING:** Yes.

14 **MS. LYNDA MORGAN:** Did SITE TF receive any
15 intelligence concerning the PRC favouring particular
16 political candidates in Greater Vancouver?

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

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

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

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

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

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

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

28 **MS. LYNDA MORGAN:** And was SITE made aware of

1 allegations relating to the transfer of roughly \$250,000 from
2 PRC officials in Canada, possibly for FI related purposes?

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

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

6 **MR. LYALL KING:** Yes.

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

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

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

15 **MR. LYALL KING:** Yes.

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

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

1 describes RM activity, sharing that with other partners, so
2 they might be able to identify in their own spaces as well
3 where this could be happening. The other reason for the
4 engagement was to open up, you know, the two-way
5 communication with those parties, so not just intended for us
6 to be downloading information on to them, but open up a path
7 where if they had a concern or felt there was an issue, that
8 they could relay that information back through to us as well.

9 **MS. LYNDA MORGAN:** And when sharing
10 information at the secret level, are there limitations on
11 what type or kinds of information can be shared?

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

24 **MS. LYNDA MORGAN:** And in terms of the --
25 like, physically how these briefings occurred, how was the
26 information conveyed to the cleared political party
27 representatives?

28 **MR. LYALL KING:** The information that SITE

1 Taskforce presented, which would have been a combination of
2 secret information, some unclassified, if it related to the
3 online information space, this was briefed verbally to
4 political parties.

5 **MS. LYNDA MORGAN:** And were the parties able
6 to take notes?

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

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

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

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

28 **MR. LYALL KING:** We did. I think we -- going

1 back and thinking, again, we weren't providing them with a
2 level of information that was so specific as to take an
3 immediate action; right? It was really, "This is for your
4 awareness. This is for you to understand at a deeper level
5 what foreign interference is. This is for you to understand
6 how it happens. And for ultimately to help you try to
7 identify that in your own spaces." And therefore, if they
8 did see something, or potentially had a concern, to come back
9 and talk to the governments -- to SITE and PCO about that.

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

15 **MR. LYALL KING:** Yes.

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

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

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

1 At some point, CSIS -- there was a decision
2 made that CSIS would brief the Liberal Party, alongside PCO,
3 separate and apart from the other political parties, in order
4 to give them some of this intelligence that we thought it was
5 important was shared.

6 **MS. LYNDA MORGAN:** And are you able to shed
7 any further light on who made that decision?

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

13 **MS. LYNDA MORGAN:** Thank you. And the
14 Commission has heard evidence of concerns that some of the
15 information shared by SITE with political party
16 representatives was generic, difficult to action, for
17 instance. Do you have any responses or comments on those
18 criticisms?

19 **MR. LYALL KING:** Yeah, I can begin. And I
20 can understand, certainly, to an extent, where some of that
21 sentiment comes from. This was a new thing for us, to be
22 quite frank, for SITE to be briefing political parties. It
23 was new for us to be clearing individuals in that space, to a
24 secret level, and new for us to be sharing classified
25 information with them. So there's a learning processes on
26 both sides.

27 As I've described, by nature, when you -- and
28 some of our intelligence does come from highly classified

1 sources, so to be able to downgrade it to a level to be able
2 to share, we'd naturally have to obfuscate certain
3 information, remove certain specificities so it can be become
4 generalized in that sense.

5 So that's where I think the common of the
6 generalization is.

7 Equally, it was never intended as a way for
8 us to share, like, "Here's, like, a list of 50 names of
9 individuals for you to go talk to." That's not the space
10 that we were in. We didn't necessarily have information to
11 that level of specificity either, to be quite clear. It was
12 to really educate.

13 So I can understand, in a sense, where some
14 of the concern over generalized statements are.

15 Equally, I think we would just flag that what
16 is known now in 2024 and what was known publicly back in 2019
17 are quite different things. So there is a lot more awareness
18 now of what foreign interference is. In part from the public
19 documents that have been shared by both CSE and CSIS in terms
20 of what foreign interference is and the activities that
21 happen. It's -- there's a greater awareness now.

22 So what we would have deemed secret back in
23 2019 may in fact be much more common knowledge and out in the
24 open now. So I think in recollecting and looking back, I can
25 equally understand how one could see that and say, "Well,
26 this is known now, so this wasn't really secret." Well, to
27 us it still was.

28 I will underline one last thing briefly if

1 you'll permit me, is that sometimes there is information in
2 opensource, in the news, or from other sources, that is out
3 there and people can access, but equally, if the message is
4 coming from a security or intelligence agency and it is
5 derived from classified information, it's still classified.
6 It might be out in a public domain from a different source,
7 but the fact that we might know of or be looking at something
8 can still be classified, even though it might be mirrored to
9 a certain extent in the public domain.

10 **MS. LYNDA MORGAN:** Thank you. Now, we've
11 spoken about information flow high level. I want to take you
12 just to one specific example of concerns around information
13 flow.

14 So can I pull up CAN3128, please?

15 Mr. king, these questions will be for you.

16 **MR. LYALL KING:** Yes.

17 **MS. LYNDA MORGAN:** This is an email chain
18 ranging from October 29th to November 1st, 2019. So that's
19 about a week after the election. Do you recognize this email
20 chain?

21 **MR. LYALL KING:** I do, yes.

22 **MS. LYNDA MORGAN:** Okay. And you were one of
23 the participants in this email chain?

24 **MR. LYALL KING:** I certainly was.

25 **MS. LYNDA MORGAN:** Okay. So if we start on -
26 - if you can scroll down a bit, please? If we stop there?

27 This is a discussion, you can see in the
28 subject line, about a CNSB. Can you just -- what's the

1 acronym, CNSB?

2 **MR. LYALL KING:** That would be a CSIS
3 national security brief, I believe. It's a CSIS product.

4 **MS. LYNDA MORGAN:** So it discusses the
5 receipt of that particular product with a date of
6 October 29th, 2019.

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

8 **MS. LYNDA MORGAN:** And if we look at your
9 email, you note that you were surprised to receive it, and
10 you write that, quote:

11 "The document is massively
12 problematic from my perspective."

13 **MR. LYALL KING:** Correct; yes.

14 **MS. LYNDA MORGAN:** The Commission heard
15 evidence yesterday from Cherie Henderson, who was shown this
16 email, and who described the referenced report as
17 "identifying potential FI by a politically connected
18 Canadian. That person had not previously been identified as
19 acting on behalf of a foreign state, but appeared to have
20 been doing so in the period leading up to the 2019 election."

21 And the report initially assessed it likely
22 that the actor, quote:

23 "...has already had an impact on the
24 2019 federal election, and will
25 remain a foreign interference threat
26 after the election." (As read)

27 End quote.

28 Would you agree that what I read to you is an

1 accurate summary of a document that we are not going to be
2 getting into?

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

4 **MS. LYNDA MORGAN:** And in the first bullet
5 point on page 1, you also note that:

6 "SITE had no visibility of this
7 reporting."

8 And that, quote:

9 "It is possible some components of
10 the story were passed, but they were
11 not clearly linked into a coherent
12 narrative."

13 End quote.

14 And so if I summarise the main point of your
15 statement there, you were concerned that information had been
16 passed along in a piecemeal fashion?

17 **MR. LYALL KING:** Partially, yes. That was
18 partially my concern.

19 **MS. LYNDA MORGAN:** And -- so what's the other
20 part of the concern?

21 **MR. LYALL KING:** It was equally sort of the
22 timing and the bottom-line statements, as you had just read
23 out. I note in this email that I'm pretty certain we had
24 received bits and pieces of the intelligence over an arc of
25 time, but certainly over a number of months, or it's years,
26 potentially. One can lose the thread, I suppose, in a sense;
27 right? You're hearing it bit by bit coming through.

28 When that report was issued, it was probably

1 the first time that I had seen it all together with, you
2 know, an assessment statement attached to it as well, which
3 when seeing it in that format was quite interesting. My
4 concern was with the dissemination. Not that it -- like it
5 went to people that should have and needed to see it, to be
6 very clear. It was that it was it went to them at the same
7 time as it went to SITE, and given the nature of it, just
8 after the election, and the bottom-line statement seemed to
9 have some disagreements with what we were saying from a SITE
10 perspective with regarding the nature of the foreign
11 interference, I was concerned about the messaging being
12 conflicting and going up to seniors.

13 And I felt, well, really, effectively, I
14 would liked to have had a chance to talk through it and to
15 understand at the end of the day. Not that I wouldn't
16 ultimately have agreed with what the assessment was, but at
17 first glance, SITE was saying one thing, and this report
18 seemingly said something different. So that's where I felt
19 it was problematic in that sense.

20 **MS. LYNDA MORGAN:** And if we scroll down to
21 the next page, please.

22 The second bullet, "Dissemination of
23 intelligence", you've already touched on some of this, but
24 you raise specific concerns about timing, quote:

25 "...one week after the election..."

26 And as you've just stated:

27 "...when this information was clearly
28 known beforehand and built up over

1 purposeful manner sort of what my concerns were, so I just
2 wasn't happy with what the initial response back was, to be
3 quite frank. This is an emotional email for sure. But my
4 initial response was "Well, I don't think they really
5 understood what I was trying to get across. It was -- it
6 hasn't been dealt. And to be fair, I wasn't part of those
7 conversations.

8 so ultimately that was an initial reaction to
9 an initial response, but again, I will go back to what I just
10 stated is that we did have conversations about after -- we
11 did have conversations about how to improve the sharing, and
12 we did roll that up into our lessons learned in our after
13 action reports. So an acknowledgement that there were
14 challenges and we needed to address them.

15 **MS. LYNDA MORGAN:** And I notice, well, just
16 again to complete this exchange, the report was modified
17 later, removing the assessment regarding the actor's impact
18 on the 2019 election. Were you part of discussions relating
19 to that modification?

20 **MR. LYALL KING:** No, I had no visibility into
21 that. And to be very clear, my intent wasn't to try to
22 influence that, my intent was to try to have a conversation
23 about something that I thought could be problematic so we
24 could understand what the perspectives were.

25 Again, the ultimate sentiment that was in the
26 original document didn't quite align with our broader view.
27 That doesn't mean those two things and two views couldn't
28 co-exist, but it was more trying to understand on how to

1 communicate that if that was the fact.

2 But bottom-line, I didn't have visibility of,
3 I didn't have knowledge of, until it was re-issued, of what
4 had happened with that report, that entirely and internal
5 CSIS discussion and response.

6 **MS. LYNDA MORGAN:** And time permitting, I
7 would ask one more question in relation to the after action
8 report? Thank you.

9 It's CAN 8973.

10 **--- EXHIBIT No. CAN 8973:**

11 SITE Task Force After Action Report -
12 2019 Federal Election

13 **MS. LYNDA MORGAN:** So this is a version of
14 the SITE After Action Report 2019.

15 **MR. LYALL KING:** Yes.

16 **MS. LYNDA MORGAN:** This is a version from
17 August 2020.

18 Go down to PDF page 13, please. Close to the
19 bottom of the page under Overall Threat Assessment. If you
20 could stop there, please.

21 Starting five lines from the bottom, we see
22 the conclusion:

23 "...SITE TF did observe foreign
24 interference activities targeting
25 certain ridings and candidates in
26 relation to the election, directed
27 largely from China and to a lesser
28 extent from India and Pakistan...SITE

1 TF assessed that none of these
2 foreign interference activities were
3 part of a broad-based electoral
4 interference campaign and did not
5 have an impact on the overall outcome
6 of the election. In addition, none
7 of the activities met the threshold
8 to pursue criminal investigations."

9 Is -- does that accurately summarise the
10 Panel 2019's conclusion in relation to foreign interference
11 activities?

12 **MR. LYALL KING:** That accurately includes the
13 SITE's view of activities, which would have been briefed up
14 to the Panel.

15 **MS. LYNDA MORGAN:** And was the fact that SITE
16 observed FI-related activities in certain ridings and
17 candidates briefed to this -- the secret cleared political
18 party representatives?

19 **MR. LYALL KING:** The specifics of I'm not --
20 I would like to defer to my service colleague, simply because
21 much of that information came from the service. I believe
22 so, but I would defer to the service on that.

23 **MS. LYNDA MORGAN:** Yes, thank you.

24 **CSIS REPRESENTATIVE:** So I think that there
25 were a couple of engagements with individual political
26 parties, the one with the Liberal Party that you have noted
27 already, and there was one additional engagement that -- with
28 another political party that happened separate and apart from

1 the broad briefings, where a specific item was discussed at
2 the party's request. But beyond that, and beyond what was
3 provided in the broad classified political party briefings,
4 there wasn't for 2019 additional engagements that would have
5 gone into specifics.

6 **MS. LYNDA MORGAN:** Thank you. Yes?

7 **MS. GALLIT DOBNER:** Sorry, I just wanted to
8 add one precision here. In the bottom-line judgment at the
9 end where it says that SITE TF assessed that none of these
10 foreign interference activities were part of a broad-based
11 electoral interference campaign, indeed, that was SITE Task
12 Force's assessment. The second part of the sentence that
13 opines on the impact on the overall outcome of the election
14 was more of a reference to what the Panel of Five ultimately
15 determined. The SITE after-action report came out well after
16 the election. So that was a reflection of what the Panel of
17 Five felt because it was not within SITE's purview to
18 determine the impact of the activities that we observed. It
19 was to share that information with the Panel of Five to then
20 determine what the potential impact could be on the Canadian
21 election.

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

24 **COMMISSIONER HOGUE:** Thank you.

25 We will be supposed to start cross-
26 examination. We have 45 minutes before lunch. Is it better
27 to take lunch now? No, we -- okay. We'll -- I'm looking at
28 the -- I'm very obedient so.

1 Okay. So first cross-examination will be
2 Michael Chong.

3 **MR. GIB van ERT:** Thank you, Commissioner.

4 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

5 **MR. GIB van ERT:** Good afternoon, Panel.
6 I'll ask the Court Operator to pull up the document we were
7 just looking at, CAN 8973. If you go to page 3, about the
8 middle of the page, this is in fact, I think -- if you'd make
9 it a little larger? It's under Foreign Interference Threats.
10 There we are. Thank you. Actually, forgive me -- oh, hang
11 on a moment. I want to make sure I'm on the right document
12 here. Yes, there we are. So I think this is the same
13 passage that we were looking at from page 13, but just placed
14 as a summary here. So let's make sure we're on the same page
15 here. It's the passage just above the longer redaction that
16 says,

17 "However, SITE TF did observe foreign
18 interference activities targeting
19 certain ridings and candidates in
20 relation to the election, directed
21 largely from China, [...] lesser
22 extent [...] India and Pakistan.
23 SITE TF assessed that none of these
24 foreign interference activities were
25 part of a broad-based electoral
26 interference campaign, and [did --]
27 did not[, rather,] have an impact on
28 the overall outcome of the election."

1 So I wanted to ask you about that, and, of
2 course, I've heard witness Dobner has just said about the
3 overall outcome. So to clarify, even though this sentence
4 says that SITE TF assessed certain things and goes on about
5 the overall impact, the overall impact is not a SITE
6 assessment? Have I understood you correctly?

7 **MS. GALLIT DOBNER:** That's correct. It
8 wasn't within the purview of SITE Task Force to opine on the
9 impact of what we were seeing. That was the role of the
10 Panel of Five.

11 **MR. GIB van ERT:** Okay. So this is -- and
12 this is dated August 2020, if I recall, so we know by then
13 what the Panel of Five has determined and this is reflecting
14 that?

15 **MS. GALLIT DOBNER:** Correct.

16 **MR. GIB van ERT:** Thank you very much. Are
17 you able -- and I may have to ask the Panel of Five this,
18 given what you've just said, but are you able to enlighten us
19 at all about the phrase "overall outcome of the election"?
20 For instance, does that -- did you understand that to mean
21 who would form the government?

22 **MR. LYALL KING:** So -- and it's a good
23 question and I'm trying to recall how we came to formulate
24 these words. It has been a few years, of course. Generally
25 speaking, I think that is a pretty accurate reflection, I
26 think, of the thought. It's in a very broad general sense
27 was there any real dramatic shift than what we thought would
28 have happened, but, again, to Gallit's point, you know,

1 putting this statement in, even that in and of itself in
2 hindsight, you know, probably not the right thing to do, and,
3 in fact, we didn't do that on the 2021 after-action report.
4 We really tried to steer towards just what we had observed
5 rather than weighing in on statements and impact because it
6 is very difficult to determine impact in this space as well.
7 But it was meant to capture a very broad sense of the
8 outcome.

9 **MR. GIB van ERT:** Right. Okay. Thank you
10 very much. Some questions about the RRM for Ms. Denham. I
11 heard you say that the idea was to be able to share
12 information about threats, especially disinformation, and to
13 do so quickly. And, in fact, I've seen some documents. these
14 may be from 2021, but you'll tell me if it's the same in
15 2019, where they were literally called RRM Canada Daily
16 Briefs. Were these produced daily?

17 **MS. TARA DENHAM:** If it was during a writ
18 period, I'll just ask Gallit to confirm.

19 **MR. GIB van ERT:** I did mean during the writ
20 period, yeah.

21 **MS. GALLIT DOBNER:** So pardon me, without
22 seeing the document in front of me, I can't confirm with a
23 hundred per cent certainty, but I recall during the 2021
24 election writ period ---

25 **MR. GIB van ERT:** Yes.

26 **MS. GALLIT DOBNER:** --- my team produced sort
27 of daily sitreps, which is the information that then went
28 into the sitreps that were produced for the Panel of Five.

1 **MR. GIB van ERT:** All right. And do you
2 recall whether the same was done in 2019?

3 **MS. GALLIT DOBNER:** I don't believe we
4 produced as fulsome a daily report. I think it was simply
5 bullets that we then shared with CSE as chair of SITE to
6 include in the daily sitrep ---

7 **MR. GIB van ERT:** Oh.

8 **MS. GALLIT DOBNER:** --- if my memory serves.

9 **MR. GIB van ERT:** Understood. And you've
10 explained that these were open source and, therefore,
11 unclassified?

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

13 **MR. GIB van ERT:** Right. And so given their
14 lack of classification, they could be shared with anyone
15 essentially; is that right?

16 **MS. GALLIT DOBNER:** So within the Government
17 of Canada, just because a document isn't classified, it
18 doesn't mean that it can be shared with anyone.

19 **MR. GIB van ERT:** Okay.

20 **MS. GALLIT DOBNER:** And so I'm sure folks
21 will have seen examples, for instance, in Access to
22 Information Requests when documents are unclassified but
23 redactions are made nonetheless, because just because
24 information isn't classified, it doesn't mean it's not
25 sensitive.

26 **MR. GIB van ERT:** Well, let me ask you this.
27 Is there any reason why the RRM information that you were
28 gathering about disinformation or potential disinformation

1 from open-source sources could not have been sent to campaign
2 managers during GE 2019?

3 **MS. GALLIT DOBNER:** So the construct at the
4 time was that SITE was collecting information to then share
5 in turn with the Panel of Five to make a deliberation, as we
6 all know, with regard to the threshold. And I think it's
7 been explained in the past that the threshold was set fairly
8 high because folks didn't want to create a situation where
9 the government itself is contributing to the discourse and
10 then potentially having an impact on the outcome of the
11 election. So the construct was simply that we shared
12 information at the SITE Task Force, and that was onward
13 shared with the Panel of Five to make a determination. And
14 it wasn't shared outwards. For instance, we didn't share
15 that information with G7 partners. We didn't share it with
16 civil society partners. It was particular to the SITE
17 construct.

18 **MR. GIB van ERT:** So I think I understand all
19 of that. All I was getting at was that there was no national
20 security reason that would prevent a sharing to political
21 campaigns, if that had been the model.

22 **MS. GALLIT DOBNER:** I think that's probably
23 correct, but again, I'd have to go back to the point that
24 just because information isn't classified, it doesn't mean
25 that it's not sensitive.

26 **MR. GIB van ERT:** All right. So it's not
27 being put on your website, for instance?

28 **MS. GALLIT DOBNER:** No, it wasn't put on our

1 website.

2 **MR. GIB van ERT:** Thank you. And last ---

3 **COMMISSIONER HOGUE:** I think she wanted to
4 answer.

5 **MR. GIB van ERT:** Oh, sorry.

6 **MS. TARA DENHAM:** I just wanted to add in as
7 well to a conversation that we had earlier, which is in that
8 social media environment, it is really, really difficult to
9 identify if it's just misinformation or disinformation. And
10 so the purpose for the RM, as was identified, is to feed that
11 information in, we have a broader scope we're reporting in.
12 But to share that before a full analysis or understanding of
13 what's happening, particularly indicators of foreign --
14 potential links to foreign, again, that would put us into a
15 very difficult situation.

16 **MR. GIB van ERT:** I see.

17 **MS. TARA DENHAM:** In fact, there could be
18 assumptions made that it was a foreign campaign when in fact
19 the daily SITREPs are real time in a politically charged
20 environment, and it could be Canadians speaking to
21 information and we are not -- we don't have conclusive
22 evidence.

23 So that's why during a writ period this
24 information, as Ms. Dobner has relayed, is shared for context
25 to track what's happening, but in 2019 we were never able to
26 confirm foreign links.

27 **MR. GIB van ERT:** Right. So those are policy
28 concerns against this idea, but I was just looking at whether

1 there was not sec reason against it. But you've explained,
2 well, there might be other reasons not to do it in any case.

3 **MS. TARA DENHAM:** Yes, and we're speaking to
4 the writ period and because the RM Canada is able to share
5 information outside of writ period. But in writ period, all
6 of these sensitivities needs to be taken ---

7 **MR. GIB van ERT:** Different considerations;
8 understood.

9 And my final question, which is also for you,
10 Ms. Denham, is to do with *The Buffalo Chronicle* matter. And
11 we've already heard that it wasn't state sponsored; it was
12 published outside the country. So I've got that. I also saw
13 from the report that in fact the story was debunked by third
14 parties, Snopes and other places, right? I see you nodding,
15 thank you.

16 Now, this morning Mr. Sutherland was here
17 giving evidence, and he gave evidence that he, at the
18 direction of the Clerk of the Privy Council at the time, Mr.
19 Shugart, asked Facebook to remove the article, and Facebook
20 did so. And my question for you is, are you aware of the
21 Clerk having given any similar directions in respect of
22 disinformation concerning Conservative Party of Canada
23 platforms or candidates?

24 **MS. TARA DENHAM:** I myself -- I was not in
25 the seat during the writ period so again, I'll have Gallit
26 speak to that.

27 **MR. GIB van ERT:** Yes, are any of you aware?

28 **MS. GALLIT DOBNER:** No, I was not aware.

1 **MR. LYALL KING:** I'm not aware.

2 **MS. TARA DENHAM:** I'm not aware.

3 **MR. ERIC GORDON:** I'm not aware.

4 **MR. GIB van ERT:** And I trust that the
5 witness I can't see is also unaware?

6 **CSIS REPRESENTATIVE:** Correct, I was also
7 unaware.

8 **MR. GIB van ERT:** Thank you. Those are my
9 questions.

10 **COMMISSIONER HOGUE:** Thank you.

11 Next one is counsel for Jenny Kwan.

12 **(SHORT PAUSE)**

13 **--- CROSS-EXAMINATION BY MS. MANI KAKKAR:**

14 **MS MANI KAKKAR:** Hi. Good afternoon to the
15 panel. My name is Mani Kakkar, and as the Commissioner
16 indicated, I'm counsel to Jenny Kwan.

17 I just have some questions where I want to
18 focus on information flows specifically from the SITE Task
19 Force to perhaps political parties or Members of Parliament.
20 And I understand that as a Task Force you may not be doing
21 that, it may be your individual agency's decisions to pursue
22 that sort of action. So I'd appreciate understanding both
23 where it is the Task Force and alternatively where it is a
24 specific agency, if that panellist could speak and let me
25 know.

26 From the Inquiry so far, what we've
27 understood of foreign interference again is that it can be
28 sort of smaller instances or occurrences, whether it's a

1 post, WeChat, or online, or an article, or a campaign event.
2 And so what I wanted to understand was how the Task Force or
3 the specific agencies understand the aggregated impact of
4 these smaller events. Because maybe in isolation, in a
5 single SIT Report on a particular week, it might look like
6 that was a very small event and therefore the situation is
7 still stable, but by week four you've had six of these and
8 perhaps collectively the picture looks different. So I
9 wanted to understand how the Task Force, or the agencies deal
10 with that sort of aggregation.

11 **Mr. LYALL KING:** Maybe I can begin, and I'll
12 maybe start with that second one because you raise a really
13 excellent point, in fact, and it is a challenge, from an
14 intelligence collection perspective, in that you do see bits
15 and pieces of information over time that are not always --
16 not always immediately apparent that it is related
17 specifically to foreign interference; as you've noted, it
18 might be some nature activity, and it is only over an arc of
19 time that you begin to see potentially a pattern of other
20 information that might corroborate and confirm these things.

21 So what you've described is just, in a sense,
22 the nature of intelligence collection and assessment. When
23 we assess issues, we assess foreign interference, we assess
24 foreign adversary behaviours. We're not looking at a very
25 narrow band of time. Typically, we're trying to understand
26 it over a very large arc of time, and it is, in fact, one of
27 the reasons why SITE exists outside of the writ period. The
28 intent is to be able to look at and discuss and track these

1 things over time, and then incorporate that information into
2 our overarching assessments, which is what we have done, and
3 which we can probably speak to somewhat as well in 2021.

4 So individual departments and agencies might
5 do that in different ways, but we quite simply do track,
6 understand, and then try to build the knowledge over time of
7 adversary, or suspected adversary behaviour. So it is the
8 process of intelligence in that sense.

9 I will maybe pivot to your first question, in
10 terms of information flow from SITE to political parties,
11 hopefully I'm answering this for you in the right way.
12 Essentially, SITE as a group briefed political parties
13 verbally before the writ and a few times during the writ.
14 This is both in 2019 and 2021. There were verbal briefings
15 to communicate the SITE's view of the threat, what SITE's
16 role was, et cetera, et cetera. That was a formal scheduled
17 set of briefings that was managed by Privy Council Office, so
18 they were always the coordinator of those, they were always
19 the Chair of those meetings. We were components of those
20 briefings to political parties. Other entities were there
21 from CSE, the Cyber Centre would have briefed in, from PCO,
22 Democratic Institutions, Al Sutherland would have a role to
23 brief in. So that's how SITE fed into those formal
24 preestablished set ones.

25 And then as you've heard from our CSIS
26 representative, there were times separate conversations, just
27 with maybe one political party, rather than all four, given
28 the sensitivity of the particular issue. Those were not

1 regularly scheduled, but those would have really involved
2 CSIS again, in coordination with the Privy Council Office in
3 managing that engagement.

4 **MS. MANI KAKKAR:** I appreciate your answer.
5 I don't know if there's any ---

6 **MS. GALLIT DOBNER:** I was just going pitch
7 in, if I might, on that in terms of how we, as a SITE Task
8 Force, addressed sort of traditionally piecemeal nature of
9 foreign interference because, indeed, from the lessons we've
10 learned from other government partners, foreign interference
11 doesn't begin and end during elections.

12 So I'd say there were three things that we
13 did to address that challenge, because it is a very real
14 challenge, and it makes our work difficult. Number one, it
15 was the work that we did in the run-up to elections, so the
16 threat assessments, the threat pictures that we put together
17 that we briefed-up, that we shared with others to try to
18 educate and understand what the pattern of behaviour was,
19 even before an election.

20 Number two, it was the low bar that we
21 applied to the information that we shared in the SITREPs.
22 So, for instance, RM Canada would include reports of
23 information that we were seeing in the online space, even
24 though we weren't detecting a foreign state-sponsored
25 disinformation campaign at that point, we recognized that
26 these sorts of things can start very small. So there was a
27 very low bar for the information that we shared.

28 And then third of all, I would say the oral

1 briefings of the P5, this was something, in particular, I
2 think we did well in the 2021 election, which we'll talk
3 about in the afternoon. But this was an opportunity for
4 leads from all of the four SITE members, or their Deputy
5 Ministers, to piece together the picture in a very coherent
6 way and explain to P5 members, in context, what it is that we
7 were seeing.

8 **MS. MANI KAKKAR:** I very much appreciate your
9 fulsome answer on the question. And sort of shifting, then,
10 to what I've come to view as foreign interference taking
11 place at sort of the campaign level, because many of the
12 examples we see are either targeting particular candidates,
13 particular political parties, and so it seems, at least to
14 me, and I'd like to hear from the panel, that the front lines
15 of foreign interference are really at the campaign level.
16 Would you agree with that sort of assessment?

17 **MR. LYALL KING:** I would say it's hard to --
18 sorry, I thought somebody was saying something there. Was
19 that a sneeze?

20 **MS. MANI KAKKAR:** It was a very loud sneeze.

21 **MR. LYALL KING:** I guess the way we would
22 state it, and again, my CSIS colleague may want to chime in
23 here, is that foreign interference does happen and it's in
24 many spaces. It's in all different sorts of levels of
25 government as well. We've described, I think, you know,
26 municipal, provincial, territorial. It's in a lot of
27 different spaces. So I -- what you're saying is correct in
28 that is a space, but it is pervasive in a lot of different

1 areas in society. So I don't know if my CSIS colleague wants
2 to comment on that?

3 **CSIS REPRESENTATIVE:** Yes. So you know, I
4 think one of the purposes of giving the political party
5 secret cleared representatives some access to secret
6 information that allowed them to see trade, crafts, and
7 methodologies of threat actors is so that if at that campaign
8 and riding level there were things coming to their attention
9 that might have aligned with some of the threat briefings
10 they had had, that they had a place to come back with that.

11 And certainly in the one instance I spoke of
12 with, you know, a political party coming forward, it was to
13 bring a concern forward about something they believed was
14 happening in a campaign. And so that allowed us to take in
15 that information, run it to ground, and respond back to them.

16 So your point is that, you know, these are
17 happening potentially at campaign levels, and to my colleague
18 from CSE's point that, you know, it is quite pervasive and
19 happening in all elements of society inside and outside of
20 elections. Foreign interference is certainly, you know, a
21 considerable threat to Canada and to Canadians.

22 I think that there were mechanisms that we
23 were trying to establish that would have allowed that
24 information to flow forward to us to be helpful to try and
25 address some of those concerns.

26 I hope that answers your question.

27 **MS. MANI KAKKAR:** It does. And it leads into
28 what I believe is going to be my last question, given the

1 time.

2 And if I could just ask for CAN13638 to be
3 pulled up? And specifically, page 5 of both the PDF and the
4 document. And again, if you're able to tilt it so that it's
5 -- or rotate it so that it's readable, that would be
6 appreciated. Okay. Perfect.

7 So I believe this is the same document in
8 black and white it's the SITE Response Matrix. And again, I
9 understand that SITE might have more limited capacity than
10 any of its particular agencies, so if your answer could
11 include both the SITE responsibility, Response Matrix, as
12 well as an individual agency's capacity, that would be
13 appreciated.

14 But the CSIS representative had mentioned
15 that there were ways to have that information flow out. And
16 when it comes to Members of Parliament, candidates, or
17 political parties, I wanted to understand, on this Matrix and
18 this Response Matrix, where they would be the recipients of
19 that information or response? I can understand, for example,
20 under "DISRUPT" for CSIS, you know, the TRM process may
21 include that. Is there anywhere else on this graphic where
22 the Response Matrix would include information going out to
23 MPs, candidates, foreign -- or political parties, sorry?

24 **MR. LYALL KING:** Yeah, I'll start there. I
25 think -- I mentioned earlier that this isn't necessarily a,
26 you know, 100 percent complete view of things and was built
27 on the back of tabletop exercises, and ergo, really meant as
28 an internal general guide for us.

1 What I will say is, from an overall SITE
2 activity and responsibility, what you might not see on this
3 is just the act of informing. That is an action taken.

4 SITE, as a collective, would be really
5 informing our Senior Deputy Ministers and the Panel. That
6 was really the core of where that information would go.

7 Then it devolves into individual agency and
8 department responsibilities, mandates, and authorities.

9 So from a Cyber Centre -- CSE, sorry, the
10 Cyber Centre is a component of CSE, there was outreach and
11 documentation prepared with respect to how to protect oneself
12 from cyber threats, how to protect campaigns from
13 specifically cyberthreats and how to manage information.

14 So we, as the Cyber Centre, have, in our
15 authorities and our mandate, the ability to provide advice
16 and guidance. And that was done through that activity. So
17 each component member would be potentially able or not able,
18 depending on the nature of the information, to share.

19 And that may be an important point as well.
20 This is a broad scope of potential things we could bring to
21 bear, given one particular piece of information that may not
22 be enough for us to take an action. There might need to be
23 an accumulation of information, for example, or a combination
24 of different sources to confirm, as Ms. Dobner mentioned
25 before. So there's a number of factors that we have to
26 consider.

27 But largely speaking, SITE would be informing
28 the Panel and our Deputy Ministers. And in that sense,

1 certainly during the writ, but then it would kind of devolve
2 down to the individual components, members, to bring their
3 authorities to bear, depending on, again, the thresholds they
4 have for individual actions.

5 **MS. MANI KAKKAR:** So just so I understand, on
6 this graphic, you would say that there's no where else that
7 information would be flowing from either SITE to the Members
8 of Parliament, and then -- or candidates and political
9 parties, and otherwise it would be the individual agencies
10 themselves that would make that decision?

11 **MR. LYALL KING:** Generally speaking, I would
12 just -- with that note of caution that this is not intended
13 to be a complete 100 percent capture of everything. Like,
14 there are other spaces we -- like, again, the informing from
15 SITE isn't necessarily mentioned there. But generally
16 speaking, that is correct.

17 **MS. MANI KAKKAR:** Thank you so much.

18 **MR. ERIC GORDON:** If I might just add? Oh,
19 I'm sorry.

20 **MS. MANI KAKKAR:** Oh, sorry about that, Mr.
21 Gordon.

22 **MR. ERIC GORDON:** Just to add a comment. If
23 an incident or a collection of incidents did meet a criminal
24 threshold, that would, just by the nature of criminal
25 investigations and the court process, bring it out into the
26 open sphere, and a candidate or an entity that was a victim
27 of this criminal activity would be a witness in that process
28 and then would, just by definition, be involved, if we got to

1 that, understanding that criminal investigations take time.

2 So although this is framed as a SITE Response
3 Matrix, if there were criminal investigations stemming from
4 activities, even if they occurred during the writ period, it
5 could extend well beyond that period for the amount of time
6 it could take to reach some kind of a judicial conclusion.

7 **Ms. MANI KAKKAR:** I appreciate your answer,
8 Mr. Gordon.

9 And even though I have some follow-ups, I
10 will have some self-restraint and realize my time is up.
11 Thank you.

12 **COMMISSIONER HOGUE:** Thank you.

13 So next one is counsel for Han Dong.

14 **--- CROSS-EXAMINATION BY MS. EMILY YOUNG:**

15 **MS. EMILY YOUNG:** Good afternoon,
16 Commissioner, and good afternoon to the panelists.

17 We have a couple of brief questions for the
18 CSIS representative on this panel in relation to the evidence
19 they provided before the Commission on March 1st, 2024.
20 Although we are, of course, happy to receive comments from
21 other panel members if they wish to add anything.

22 So to the CSIS representative, you gave
23 evidence on March 1st that CSIS sometimes adds caveats
24 related to concerns over motivation, which can appear in
25 intelligence reports.

26 Were you referring to concerns CSIS might
27 have over the motivations of a source of intelligence?

28 **CSIS REPRESENTATIVE:** I can't answer that

1 question.

2 **MS. EMILY YOUNG:** Are you able to provide the
3 Commission with anymore information about the kinds of
4 motivation CSIS might have concerns about? Just in general
5 terms.

6 **CSIS REPRESENTATIVE:** So I think that in this
7 space and my role on SITE, so I don't think I would be able
8 to speak to the exact question you're asking.

9 **MS. EMILY YOUNG:** Okay. And I take it you
10 probably won't be able to respond to my following question,
11 but I just want to put it on the record. Is it the case that
12 a concern about motivation could have an impact on the
13 reliability of intelligence information?

14 **CSIS REPRESENTATIVE:** In a very broad general
15 sense, yes, that is correct.

16 **MS. EMILY YOUNG:** And in some cases, it could
17 make the reliability of intelligence weaker?

18 **CSIS REPRESENTATIVE:** Again, that's not
19 necessarily the case. I think that in many ways, the -- you
20 can have truthful information and corroborated information
21 and still have some degree of uncertainty on the motivations.

22 **MS. EMILY YOUNG:** Okay. There could be a
23 possibility that in some cases, obviously, depending on the
24 circumstances, and we wouldn't ask you to go into specific
25 circumstances, but it's possible that in some cases it could
26 reduce reliability?

27 **CSIS REPRESENTATIVE:** Yes, I guess that is
28 correct.

1 **MS. EMILY YOUNG:** Okay. Thank you. Those
2 are our questions.

3 **COMMISSIONER HOGUE:** Thank you. Next one is
4 counsel for Conservative Party.

5 **MR. NANDO de LUCA:** Yes, can you hear me,
6 Commissioner?

7 **COMMISSIONER HOGUE:** Yes, I do.

8 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

9 **MR. NANDO de LUCA:** Thank you. Could I ask
10 that CAN.DOC 000011 be called up, please, or quadruple 0 11,
11 Institutional Report of the Privy Council Office.

12 **--- EXHIBIT No. CAN.DOC.11:**

13 Institutional Report for PCO

14 **COMMISSIONER HOGUE:** I think it's coming.

15 **MR. NANDO de LUCA:** Thank you. So on pages
16 2, bottom of page 2, top of page 3, there's a -- of this
17 report, there is a description of the composition of the
18 Panel of Five, and also how it receives and acts on
19 information from the SITE Task Force. Do you want to perhaps
20 just review those paragraphs? This is a general question.
21 And maybe I'll ask it this way while you're reviewing it. In
22 the last paragraphs on paragraph two, the last three
23 paragraphs, there is an indication of an incident or
24 incidents being reported to the Panel of Five and then
25 possibly being acted upon by the Panel of Five if it met the
26 threshold that we heard about earlier today. And, again,
27 this is a general question. Can you tell me, as used in this
28 report, does the word "incident" refer to any particular type

1 or level of foreign interference information, or does
2 "incident" simply mean the totality of the information
3 communicated in the daily SITE rep briefings, or does it mean
4 something else?

5 **MR MATTHEW JOHNSON:** Madam Commissioner?

6 **COMMISSIONER HOGUE:** Yeah.

7 **MR MATTHEW JOHNSON:** Madam Commissioner. I
8 am not clear what chart of this report, or which paragraphs
9 my friend is referring the panelists to, and I would
10 appreciate if that can be clear before they're asked to
11 answer any questions ---

12 **MR. NANDO de LUCA:** Sure. Bottom of ---

13 **COMMISSIONER HOGUE:** Can you just make sure,
14 Me De Luca, to point out exactly to what part ---

15 **MR. NANDO de LUCA:** Sure.

16 **COMMISSIONER HOGUE:** --- you're referring to.

17 **MR. NANDO de LUCA:** Surely. If you review
18 the last three paragraphs? I'm looking at it on my screen
19 because it's smaller on -- of page 2, there's a reference to
20 the information that the Panel of Five receives, and there's
21 a couple of times the word -- so, for example, in the third-
22 last paragraph, "single incident or an accumulation of
23 separate incidents". And then again in the last paragraph,
24 it talks about,

25 "If advised of an incident, on a
26 consensus basis and with consultation
27 [of] the Panel of Five will determine
28 whether the threshold to inform the

1 public has been met."

2 And my question really is if the Panel knows,
3 as you -- the word "incident" here, is it being used as a
4 term of art, or as something in particular, or is it just
5 another word for the collective of information that the SITE
6 Task Force gathers and reports.

7 **MR. LYALL KING:** I can -- simply from a SITE
8 Task -- and when you mentioned asking the panel, I'm assuming
9 you mean the SITE Task Force Panel, just to be clear?

10 **MR. NANDO de LUCA:** Yes, yes. Yes, I'm
11 sorry.

12 **MR. LYALL KING:** No, that's fine. I really
13 can't comment. This is not a SITE document. We did not
14 create this document. So I wouldn't really want to comment
15 explicitly on what the use and the intended -- the use of
16 that word incident is. I could comment on it if I had
17 written it myself, but I'm not comfortable doing so on this
18 case.

19 **MR. NANDO de LUCA:** Okay. And would I be
20 correct in assuming that in connection with the 2019 general
21 election, the SITE Task Force in its regular reporting to the
22 Panel of Five did not flag any specific piece of information
23 or intelligence that the Panel of Five should consider for
24 possible disclosure or further action?

25 **MR. LYALL KING:** Just to be clear, my answer
26 is that we flagged -- we reported up -- sorry, we reported a
27 lot of information up to the Panel of varying degrees of
28 specificity, et cetera, and from different sources. I --

1 nothing that went up to the Panel went with any sort of
2 recommendation, to be very clear. It was just simply a
3 statement of SITE has observed X or Y. It was entirely the
4 Panel's review, and they did it in isolation of the SITE Task
5 Force how they really ingested and internalized and made
6 decisions on that so.

7 **MR. NANDO de LUCA:** Thank you. I heard a
8 couple of times in the evidence both in-Chief and in the
9 cross-examination references to -- and I don't think this is
10 contentious -- that one of the roles of the 2019 SITE Task
11 Force was to share information as appropriate with the
12 political parties or their representatives that had secured,
13 or that had clearance. Is that correct?

14 **MR. LYALL KING:** Yes, that is correct.

15 **MR. NANDO de LUCA:** Okay. And there was a
16 suggestion, I thought, and I just want to put a pin on it,
17 that there were multiple meetings with -- during the writ
18 period with one or more of the political parties?

19 **MR. LYALL KING:** To be ---

20 **MR. NANDO de LUCA:** This is for 2019.

21 **MR. LYALL KING:** Yeah. To be clear, there
22 were set meetings that were organized by PCO that involved
23 SITE as one contributor to, so I believe there were 3 or 4 in
24 2019, a couple before, and a couple during the writ. So that
25 was a -- you know, set a couple weeks in advance, so that we
26 could ensure that the cleared party members were able to
27 attend because they were getting very -- naturally very busy.
28 Outside of that, there were, and my CSIS colleague referred

1 to certainly one engagement separate from the broader
2 groupings. Typically, that would have involved CSIS, but
3 again, coordinated by PCO, and I would again defer to my CSIS
4 colleague if I have misrepresented that.

5 **CSIS REPRESENTATIVE:** No, that's correct.
6 There were -- there was one meeting that has been already
7 discussed with the Liberal Party that was separate and apart,
8 and then there were two meetings on the same incident with
9 another political party, one to receive the information about
10 their concern and one to relay that information responding to
11 their concern.

12 **MR. NANDO de LUCA:** Okay. And just as a
13 quick follow up to that, I take it from the nature of the
14 answer you can't disclose who that political party was in the
15 second incidence?

16 **CSIS REPRESENTATIVE:** Yes, that's correct.

17 **MR. NANDO de LUCA:** Okay. So just coming
18 back to my general question, it -- has the SITE Task Force
19 produced a document in -- to the Commission that outlines the
20 occasions or dates in which the SITE briefings to the
21 political parties were undertaken? Because I have one from
22 the Privy Council Office, which we'll go to next, but I just
23 want to know if there's another document that you're aware
24 of.

25 **MR. LYALL KING:** Well, forgive me, over the
26 course of a number of months and a number of different
27 discussions I've certainly tried to collate from my own
28 recollection, my own speaking notes and my own calendars a

1 timeline of when briefings occurred. I don't know if there
2 is one document that contains all of those that SITE
3 produced. I've certainly contributed to my understanding of
4 those so.

5 **MR. NANDO de LUCA:** Okay. So let's deal with
6 what I am aware of. So can we have CAN 13303 put up, please?

7 **--- EXHIBIT No. CAN 13303:**

8 Briefings on Foreign Election
9 Interference

10 **MR. NANDO de LUCA:** So this is from the Privy
11 Council Office, and among other things, contains a listing of
12 briefings, which the -- that PCO had indicates had
13 coordinated. So I'd like to turn to -- sorry, I'm just --
14 I'm going to go to my screen as well. So there's a summary
15 of briefings to and meetings with political party
16 representatives, page 3 of 4.

17 **COMMISSIONER HOGUE:** Here.

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

19 So if I understand this correctly, this
20 document suggests that, or only gives an indication of one
21 briefing to the political parties during the writ period for
22 GE 2019. Is that correct?

23 **MR. LYALL KING:** I believe that is correct.
24 The September 4th one I believe is the one you're speaking
25 about.

26 **MR. NANDO de LUCA:** I was actually ---

27 **MR. LYALL KING:** Oh, sorry.

28 **MR. NANDO de LUCA:** I think September 4 is

1 before the writ period. I was actually speaking of
2 September 28, 2019. And that's -- I believe that's the one
3 meeting we've already discussed in some terms to the Liberal
4 Party of Canada.

5 So I'm wondering, is this list incomplete, or
6 is this the only briefing that was conducted by SITE or SITE
7 members to the political parties during the writ period for
8 GE 2019?

9 **CSIS REPRESENTATIVE:** I have a document that
10 indicates there was an October 2nd, 2019 briefing as well
11 that is not captured there.

12 **MR. NANDO de LUCA:** Are you able to share the
13 document number, or is that -- do you know if that's the
14 document ---

15 **CSIS REPRESENTATIVE:** Yeah. It's CAN 2327.

16 **--- EXHIBIT No. CAN 2327:**

17 Political Parties Classified Briefing
18 - 2019-10-02

19 **MR. NANDO de LUCA:** So other than those two
20 instances during the writ period for GE 2019, were there any
21 other briefings provided by SITE or the SITE members in
22 relation to foreign election interference to the political
23 parties?

24 **CSIS REPRESENTATIVE:** So the two meetings I
25 mentioned with the same political party don't appear on that
26 list. And I don't recall the dates that those happened, but
27 it was within the writ period.

28 **MR. NANDO de LUCA:** Okay. Thank you very

1 much. Those are my questions. Thank you very much.

2 **COMMISSIONER HOGUE:** Thank you.

3 So last one before we break for lunch is the
4 Human Rights Coalition.

5 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

6 **MS. SARAH TEICH:** Good afternoon, everyone.
7 I know I'm standing between us and lunch, so I'll try to keep
8 this very short.

9 If I could ask the court operator to please
10 pull up CAN.DOC 7. I think there is five zeroes before that
11 seven.

12 This is the Global Affairs Canada
13 Institutional Report. My questions are going to be for
14 Ms. Dobner and/or Ms. Denham.

15 So if we can jump to page 5, paragraph 9.

16 This paragraph notes that RRM Canada
17 contracted with the Atlantic Council in the lead up to the
18 2019 general election. Is that correct?

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

20 **MS. SARAH TEICH:** Can we please pull up
21 HRC 28. Take a second to load. And if we can go down to the
22 middle of page 3.

23 **--- EXHIBIT No. HRC 28:**

24 The Atlantic Council's questionable
25 relationship with Gabon's leader _
26 The Hill

27 **MS. SARAH TEICH:** I'm just going to read out
28 a few paragraphs and get your thoughts on them. And I should

1 say, actually, this is an article published in 2016 by The
2 Hill by contributors Thor Halvorssen and Alex Gladstein.

3 So in the middle of page 3, the authors
4 write:

5 "Questions began to surface about the
6 Council's integrity in 2012, when the
7 organization threw a praise party for
8 Kazakhstan's authoritarian regime.
9 Concerns were raised over the fact
10 that Alexander Mirtchev, a Bulgarian-
11 born fixer who 'consults' for the
12 regime, was (and still is) on the
13 Atlantic Council's board of directors
14 and executive committee. External
15 pressure eventually forced the
16 Council to reveal that its major
17 donors included police states like
18 Azerbaijan and Saudi Arabia."

19 Were you familiar with these allegations when
20 RRM Canada contracted the group to assist in its work in the
21 lead up to the 2019 general election?

22 **MS. TARA DENHAM:** No. No. I'm not familiar
23 with this reporting, no.

24 **MS. SARAH TEICH:** If we can jump down to the
25 bottom of page 4.

26 I'll just read another paragraph:

27 "The Atlantic Council's latest
28 dalliance with a dictator unfolded

1 this summer when Frederick Kempe and
2 his staff decided to bestow a 'Global
3 Citizen Award' on the dictator of
4 Gabon..."

5 Were you familiar with this allegation when
6 RRM Canada contracted the group?

7 **MS. TARA DENHAM:** No.

8 **MS. SARAH TEICH:** Finally, at the bottom of
9 page 13, there are two paragraphs I'd like to draw your
10 attention to, and I'll again just read them out loud. It
11 starts at the bottom of page 13, of course goes on to
12 page 14:

13 "Beyond Gabon, it must be noted that
14 the most despicable work done by the
15 Atlantic Council is on behalf of the
16 Eritrean regime. Known as the 'North
17 Korea of Africa,' Eritrea has been
18 ruled for decades by the dictator
19 Isaias Afwerki. He exerts tight and
20 brutal control of his people and
21 exiles dissidents to island prisons
22 in the middle of the Red Sea. The
23 United Nations has recently accused
24 him of crimes against humanity,
25 detailing in particular his methods
26 of enslavement, rape, and torture.

27
28 But Atlantic Council deputy Africa

1 director Bronwyn Bruton..."

2 I don't know if I'm pronouncing that right:

3 "...wrote in the New York Times in

4 June 2016 that 'it's bad in Eritrea,

5 but not that bad.' The article—

6 merely the latest in a long line of

7 whitewashing—downplays the abuses of

8 the dictatorship, argues that the

9 U.N. should not sanction the regime,

10 and makes the case for engagement.

11 Here the Atlantic Council is taking a

12 brazen stand for a regime that can

13 only be described as a malevolent

14 force for evil. And nowhere in the

15 article do they disclose that

16 Canada's Nevsun Resources, with

17 extensive mining interests in

18 Eritrea, a six-figure Atlantic

19 Council donor."

20 Were you familiar with these allegations when

21 RRM Canada contracted the Atlantic Council app to assist in

22 its work in the lead up to the 2019 general election?

23 **MS. TARA DENHAM:** No.

24 **MS. SARAH TEICH:** Those are all my questions.

25 Thank you.

26 **MS. TARA DENHAM:** Could I -- could I just add

27 a bit ---

28 **COMMISSIONER HOGUE:** Yes.

1 Commission is back in session.

2 COMMISSIONER HOGUE: So we are continuing the
3 cross-examinations. The next one, I think, is UCC.

4 --- MR. ERIC GORDON, Resumed:

5 --- MS. GALLIT DOBNER, Resumed:

6 --- MS. TARA DENHAM, Resumed:

7 --- MR. LYALL KING, Resumed:

8 --- CSIS REPRESENTATIVE, Resumed:

9 --- CROSS-EXAMINATION BY MR. JON DOODY:

10 MR. JON DOODY: Good afternoon, panel. My
11 name is Jon Doody; I'm counsel for the Ukrainian-Canadian
12 Congress.

13 When SITE was created leading up to the 2019
14 general election, it was known that there were allegations
15 that Russia had interfered with the American 2016 election;
16 correct?

17 MR. LYALL KING: Correct, yes.

18 MR. JON DOODY: Okay. And so that would have
19 been a concern at the time that Russia may try and interfere
20 in our 2019 general election.

21 MR. LYALL KING: That is correct, yes.

22 MR. JON DOODY: Okay. But, ultimately, the
23 SITE Task Force was of the opinion that Russia did not
24 interfere with our Canadian 2019 general election.

25 MR. LYALL KING: Correct, from our observed
26 -- from our observations, yes.

27 MR. JON DOODY: Okay. In your witness
28 statement summary -- I'm not going to take you there; I just

1 want to read one sentence from it. It read that:

2 "Russia has the capability to
3 interfere in Canadian democratic
4 structures, but it appears that
5 Russia has little interest in doing
6 so." (As read)

7 And so my question is, is that the position
8 of the SITE Task Force in 2019, or is that the position
9 looking back now, five years later, that Russia had little
10 interest in doing so?

11 **MR. LYALL KING:** That was from the -- just to
12 clarify, from the 2019 summary?

13 **MR. JON DOODY:** Yes.

14 **MR. LYALL KING:** Yes. The way I would
15 describe that, that's probably changed a little bit over
16 time, in fairness. When we first set out and established our
17 group and then began to look at the overall threat landscape,
18 we certainly had concerns over Russia, as you've noted,
19 because of the US Election, and we've referenced others in
20 Europe.

21 But over time, like, we were looking for
22 different elements of what they might bring to bear and that
23 the intent is an important aspect of that. And ultimately
24 we're looking at what we can see as well. But as I recall,
25 over a certain period of time, Russia was also engaged and
26 interested in other issues at the time, if I may put it that
27 way. So I think the lights, generally speaking, were shining
28 less on an interest in Canada, in a broader perspective than

1 it was in their own spaces their -- what we would term, their
2 "Near abroad," for example, using that phraseology.

3 **MR. JON DOODY:** Okay. In your SITE Task
4 Force after-action report -- I'm not going to take you to it.
5 I'm just going to read a sentence under the section "A Final
6 Takeaway", the report reads:

7 "Overall, a key concern was the
8 observation by the SITE Task Force of
9 long-term and often non-distinct
10 activities (such as ongoing diaspora
11 community influenced activities."

12 So my question is, is that saying that the
13 Task Force made observations of those types of long-term and
14 non-distinct activities or is that simply a type of those
15 activities that the Task Force could not make observations
16 on?

17 **MR. LYALL KING:** I would say that it's a
18 recognition that that's a space that needs to be monitored on
19 an ongoing basis, so you know, we could certainly extrapolate
20 from, I think, what we would have seen and it's in our
21 report. We talk a fair bit about the People's Republic of
22 China and activities and how that plays out in those spaces,
23 but it's an acknowledgement that that's a space that needs to
24 be looked at continually.

25 **MR. JON DOODY:** And you may not be able to
26 answer this, but did the Site Task Force observe any of those
27 long-term non-distinct activities affecting diaspora
28 communities in the 2019 election?

1 **MR. LYALL KING:** There were -- I have to be
2 careful about what I say, I guess. I'm trying to remember
3 what's certain domains. And to be quite frank, it may be
4 best for me to leave that observation to my colleague from
5 the service simply, again, because my organization doesn't
6 look at the domestic space, CSE, that is. So I will defer to
7 my colleague from the service to potentially make a remark on
8 that regardless.

9 **CSIS REPRESENTATIVE:** With apologies. I
10 thought we were coming back at 3:00 and I missed the
11 question.

12 **MR. JON DOODY:** I'll repeat it for you.

13 In the SITE Task Force after-action report
14 under the heading "A Final Takeaway", the report reads:

15 "Overall, a key concern was the
16 observation by the SITE Task Force of
17 long-term and often non-distinct
18 activities (such as ongoing diaspora
19 community influenced activities."

20 So the question was, during the 2019 General
21 Election, did the SITE Task Force make those long-term --
22 observation of long-term and non-distinct activities
23 specifically?

24 **CSIS REPRESENTATIVE:** So I guess my answer to
25 that would be that CSIS has observed that for decades at this
26 point, and I think some of that was raised by the panel --
27 the CSIS panel yesterday. Those aren't observations.
28 They're longstanding ones.

1 **MR. JON DOODY:** And specifically, was there
2 any observations made during the lead-up to or the writ
3 period of the 2019 election?

4 **CSIS REPRESENTATIVE:** So again, SITE's remit
5 was specifically related to the democratic institutions
6 portion of it, so where those overlapped, certainly those
7 reports would have come forward or those pieces of
8 information on intelligence would have been brought forward.
9 So I mean, we were looking specifically in that election
10 space. We had a very low bar for what was included, but if
11 there was overlap between those two things, yes, those would
12 have been brought forward.

13 **MR. JON DOODY:** And then my final question is
14 with respect to the RRM.

15 And so as I understand it, the RRM was
16 observing media stories and then making attempts to determine
17 if there was a state-sponsored -- foreign state sponsor
18 behind this story in order to identify it as foreign
19 interference.

20 **MS. GALLIT DOBNER:** So we were looking for
21 foreign state-sponsored amplification of narratives in the
22 online space, correct.

23 **MR. JON DOODY:** And so if there was a
24 domestic story that contained misinformation or
25 disinformation that was repeated or highlighted by a foreign
26 state media, would that constitute foreign interference?

27 **MS. GALLIT DOBNER:** So that could. That was
28 a new tactic at the time that we were observing, and that's

1 developed over time, where foreign state actors don't simply
2 spread lies but they take narratives out of a domestic
3 context but they might amplify them using inauthentic means,
4 so they take them out of context and amplify them for a
5 specific end. So that could constitute, based on our
6 understanding, foreign interference, yes.

7 **MR. JON DOODY:** Thank you. Those are my
8 questions.

9 **COMMISSIONER HOGUE:** Thank you.

10 Next one is counsel for RCDA, Me Sirois.

11 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

12 **MR. GUILLAUME SIROIS:** [No interpretation].

13 Guillaume Sirois, counsel for the RCDA. I'm
14 going to ask my questions in English, but feel free to
15 respond in the official language of your choice, obviously.

16 During David Vigneault's testimony yesterday,
17 I put numerous documents before the CSIS Director showing
18 that Russia has been conducting significant foreign
19 interference activity during 2019 to 2021 period. And after
20 I showed these documents to David -- Mr. David Vigneault, he
21 conceded that Russia has had significant interest in
22 interfering in Canada's democratic institutions during that
23 period.

24 My question to you is, how do you reconcile
25 that testimony that we heard yesterday with the statement
26 contained in your witness summary stating that Russia has
27 little interest in interfering in Canada's democratic
28 institutions?

1 **COMMISSIONER HOGUE:** I think as a matter of
2 fairness, I think you should refer to specifically what has
3 been said by Mr. Vigneault just for the panel to know exactly
4 what was said and not to get something paraphrased by
5 yourself.

6 **MR. GUILLAUME SIROIS:** Certainly. It will
7 take a few seconds if you ---

8 **COMMISSIONER HOGUE:** No, it's fine. Take
9 your time to find it.

10 **MR. GUILLAUME SIROIS:** Thank you.
11 Can we pull the transcripts of yesterday?
12 They're not on the party database, the
13 transcripts?

14 **MS. ERIN DANN:** Just give us one moment.
15 We'll see if ---

16 **COMMISSIONER HOGUE:** If it's available.

17 **MS. ERIN DANN:** It's not yet.

18 **COMMISSIONER HOGUE:** Do you want to break for
19 just ---

20 **MS. ERIN DANN:** I was going to say, we can
21 get a ---

22 **COMMISSIONER HOGUE:** Because I think as a
23 matter of fairness for the panel, we have to make sure that
24 what is reported is what was said. I have no reason to
25 doubt, but just as a matter of procedure, I think that's the
26 way we should go.

27 **MS. ERIN DANN:** I am getting -- sorry,
28 receiving in real-time here an update that it may be on the

1 party database. We're just ---

2 **MR. GUILLAUME SIROIS:** TRN 10.

3 Can we scroll to David Vigneault's testimony,
4 please, and specifically the cross-examination of David
5 Vigneault by me?

6 **COMMISSIONER HOGUE:** You would have said some
7 cross-examination?

8 **MR. GUILLAUME SIROIS:** Yes.

9 **COMMISSIONER HOGUE:** So it means it's much
10 more toward the end of the transcript.

11 **MR. GUILLAUME SIROIS:** Yes, I see it's --
12 yeah.

13 May I ask the Commissioner for a two minutes'
14 break just so that we can organize?

15 **COMMISSIONER HOGUE:** Yes, sure.

16 **MR. GUILLAUME SIROIS:** Thank you so much.

17 **THE REGISTRAR:** Order please.

18 This hearing is in recess for five minutes.

19 --- Upon recessing at 3:02 p.m.

20 --- Upon resuming at 3:06 p.m.

21 **THE REGISTRAR:** Order please.

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

24 **--- MS. GALLIT DOBNER, Resumed:**

25 **--- MS. TARA DENHAM, Resumed:**

26 **--- MR. LYALL KING, Resumed:**

27 **--- CSIS REPRESENTATIVE, Resumed:**

28 **COMMISSIONER HOGUE:** You found it?

1 --- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS, (cont'd):

2 **MR. GUILLAUME SIROIS:** Yes. Thank you.

3 [No interpretation].

4 So the transcript is in both official
5 languages and I was asking my questions in French, but I will
6 try to translate roughly for the benefit of the panel and the
7 public. Or can I say it in French?

8 **MS. TARA DENHAM:** [No interpretation].

9 **MR. GUILLAUME SIROIS:** Is it good? French?
10 Okay.

11 [No interpretation] ...three documents about
12 foreign interference in democratic institutions. David
13 Vigneault confirmed that:

14 "Russia intended to interfere in our
15 democratic institutions."

16 And he explains that:

17 "Their objective is to divide
18 societies, to create divisions and to
19 disrupt peace in the -- in world
20 democracies."

21 And I'm asking David Vigneault whether it's
22 an intention. He said:

23 "Yes, we can say that it's a priority
24 of the Russian regime."

25 So I would like to understand why in such a
26 context -- and I'm referring to your interview summary, WIT
27 45, Witness Summary 45 at paragraph 30.

28 And that's where you say that Russia -- we

1 can put it up to be fair to the witness also, just to make
2 sure that they have the proper -- that I quoted them
3 correctly, quoted the summary correct. It's Witness Summary
4 45, paragraph 30, please.

5 So yes, here we see at the last sentence of
6 the paragraph:

7 "Russia has the capability to
8 interfere in Canadian democratic
9 structures, but it appears that
10 Russia has little interest in doing
11 so."

12 **MR. LYALL KING:** So I will just first point
13 out that is the CSIS representative's statement. So I will
14 certainly let my CSIS colleague interject.

15 But perhaps just to nuance that a little bit,
16 is I don't disagree what Mr. Vigneault states in terms of
17 Russia and its broad sort of range of activities that it
18 pursues. I think it's how we're looking at it in the very
19 specific context of the election period, the writ, and
20 activities directed towards that specific space and time,
21 rather than Russia in a general sense, I think, in terms of
22 its interest and getting into these spaces more generally.
23 So like in opensource, in social media, disinformation spaces
24 like that. So I think it might just be a difference and a
25 very particular thing we're looking at. Russia's intention
26 with respect to the Canadian Federal Election and the
27 activity we were focused on that time, to summarize that, for
28 -- because our statement was in and around, like, the

1 election itself, rather than a broader statement.

2 But I will, again, defer to my CSIS colleague
3 since that is their -- technically their statement in that
4 witness summary.

5 **CSIS REPRESENTATIVE:** No. Thank you. I
6 absolutely agree with my colleague. I think that the
7 statement that I had made in the summary was in relation
8 specifically to the Federal Election, as opposed to their
9 broad intentions, which is what Mr. Vigneault had spoken to.
10 So both are correct.

11 **MR. GUILLAUME SIROIS:** So am I to understand
12 that Russia has -- one of the priorities, as the term used by
13 David Vigneault, of the Russian regime is to sow division in
14 democratic institutions of Canada -- sow division in Canada,
15 including to interfere with our democratic institutions, but
16 that during the election period, which we all agree it's the
17 most, perhaps, vital aspect of our democratic institution,
18 Russia's interest somehow disappears?

19 **MR. LYALL KING:** I will again let my CSIS
20 colleague interject, but I think we're talking about looking
21 at Russia as an actor on the global stage. We see it active
22 in a lot of different spaces, a lot of different democracies,
23 a lot of different processes.

24 So generally speaking, that type of activity,
25 that type of intent, is there. We did not observe, from our
26 perspective, that activity happening. From our observations,
27 mind you, as well, which, you know, no one agency or
28 department has a 100 percent view of what's happening

1 everywhere at all times. But certainly from our perspective,
2 we did not see that happening.

3 So I will leave that from my perspective, but
4 I will defer again to my Service colleague.

5 **CSIS REPRESENTATIVE:** Yes. I concur with
6 that. And just reminding that this is information from five
7 years ago and what was in the 2019 space, as opposed to the
8 ongoing trend of what Russian's intentions are.

9 **MR. GUILLAUME SIROIS:** I'm sorry, but --
10 okay. So just to return on Mr. King's evidence, you say that
11 you did observe interference by Russia, which leads you to
12 believe that Russia has no interest. It's not, like, a
13 separate assessment of Russia's intention; correct?

14 **MR. LYALL KING:** I think we need to be
15 careful about words as well. There's interest, intent is one
16 that we use. Was there a specific intent to meddle in the
17 Canadian Federal Election in 2019 by the Russian Federation
18 from our observances? And as we've stated, certainly you can
19 see in the documentation, we did not observe that.

20 So in terms of the intent, maybe I can nuance
21 that also, is to say that it's not that Canada is of zero
22 interest, but it may not be the priority interest of the
23 Russian Federation when it comes to that activity.

24 **MR. GUILLAUME SIROIS:** And that statement is
25 in terms of what you observed, or your analysis of the
26 regime?

27 **MR. LYALL KING:** That is reflective of a
28 broader analysis of what we would have seen over an arc of

1 time as well.

2 **MR. GUILLAUME SIROIS:** And this is despite
3 the statement of Mr. Vigneault's yesterday, saying that
4 interfering in Canadian democratic institutions was a
5 priority for the Russian regime.

6 **MR. LYALL KING:** I'm not going to -- will you
7 forgive me. Like I don't know the specific documents that
8 you presented to Mr. Vigneault. I can't really comment, and
9 you know, I can only tell you what I've seen from my own
10 activities and what we've stated in the report. It's not to
11 say that Russia has zero interest, it's that it's less,
12 perhaps, when you compare it to other spaces, other nations.
13 And I'll put the United States out there, being the global
14 power that it is, there is more time and effort and light
15 shed on that specific space than there is on our specific
16 space, generally speaking.

17 So -- and all I can go back to is the
18 statement that, you know, what we observed and what did not
19 observe. We didn't observe something doesn't necessarily
20 mean it didn't happen either, we just didn't necessarily
21 observe it. So there's a few nuances here maybe to build to
22 make the summary of this picture.

23 **MR. GUILLAUME SIROIS:** Perfect. Thank you.
24 And I will conclude on that point.

25 So you say that it's a question of degree.
26 It's not that Russia has zero interest in Canada, it's that -
27 - you can qualify it as little priority, but at least Russia
28 has some intent or interest in interfering in Canadian

1 democratic institutions, and it has a lot of capabilities to
2 do such interference.

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

4 **MR. GUILLAUME SIROIS:** My question is, during
5 the 2019 election, is it possible -- or also, the 2021
6 election because you're -- you were there as well, is it
7 possible that Russia did not press the button of interference
8 fully, like it did in the U.S. in 2016, but maybe pushed the
9 button a little bit so that interference happened in Canada,
10 but perhaps not to the degree of the -- what happened in the
11 United States in 2016?

12 **MR. LYALL KING:** I wouldn't describe it in
13 the way that you have, but certainly activities are possible.
14 Again, I go back to what we observed, what we're able to see.
15 And the difficulties, even, as we've discussed, of trying to
16 identify this type of activity in these spaces, it's foreign
17 interference takes many shapes and forms and in many
18 different spaces as well, as we've kind of talked through
19 this morning.

20 So is it possible they were doing things?
21 Yes, it is possible, but I can't tell you with anything
22 definitive that certainly from my perspective I observed that
23 we would have commented and documented and reported on that.

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

25 **MR. LYALL KING:** Yeah.

26 **MR. GUILLAUME SIROIS:** [No interpretation].

27 **COMMISSIONER HOGUE:** Thank you.

28 AG?

1 **MR. MATTHEW JOHNSON:** Thank you,
2 Madam Commissioner.

3 **--- CROSS-EXAMINATION BY MR. MATTHEW JOHNSON:**

4 **MR. MATTHEW JOHNSON:** My name is Matthew
5 Johnson. I'm counsel for the Attorney General of Canada.

6 I just have a few questions for the CSIS
7 Representative. And I'd like to ask some clarification
8 questions.

9 So I'll begin. In answering questions about
10 political party briefings in 2019, you said that you had one
11 briefing with the Liberal Party and two briefings with
12 another party. Am I correct in that recollection?

13 **CSIS REPRESENTATIVE:** Yes, that's correct.

14 **MR. MATTHEW JOHNSON:** And I think what you
15 said was, and I'll -- one of the lines that I wanted to
16 clarify is I had noted down that you had said, "at one point
17 there was one meeting already discussed with the Liberal
18 Party and two others about the same incident." Do you
19 remember saying that?

20 **CSIS REPRESENTATIVE:** Yes. I see that that
21 could be -- have been misinterpreted.

22 **MR. MATTHEW JOHNSON:** Yes. And so I just
23 want to ask you if you could clarify that when you referred
24 to two others about the same incident, are you saying that
25 the two others were about the same incident that was the
26 subject of the briefing with the Liberal Party, or was it two
27 incidents that were separate but were the same between them?
28 I -- that was not the -- two briefings to that party that

1 were on the same issue. Is that -- which one of those two
2 scenarios would you -- were you trying to say?

3 **CSIS REPRESENTATIVE:** I had two briefings
4 with a political party that were about their issue that they
5 brought to us. The first meeting was them bringing an issue
6 and wanting to discuss it, and it was distinct and separate
7 from whatever had been briefed to the Liberal Party that was
8 a concern they had in -- with respect to potential foreign
9 interference in one of their campaigns. And the second
10 meeting with that same party was then to discuss and respond
11 to their initial query.

12 Is that clear?

13 **MR. MATTHEW JOHNSON:** Yes, it is. Thank you.

14 And when -- in a subsequent question, you
15 answered that you couldn't identify the party; correct?

16 **CSIS REPRESENTATIVE:** That's correct.

17 **MR. MATTHEW JOHNSON:** And during that
18 exchange, you had identified a document related to a briefing
19 which you identified as CAN 002327; correct? Do you recall
20 that?

21 **CSIS REPRESENTATIVE:** Right. Yes, that
22 referred to an October, I believe it was an October 2nd
23 political party briefing that was a briefing to all of the
24 political parties together.

25 **MR. MATTHEW JOHNSON:** And I'm going to ask
26 that that document be brought up.

27 And is this the document that you were
28 referring to?

1 **CSIS REPRESENTATIVE:** Yes, it is.

2 **MR. MATTHEW JOHNSON:** And you mentioned the
3 date, and I see October 2nd, 2019. That's what you're
4 referring to as well?

5 **CSIS REPRESENTATIVE:** Yes.

6 **MR. MATTHEW JOHNSON:** And I'm going to ask
7 that the document go to page 3, please.

8 Does this document refer to....

9 And if you go to the top of the page. Yes,
10 just right there is fine.

11 Does this document in this briefing on
12 October 2nd, is that one of the two briefings that you're
13 referring to?

14 **CSIS REPRESENTATIVE:** Yes, it is.

15 **MR. MATTHEW JOHNSON:** And the party that
16 received that briefing was the Conservative Party of Canada?

17 **CSIS REPRESENTATIVE:** Yes. My apologies. I
18 hadn't realised it had been released.

19 **MR. MATTHEW JOHNSON:** And then just more
20 generally, you spoke about giving briefings to political
21 parties. We obviously have this document in front of us that
22 has information in it. How did you convey that information
23 to the parties, and I'm not speaking about the -- this
24 page 3, but generally on the briefings that we have seen, how
25 was that information conveyed to the political parties in
26 those meetings?

27 **CSIS REPRESENTATIVE:** Verbally, and the set
28 of notes ---

1 **MR. MATTHEW JOHNSON:** Verbally.

2 **CSIS REPRESENTATIVE:** --- the set of notes
3 that would have been compared would have been read to them.

4 **MR. MATTHEW JOHNSON:** And when you say read
5 to them, did you read it verbatim or did you read parts of
6 it?

7 **CSIS REPRESENTATIVE:** No, I would have
8 conveyed all the information in there. There wouldn't have
9 been additional or information left out.

10 **MR. MATTHEW JOHNSON:** So you read the whole
11 thing.

12 **CSIS REPRESENTATIVE:** Yes.

13 **MR. MATTHEW JOHNSON:** Thank you very much.
14 Madam Commissioner, those are my questions.

15 **COMMISSIONER HOGUE:** Thank you.

16 So I think two of you will leave, except if
17 you want to sit in the room, you're welcome, and two are
18 going to stay.

19 So we'll take a few minutes for switching at
20 least the two witnesses.

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

22 The hearing is in recess until 1525.

23 --- Upon recessing at 3:22 p.m.

24 --- Upon resuming at 3:31 p.m.

25 **THE REGISTRAR:** Order please.

26 This sitting of the Foreign Interference
27 Commission is back in session.

28 **COMMISSIONER HOGUE:** Good afternoon.

1 **Me JEAN-PHILIPPE MacKAY:** [No
2 interpretation], ---

3 **COMMISSAIRE HOGUE:** Bonjour.

4 **Me JEAN-PHILIPPE MacKAY:** [No
5 interpretation].

6 I will be conducting the examination of the
7 SITE Task Force 2021 witnesses. Mr. King and Ms. Dobner are
8 still with us for this panel examination. We have Ms. Lisa
9 Ducharme for the RCMP and we also have a CSIS Representative
10 who should be with us virtually.

11 **CSIS REPRESENTATIVE:** I am here. Can you
12 hear me?

13 **MR. JEAN-PHILIPPE MacKAY:** And this -- I
14 don't know if the CSIS Representative is with us. Can you
15 say something, please?

16 **CSIS REPRESENTATIVE:** I am here. Can you
17 hear me?

18 **MR. JEAN-PHILIPPE MacKAY:** Yes, thank you.

19 I would like the witnesses to be sworn or
20 affirmed. And for the CSIS Representative, we'll be
21 following the same procedure as we did this morning.

22 **--- MS. GALLIT DOBNER, Resumed:**

23 **--- MR. LYALL KING, Resumed:**

24 **THE REGISTRAR:** Can you please state your
25 name and your full name -- spell your full name for the
26 record, please?

27 **MS. LISA DUCHARME:** Lisa Jane Ducharme.

28 **THE REGISTRAR:** And spell your last name,

1 please.

2 MS. LISA DUCHARME: D-u-c-h-a-r-m-e.

3 --- MS. LISA DUCHARME, Sworn:

4 --- CSIS REPRESENTATIVE, Affirmed:

5 MR. JEAN-PHILIPPE MacKAY: And for the CSIS
6 Representative, I understand we have a Commissioner of Oaths
7 who's attending with the CSIS Representative at this moment.
8 Is that correct?

9 MR. JUSTIN ROY: Yes, that's right. So I
10 confirm I've verified the witness' identity and I've
11 administered the affirmation. The witness has affirmed and
12 is now prepared to testify before you.

13 I will confirm the identity of this witness
14 in confidence in due course.

15 COMMISSIONER HOGUE: Thank you.

16 MR. JEAN-PHILIPPE MacKAY: And just for the
17 record, what is your name?

18 MR. JUSTIN ROY: My first name is Justin,
19 last name Roy, called to the bar of Ontario in 2020.

20 MR. JEAN-PHILIPPE MacKAY: Thank you very
21 much.

22 MR. JUSTIN ROY: Thank you.

23 MR. JEAN-PHILIPPE MacKAY: So we'll begin
24 with the usual housekeeping, Madam Commissioner.

25 --- EXAMINATION IN-CHIEF BY MR. JEAN-PHILIPPE MacKAY:

26 MR. JEAN-PHILLIPE MacKAY: I'll ask the
27 Registrar to bring up WIT 47, please, which is the Interview
28 Summary -- the public version of the Interview Summary of Mr.

1 King, Ms. Dobner, CSIS Representative, and Ms. Ducharme.

2 --- EXHIBIT No. WIT 47:

3 SITE TF 2021 Public Summary of
4 Classified Interview

5 **MR. JEAN-PHILLIPE MacKAY:** Have you had --
6 well, our witnesses, do you recall being interviewed by
7 Commission counsel in a classified space on the 9th of
8 February, 2024?

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

10 **MR. JEAN-PHILLIPE MacKAY:** This summary is a
11 publicly disclosable version of the interview summary. Have
12 you had a chance to review it before today?

13 **MR. LYALL KING:** Yes.

14 **MR. JEAN-PHILLIPE MacKAY:** And is it --
15 insofar as it represents the publicly disclosable evidence
16 that can be included in that summary, is it accurate to the
17 best of your information and belief?

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

19 **MR. JEAN-PHILLIPE MacKAY:** And do you have
20 any corrections, additions, or deletions that you would like
21 to make to this document?

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

23 **MR. JEAN-PHILLIPE MacKAY:** Okay. For the
24 other witnesses, do you have the same answer for this
25 document?

26 **MS. GALLIT DOBNER:** Same answer.

27 **MS. LISA DUCHARME:** Same.

28 **CSIS REPRESENTATIVE:** Same answer.

1 **MR. JEAN-PHILIPPE MacKAY:** Do you all adopt
2 this summary as part of your evidence before the Commission
3 today?

4 **MR. LYALL KING:** Yes, I do.

5 **MS. GALLIT DOBNER:** I do.

6 **MS. LISA DUCHARME:** I do.

7 **CSIS REPRESENTATIVE:** I do.

8 **MR. JEAN-PHILIPPE MacKAY:** Thank you.

9 Now can we bring up WIT 46, please?

10 **--- EXHIBIT No. WIT 46:**

11 SITE TF 2021 Public Summary of
12 Classified Examination

13 **MR. JEAN-PHILIPPE MacKAY:** I'm sorry, Madam
14 Commissioner, I just realized something. Because the CSIS
15 representative who is with us today was not, as you remember,
16 was not the same CSIS representative who testified in-camera,
17 the CSIS representative who is with us today was not -- did
18 not participate in the interview. So because this person is
19 not with us today, maybe it's difficult to see and to
20 distinguish between the two documents. So the -- as it's
21 mentioned in this summary, the in-camera examination summary,
22 the CSIS representative who is with us today is the CSIS
23 representative who was examined in-camera before you and the
24 CSIS representative who participated in the interview will
25 file -- will sign an affidavit in the near future which will
26 be produced to us and we will introduce it into the record.

27 But just for the record -- to correct the
28 record, ---

1 **COMMISSIONER HOGUE:** Fine.

2 **MR. JEAN-PHILIPPE MacKAY:** --- the CSIS
3 representative who is with us today cannot attest to the
4 accuracy of the interview because they did not participate in
5 the interview.

6 And I'm sorry for that. this is an important
7 point to make.

8 Now we have the in-camera examination
9 summary, WIT46. So the same questions to our witnesses.
10 This is a publicly disclosable version of the summary. Did
11 you have the chance to review it today for accuracy?

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

13 **MR. JEAN-PHILIPPE MacKAY:** Okay. Is it the
14 same answer for all of the panelists?

15 **MS. GALLIT DOBNER:** Yes.

16 **MS. LISA DUCHARME:** Yes.

17 **CSIS REPRESENTATIVE:** Yes.

18 **MR. JEAN-PHILIPPE MacKAY:** Does it reflect
19 your evidence, to the best of your knowledge, information,
20 and belief?

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

22 **MS. GALLIT DOBNER:** Yes, it does.

23 **MS. LISA DUCHARME:** Yes.

24 **CSIS REPRESENTATIVE:** Yes.

25 **MR. JEAN-PHILIPPE MacKAY:** And do you have
26 corrections, additions, deletions to make to this document
27 before you adopt it as part of your evidence?

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

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

2 **MS. LISA DUCHARME:** I do not.

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

4 **MR. JEAN-PHILIPPE MacKAY:** Thank you. So now
5 that's being -- that's been done.

6 Could you please introduce yourself briefly,
7 Mr. King and Ms. Dobner, concerning the roles that you had in
8 2021 within your respective agencies and in relation to the
9 SITE Taskforce in 2021?

10 **MR. LYALL KING:** Sorry, was that directed at
11 me?

12 **MR. JEAN-PHILIPPE MacKAY:** You can answer,
13 just for the record, but we heard your evidence this morning.

14 **MR. LYALL KING:** Okay. Effectively it was
15 the same, if I may. I was the Chair of the SITE Taskforce
16 during that time and I was also still a Director within the
17 Directorate General of Intelligence at CSE.

18 **MS. GALLIT DOBNER:** Likewise, I was the
19 Global Affairs Canada representative on the SITE Taskforce.

20 **MS. LISA DUCHARME:** I was the RCMP
21 representative to the SITE Taskforce through my role as a
22 Director of Strategic Intelligence within Federal Policing
23 National Intelligence.

24 **CSIS REPRESENTATIVE:** And I worked with a
25 lead CSIS official in the 2021 Election whilst also serving
26 as a Deputy Director dealing with foreign interference in the
27 ADR Directorate.

28 **MR. JEAN-PHILIPPE MacKAY:** CSIS

1 Representative, if possible, could you please either speak up
2 or speak a bit more slowly, because it is hard to understand
3 in the hearing room.

4 **CSIS REPRESENTATIVE:** Shall I repeat that?

5 **MR. JEAN-PHILIPPE MacKAY:** No, I think that
6 was fine, but just for your answers for the rest of your
7 examination, just bear in mind that because of the
8 technological aspect of your testimony, you will have to
9 speak slowly. Thank you.

10 **CSIS REPRESENTATIVE:** Thank you.

11 **MR. JEAN-PHILIPPE MacKAY:** My first question
12 is for you, Mr. King. We heard your evidence this morning
13 concerning the SITE Taskforce in 2019. Could you please
14 explain the differences that existed between the SITE
15 Taskforce in 2019 and your experience in 2021?

16 **MR. LYALL KING:** Certainly. Generally
17 speaking, the SITE Taskforce was the same in construct. It
18 operated in a very similar fashion as it did during the 2019
19 elections. There were a few changes in personnel, as we have
20 seen reflected in the panels from this morning to this
21 afternoon, but some of us were still there, so there was
22 still an element of continuity in terms of membership.

23 More broadly speaking, we had been in the
24 midst of covid as well, so that certainly had an impact,
25 generally speaking, on the operational environment and how we
26 worked with hybrid work coming into play.

27 So, you know, we did meet a little bit more
28 in multi-classification spaces. That's to say, not

1 exclusively in a top-secret environment. But we also had
2 discussions outside of that, as appropriate, reflecting the
3 content of what we discussed. And that was certainly an
4 element of how we had to contend with operating.

5 Additionally, there was increased concern,
6 generally speaking, partly as a result of covid, but partly
7 as a result of seeing the Capital Hill riots in the United
8 States, in and around election security. So beyond foreign
9 interference, looking at the personal and physical security
10 to individuals in positions of importance. So senior
11 government officials and the like.

12 So we did include that element, generally
13 speaking, into our activities and our reporting.

14 That meant, practically speaking, in RCMP
15 played probably a greater role in 2021, in terms of
16 contributing material that ultimately would have been fed up
17 to the Panel of Five regarding safety issues and threats,
18 physical threats and the like, to politicians and candidates.

19 So those are sort of the key thematic changes
20 in terms of what we had to contend with.

21 I can get into some of the differences in the
22 way that we communicated, but I think that might flow more
23 into the lead up to the election itself. So maybe I'll stop
24 there.

25 **MR. JEAN-PHILIPPE MacKAY:** I'd like to hear
26 you about this aspect. I'd like to cover just the main
27 differences, not withstanding the timeframe of your work in
28 2021, just the main differences. You already addressed some

1 of those. So I'd like to hear you on the differences
2 concerning whether there are any differences in the
3 information flow, ---

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

5 **MR. JEAN-PHILIPPE MacKAY:** --- the products
6 that you generated as a taskforce, et cetera.

7 **MR. LYALL KING:** Certainly. So we did have a
8 little bit of a different approach in terms of collating
9 information that was fed up to the Panel of Five. Starting
10 in probably late 2020, I want to say, we pulled together and
11 revised our overall threat landscape and we began to refresh
12 that on more or less a monthly basis. And that coincided in
13 early 2021 with the set up, the re-establishment of the Panel
14 in preparation for what was anticipated to be an election.

15 So there was less foundational briefings
16 about what SITE did, and probably more focus on updating on a
17 more regular frequent basis the threat landscape.

18 I would say that we did, I think, a better
19 job of synthesizing the components from the different
20 organizations, so information that came through from the
21 service, contributions from CSE, Global Affairs and RCMP,
22 into an overarching, more holistic document. I think that
23 was done fairly well.

24 And then in terms of briefing cycles, as I
25 noted, there were monthly updates to the panel as they were
26 preparing. During the writ period, we did the same thing as
27 we did in 2019 in issuing daily situation reports, or
28 sitreps. Over and above that, there were definitely weekly

1 briefings to the panel.

2 So we had -- and this is during the writ
3 period -- the daily sitrep in addition to, ultimately, a
4 summary of what we were seeing in those sitreps pulled
5 together into a weekly summary. And that was briefed to the
6 panel.

7 That was done -- again, PCO would have
8 coordinated the briefings themselves and the delivery was
9 typically at the Deputy Minister level, so Chief of CSE,
10 Director of CSIS and a bit of a nuance for the representation
11 from RCMP and Global Affairs where both my colleagues here on
12 the panel did end up briefing, in part because of the roles
13 and responsibilities of their Deputy Ministers. So there was
14 a more frequent engagement in that sense.

15 Daily summaries, weekly -- sorry. Daily
16 sitreps, a weekly summary that was verbally briefed as we did
17 in 2019, but I don't believe we did the weekly during 2019 so
18 we didn't do that in 2019. We did it in 2021.

19 **MR. JEAN-PHILLIPE MacKAY:** And within your
20 respective agencies and organizations in relation to foreign
21 interference, were there any changes -- notable changes prior
22 to the election in 2021?

23 **MR. LYALL KING:** There were.

24 Certainly as I noted, COVID had somewhat of
25 an impact. I had a few less people working with me on the
26 secretariat function of SITE, but we still functioned and, in
27 fact, there was probably less of a burden on us in some
28 senses.

1 We had less of that educational briefing
2 requirement that we had to do in 2019. But operationally
3 speaking, CSE -- and I'll my other panel colleagues speak to
4 their spaces. CSE did increase resources on certain spaces
5 to bolster intelligence collection in relation to foreign
6 interference and foreign influence activities of adversaries,
7 so we did increase that and increased engagement, I think, as
8 well in terms of outreach to the public, generally speaking,
9 with publications, threats to democratic processes, national
10 cyber threat assessments, so engaging and educating the
11 public in that sense.

12 So I will leave that to other panel members
13 to discuss the changes within their organizations.

14 **MS. GALLIT DOBNER:** Would you like me to jump
15 in?

16 **MR. JEAN-PHILLIPE MacKAY:** Yes, please.

17 **MS. GALLIT DOBNER:** Great.

18 I think by way of contest, it's helpful to
19 first understand how the online ecosystem evolved between
20 2019 and 2021 to explain why we made some of the changes we
21 did to the team and how we approached foreign interference
22 online.

23 So I'd say, in brief, there were three big
24 changes. There were more folks and, therefore, more
25 information online by 2021. There were more platforms to
26 look at. And the tactics and techniques were more
27 sophisticated.

28 So just to explain those three points, first

1 of all, as Mr. King explained, we were in a COVID context.
2 Folks were at home and folks were online. And we were
3 experiencing what many had coined an "infodemic" where there
4 was just a ton of information online at all times. So there
5 was a lot more to wade through.

6 Second of all, there were a lot more
7 platforms. So back in 2019, we were very focused on some of
8 the big common American platforms like Facebook, formerly
9 Twitter, Instagram, Reddit, but by the time '21 rolled
10 around, we saw a huge increase in interest in Chinese social
11 media platforms. It wasn't just American social media
12 platforms any more. And we also saw the rise of alternative
13 platforms. This was particularly in the wake of the Capitol
14 Hill riots where a number of noteworthy personalities were
15 deplatformed by some of these big platforms and they fled to
16 some of these smaller platforms, platforms that had less
17 rigorous terms of service where they could kind of -- there
18 was less content moderation and folks could post as they
19 liked.

20 And then finally, we saw more sophistication
21 in technique. So for instance, everyone's by now very
22 familiar with generative AI and some of the capabilities of
23 generative AI. So before where you might have seen anonymous
24 Twitter accounts and you could kind of use that as an
25 indicator sometimes, now you could use AI to generate a fake
26 picture of somebody to post on an account.

27 We also saw information moderating where
28 folks would move information from one platform to another to

1 try to obscure the origin -- the original origin of the
2 information, so more sophistication in the techniques.

3 So between more information, more platforms,
4 more sophistication, it was a tougher space to get a hold of.

5 So in terms of the things that we did to try
6 to tackle this evolution in the online space, first of all,
7 my team, RRM Canada, organized a series of four workshops for
8 Government of Canada relevant players. The first one was a
9 lessons learned exercise where we brought in civil society
10 and academic and others who had been watching the 2019
11 election to talk about the lessons we'd learned.

12 We also had a workshop that was classified
13 with other government partners to talk about the techniques
14 that they were seeing in the context of their recent
15 elections in terms of foreign interference.

16 And then thirdly, we brought in experts to
17 talk about the evolution of the online space where we had
18 seen the most evolution in terms of foreign interference
19 techniques.

20 And then thirdly, we -- sorry, fourthly, we
21 had a very technical workshop for data analysts across
22 government.

23 So there were the workshops.

24 There were also the monthly reports that we
25 produced. So we had done this as well in 2019, but the
26 reports that we produced in 2021 reflected some of the
27 changes in the online environment, so for instance, looking
28 at alternative media platforms.

1 Thirdly, we brought in some new expertise to
2 the team, so we brought in an expert in Chinese social media
3 platforms, so rare folks who can speak, write in Mandarin who
4 can straddle social science and data science, so this was a
5 boon for the team. We also brought in an expert on
6 alternative platforms to help us look at some of these other
7 platforms that a lot of folks didn't have experience with.

8 And then fourthly, like in 2019, we had
9 contracted some assistance. This time we contracted a couple
10 of different parties, a private sector party named Yonder, to
11 help us look at the online ecosystem, and then we also
12 contracted the Media Ecosystem Observation, which was a
13 partnership between UFT and McGill University who's very
14 familiar with the Canadian media landscape, to help us
15 monitor.

16 So I'd say those were the main changes in the
17 online ecosystem and those were some of the main changes we
18 made to the team to reflect the evolution.

19 **MR. JEAN-PHILLIPE MacKAY:** And concerning --
20 you mentioned social media -- new social media, for example,
21 WeChat. Could you please explain just briefly -- I know it's
22 not necessarily a new social media, but just explain -- this
23 is a platform that was mentioned over the last hearing days.
24 And just to explain briefly what it is and just an overview
25 of how it functions.

26 **MS. GALLIT DOBNER:** Right. So WeChat is --
27 it's the, I'd say, Chinese equivalent to WhatsApp plus, plus.
28 So you can do all sorts of things with WeChat that you can't

1 do with WhatsApp like banking, for instance. I think you can
2 even call taxis using WeChat. So it's kind of a super social
3 media platform.

4 And there's quite a few challenges in terms
5 of understanding WeChat for us, so -- and there's three big
6 challenges in particular.

7 I'd say first of all, the tools. We have --
8 we can purchase subscriptions to off-the-shelf tools, anybody
9 can, any Canadian, to try to surveil some of the big
10 platforms like Facebook and former Twitter, now X. You can't
11 do that with WeChat.

12 There is no off-the-shelf tool and there's no
13 even fit-for-purpose tool that you could fashion in order to
14 try to monitor what was happening on WeChat, so instead, you
15 would have to manually look at each and every WeChat news
16 account, for instance. So that was a big challenge.

17 Another challenge is that WeChat, like
18 WhatsApp, consists of a lot of private messaging or direct
19 messaging, and that, as the Government of Canada, we would
20 never have access to, nor would we want to infringe on the
21 privacy rights of Canadians, so we wouldn't be able to see
22 what was happening in direct messages. We would only see
23 what was happening in sort of public news accounts. Another
24 big challenge is that we don't have a relationship with
25 Tencent, the Chinese company responsible for WeChat, the same
26 way we have relationships with the PR teams for Facebook or
27 Twitter, now X. So if we were seeing something streamed on
28 the platform, we wouldn't be able to appeal to them for

1 assistance to find out if there were any foreign state
2 sponsored disinformation.

3 And then finally, really important to note
4 that there's not a large, and particularly in 2021, there was
5 not a large community of practice, so folks who are experts
6 who understood WeChat and could therefore compare information
7 and build on each other's research. So the expert on our
8 team did not have a community of experts that he could really
9 work with to help us understand what we were seeing.

10 **MR. JEAN-PHILIPPE MacKAY:** Thank you. I'll
11 let Ms. Ducharme answer my -- a question that I asked earlier
12 about the approach and the changes concerning foreign
13 interference within your organization.

14 **MS. LISA DUCHARME:** Sure. So within the
15 RCMP, there had been no change when it comes to foreign
16 interference. It's the same process and procedures, and as
17 we've spoken about earlier, it -- foreign interference
18 happens all throughout the year, not just during a writ
19 period. It happens before, during and after. What was
20 significant for the RCMP during the 2021 elections, however,
21 was a dramatic increase in the public order space. So what
22 we have seen and we have been tracking since the pandemic in
23 March of 2020 is there had been weekly public order protests
24 going on weekly across Canada. And coming up towards the
25 election in 2021, there was a pivot towards now using the
26 election to gravitate towards expressing their frustration.

27 So what we saw was a lot of ideologically
28 motivated grievances in various grievance spaces, anti-

1 authority, xenophobic conspiracy grievances. We saw a
2 dramatic increase in the indirect and direct threats to
3 protected persons per the *RCMP Act*, such as the Prime
4 Minister and leaders of the political parties. We also saw
5 an increase in threats to national critical infrastructure
6 such as Elections Canada polling stations and their staff.
7 And we saw just general violent behaviour, lots of online
8 rhetoric of violent counter clashes at events where campaigns
9 and rallies were being held.

10 So what changed for the RCMP was that just
11 greater integration amongst the RCMP electoral ecosystem. So
12 there were teams dedicated to looking at protected persons,
13 supporting them through threat assessments. There was an
14 events security coordination centre. There was an
15 intelligence cell. This was an area under my command that
16 looked at ideologically motivated criminal threats, and also
17 intake and assessment that was keeping track of all of the
18 threats that were coming in. And we really became very
19 integrated and created a battle rhythm, so we were
20 consistently changing -- exchanging information on a daily
21 basis. So these systems already existed. It's just that the
22 situation became very acute, and we were really working very
23 closely together.

24 And another change that happened was that the
25 produce -- the material that we were producing was for law
26 enforcement use, for public safety, officer safety, protected
27 persons safety, but there was such an increased interest from
28 the Panel of Five and from PCO and other senior leadership

1 from Elections Canada, from the Office of the Commissioner of
2 Canada Elections about what we were seeing, so we looked to
3 the special threat advisories and other reports that we had
4 been generating for internal consumption with the police of
5 jurisdiction and for ourselves that we found a way to produce
6 a Rapid Release Mechanism, so that we could share what we
7 were seeing with the rest of our SITE colleagues and with
8 CSIS, ITAC and Public Safety and others.

9 So we looked to -- originally, we were
10 creating our own independent reports that were going out, but
11 we were sharing with the partners, and then it just made
12 sense after a number of discussions with the Panel of Five to
13 include those injects into our SITE Task Force reports, which
14 had previously only reported on foreign interference. So as
15 mentioned, nothing had changed for the RCMP. We just -- in
16 terms of the focus and the interest in certain areas and that
17 adjusted the way we were working so that we could report up
18 and out in a frequent manner, and put in the review
19 mechanism, so that what we were sharing would not impact
20 current or future potential investigations.

21 **CSIS REPRESENTATIVE:** And I would say ---

22 **MR. JEAN-PHILIPPE MacKAY:** Excuse me, go
23 ahead.

24 **CSIS REPRESENTATIVE:** Yes. I would say there
25 are three ways in which we updated our practice and our
26 thinking in relation to the run-up to the 2021 election. The
27 first dealt with our internal organizational models and
28 modernizing them to make them more both effective and

1 efficient. The second dealt with the issue of information
2 sharing and the increased capability of CSIS to be able to
3 share information both internally and with partners both in
4 the government and into SITE itself. And the third dealt
5 with the updating of the threat landscape, i.e., to be able
6 to provide great detail on the threat landscape, in
7 particular, to the Panel of Five, who required, because some
8 of the members were new, an update on how to think about the
9 threat that Canada faced prior to the 2021 election.

10 Unpacking those very quickly, CSIS modernized
11 its internal organizational functions significantly,
12 upgrading its capability to understand, analyse and report on
13 foreign interference. This involved many different
14 organizational changes, in particular, the fusion of
15 analytics and operations and allowing them to complement one
16 another, with a particular focus on foreign interference as
17 it related to China. We broadened our teams across the
18 country. We created the mechanisms that allowed us to
19 understand the threat of foreign interference much more
20 acutely. We also upgraded our staff to deal with foreign
21 interference as it related to India, to Pakistan, Iran, and
22 also dealing with the IMVE threat that was mentioned,
23 ideologically motivated violence extremism in the nature of
24 possible political violence.

25 Secondly, there was a degree of increase in
26 information sharing, both internal to the service, but also
27 within SITE. We wanted as much information to be moving in
28 and through the system as was possible, such that it could be

1 shared widely and analyzed by as many groups as possible. We
2 needed to see it. That then led to our third objective was
3 to make sure that the Panel of Five was constituted --
4 understood the threat landscape as best they could. We had
5 new members on the Panel of Five who had not dealt with
6 foreign interference in election matters, and so part of our
7 larger objective here was to make sure that when they were
8 forced to deal with debates on foreign interference and
9 evaluate foreign interference as it related to the 2021
10 election, they were adequately prepared.

11 **MR. JEAN-PHILIPPE MacKAY:** Thank you. And
12 concerning the threat landscape, Mr. King and CSIS
13 representative mentioned this notion, concerning foreign
14 interference specifically, briefly, what was this landscape
15 in the leadup to the election in 2021?

16 **MR. LYALL KING:** Well, again, sort of in the
17 intervening period between 2019 and 2021, SITE continued to
18 meet and share intelligence for 1. You've heard about the
19 respective changes in terms of analytic, other resourcing or
20 capabilities that were instituted in the different
21 organizations. That helped, I think, increase some of the
22 intelligence flow. We held a few distinct sessions at SITE
23 where we looked at specific adversary countries and focussed
24 in on those and had subject matter experts from our
25 organizations come together and really update us on the
26 picture of what was happening across the board. So you will
27 see I think reflected in some of the documents some of the
28 states that we were -- continued to be concerned with.

1 Again, China, and I will push this over to my CSIS colleague
2 in a moment, certainly, China we still felt was far and away
3 the biggest threat, generally speaking, with a number of
4 other countries that continued to be of concern. Those do
5 include Russia, India and Pakistan. So, generally speaking,
6 we were looking at a broad range of adversary activities and
7 updating our knowledge with respect to their specific
8 techniques and activities in different spaces. So maybe I'll
9 just defer to my CSIS colleague if there's any additions to
10 that.

11 **CSIS REPRESENTATIVE:** I think that's captured
12 well. I would add that, as has been said, the overarching
13 focus for us was on the PRC. We considered it the most
14 significant foreign interference threat actor that Canada
15 faced. We considered the PRC to be highly capable,
16 motivated, and acting in a sophisticated and pervasive and
17 persistent manner in carrying out its foreign interference
18 activities against all levels of Canadian Government and
19 civil society.

20 And so we looked carefully at all levels of
21 government, the federal, provincial, territorial, and
22 municipal. We looked at the types of techniques and tactics
23 that were being used, and also the overarching arc, the long
24 term activity in terms of how it unfolded, the nature of it
25 being Canada-wide, and directed towards all political parties
26 over time.

27 As has been mentioned in the Commission,
28 China -- Chinese foreign interference has been a longstanding

1 issue for Canada that the Service has been evaluating for
2 many, many decades. And as the CSE Representative has also
3 said, we looked at several other states, noting that again
4 foreign interference is pervasive in Canada through many of
5 them. And to also note that the diaspora communities in
6 Canada continue to remain vulnerable to foreign interference
7 activities, and in some cases, they were the targets of
8 state-directed threats and punitive measures, and were
9 manipulated by states at certainly times, and with the upshot
10 being that there were fear in certain communities because of
11 the nature of foreign interference carried out through
12 transnational repression.

13 **MR. JEAN-PHILIPPE MACKAY:** Thank you. I will
14 proceed chronologically with my questions. So we'll begin --
15 we'll continue, in fact the pre-electoral context, and then
16 we'll move to the writ period.

17 So the -- in the lead up to the election, in
18 terms of organising yourself as a task force, what did you do
19 to prepare yourselves as a task force, specific steps?

20 **MR. LYALL KING:** Certainly, a number of
21 activities. We've mentioned already refreshing and updating
22 our view of the threat actors, so looking what our coverage
23 was, our understanding, and sort of combining that
24 overarching piece to inform as well our understanding of the
25 threat landscape. So this is about identifying any residual
26 gaps and trying to address those from a -- an aspect of
27 collection.

28 We reviewed and revised some of our

1 foundational documents as well. I've referred to the terms
2 of reference in the earlier session on 2019, and the fact
3 that we wanted to reflect some of the lessons learned into
4 our 2021 space, principally looking at the principles of
5 engagement, principles of information sharing trying to, with
6 the acknowledgement that information can be highly sensitive,
7 share at the lowest classification possible so that we could
8 hit the broadest range of -- to be able to share it with the
9 broadest range of individuals.

10 So revising those aspects of our terms of
11 reference, revising our work plan. And the work plan, again,
12 really centring in around how we would be ready
13 operationally, what our engagements were with partners and
14 allies, how we were to communicate internally and with
15 others. And so that led to a few sessions led by Global
16 Affairs, and reviewing and examining what we had observed in
17 2019 to play out and understand how to react and better deal
18 with situations in 2021. So a lot of that internal activity
19 was happening.

20 Trying to think of what else we did. Again,
21 I had mentioned preparing monthly threat summaries beginning
22 -- it was early 2021, I think, in anticipation to help
23 support the Panel itself.

24 I'll stop there and just ask my colleagues if
25 I have generally missed anything from your perspectives, or
26 CSIS colleague, if I have missed anything.

27 **CSIS REPRESENTATIVE:** No, you've covered it
28 well.

1 **MR. JEAN-PHILIPPE MACKAY:** One specific
2 aspect of the -- of SITE Task Force activities that I'd like
3 to address now with you, and we'll make an exception to the
4 chronological order because I'd like to address this topic
5 fully with you, concerns the briefings to the cleared members
6 of political parties.

7 So I'd like you just to explain, briefly, the
8 way you proceeded in 2021. Was it different than what
9 happened in 2019?

10 **MR. LYALL KING:** It wasn't really any
11 different from my perspective. Again, we had arranged a set
12 number of briefings before the writ and into the writ period
13 to provide an overarching view of the SITE activities, our
14 mandates, authorities, the general threat picture. Again,
15 these set briefings were coordinated and chaired/managed by
16 Privy Council Office, and SITE was not the only contributor
17 to those, with the cleared political party members. There
18 were other elements. I mentioned the cyber centre did
19 provide briefings of those, as did PCO Democratic
20 Institutions. So there were a few other players in that
21 space.

22 So that persisted, as it had in 2019. And
23 again, there were opportunities -- and the purpose, again to
24 replay, the purpose of those meetings was to educate, to
25 inform, to open a two-way communication with cleared
26 political party members. From a SITE perspective, they were
27 briefed verbally on the threats at the secret level, so we
28 did not provide them with written documents that had secret

1 material on them, it was verbal briefings.

2 And in addition to those set discussions that
3 we had, there were a few occasions, and this is where I will
4 have to lean on my CSIS counterpart, where there were
5 separate discussions, not as part of SITE, but still brokered
6 with -- by PCO between the Service and political parties to
7 share information.

8 So with that, I would leave that to my
9 Service colleague to address.

10 **MS. ERIN DANN:** Before we turn to the Service
11 colleague, Madam Commissioner, we just need to address one
12 issue. And I'd ask for a short recess in order to do that.

13 **COMMISSIONER HOGUE:** Yes.

14 **MS. ERIN DANN:** Ten minutes?

15 **COMMISSIONER HOGUE:** Okay.

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

17 The Commission will break for five -- for
18 10 minutes.

19 --- Upon recessing at 4:11 p.m.

20 --- Upon resuming at 2:42 p.m.

21 **THE REGISTRAR:** Order please.

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

24 **--- MS. GALLIT DOBNER, Resumed:**

25 **--- MR. LYALL KING, Resumed:**

26 **--- MS. LISA DUCHARME:**

27 **--- CSIS REPRESENTATIVE:**

28 **COMMISSIONER HOGUE:** Sorry for the

1 interruption. Everything is fine.

2 --- EXAMINATION IN-CHIEF BY MR. JEAN-PHILLIPE MacKAY,
3 (cont'd):

4 **MR. JEAN-PHILLIPE MacKAY:** So we were
5 discussing the topic of briefings to political parties, and
6 if my memory serves me correctly, we were about to hear CSIS
7 Representative following up on the answers given by Mr. King.

8 CSIS Representative, do you want me to repeat
9 the question? Or do you remember what you wanted to tell us?

10 **CSIS REPRESENTATIVE:** No, I remember what we
11 want to talk about.

12 The nature of the briefing that we gave to
13 the political parties, and I'll refer first to the briefing
14 we first gave them in July prior to the writ, we assumed that
15 the political parties knew very little about foreign
16 interference and how to think about foreign interference and
17 its impact on political parties and on the broader system of
18 Canadian democracy. So we assumed a very low-level baseline.

19 The objectives were really two-fold, as has
20 been outlined, to give the political parties a clear sense of
21 the nature of the threat that Canada faced and the political
22 parties were therefore involved with and in.

23 And secondly, to set up an engagement or
24 potential dialogue over the course of the election, and
25 perhaps even beyond, such that if the political parties had
26 concerns, that they could bring them back to PCO and
27 therefore back to SITE when required, and we could have an
28 interactive exchange on things that we thought perhaps the

1 political parties should know and they could tell us about
2 their particular issues and concerns as well. So we had two
3 primary objectives.

4 As was noted, we briefed the political
5 parties orally, rather than give them intelligence on paper
6 for particular reasons of insuring that the intelligence
7 remains secure. We briefed the political parties for some
8 length, probably two hours, I would say, was our first
9 discussion. The briefings were read verbatim and the
10 language was chosen very carefully and vetted thoroughly
11 through all the intelligence agencies as well.

12 In terms of what we talked about, there were
13 several primary headings, the first of which was how to
14 understand the idea and the practice of foreign interference
15 and why it was a threat to the integrity of the Canadian
16 political system, our democratic institutions, and our
17 *Charter* rights and Canadian sovereignty.

18 We would discuss the distinctions between
19 what is considered foreign interference and that which would
20 be considered regular diplomatic activity as well.

21 We talked at length about who would
22 potentially be targeted by foreign interference, at what
23 levels of government. Then we went into discussions that all
24 levels of political governments and political power were to
25 be, perhaps susceptible at the federal level, provincial,
26 territorial, municipal level. Political office holders and
27 candidates in particular were vulnerable and needed to be
28 aware.

1 We talked also about who would be carrying
2 out, potentially, foreign interference, i.e. specific types
3 of intelligence officers and proxies that may be associated
4 with particular foreign government officials, et cetera.

5 We talked, as mentioned, about diaspora
6 communities and their vulnerability, and how they could be
7 impacted, and manipulated, and threatened through foreign
8 interference activities.

9 We further talked about the rise of social
10 media web platforms and the new scale and sophistication
11 which had become unprecedented in 2021 in terms of social
12 media manipulation.

13 We talked about lessons learned as well. And
14 one of the key lessons learned, we discussed, was the
15 potential manipulation of political party nomination
16 processes, which was an active area that could be manipulated
17 by foreign states to their advantage. So we discussed that
18 at some length because of the nature of its history with
19 previous elections.

20 **MR. JEAN-PHILLIPE MacKAY:** If you'll allow
21 me, CSIS Representative, if you'll allow me, I'll ask the
22 Court Registrar to bring up CAN18041.

23 So, CSIS Representative, do you see the
24 document that we have on the screen here?

25 **CSIS REPRESENTATIVE:** No, I do not.

26 **MR. JEAN-PHILLIPE MacKAY:** Do you have access

27 ---

28 **CSIS REPRESENTATIVE:** Now ---

1 **MR. JEAN-PHILLIPE MacKAY:** Oh, sorry.

2 **CSIS REPRESENTATIVE:** Now I do.

3 **MR. JEAN-PHILLIPE MacKAY:** Okay. You were
4 discussing the content of, if my understanding is correct, a
5 briefing that was given in July 2021? Is that correct?

6 **CSIS REPRESENTATIVE:** That's correct.

7 **MR. JEAN-PHILLIPE MacKAY:** Okay. And the
8 document we have before us reflects, in large part, the
9 testimony you've give on the topics that were covered during
10 the briefing so far? Is that correct?

11 **CSIS REPRESENTATIVE:** That's correct.

12 **MR. JEAN-PHILLIPE MacKAY:** If we scroll down?
13 So I'll invite you just to continue your
14 answer now that we have a visual support and a reference for
15 the participants and the public.

16 **CSIS REPRESENTATIVE:** So as mentioned, there
17 were a multitude of topics discussed, lessons learned which
18 were captured from the 2019 election, discussions in the
19 early phases of social media manipulation, and disinformation
20 and amplification.

21 We discussed further, as you can see
22 throughout the document, the main foreign interference threat
23 actors in Canada, which as mentioned, focused to a
24 significant degree on the People's Republic of China, which
25 we considered highly capable, motivated, and to be acted in a
26 sophisticated, pervasive, and persistent manner.

27 We talked about how Chinese foreign
28 interference is carried out and what areas were considered

1 vulnerable.

2 As mentioned, we covered many other states
3 that we considered important for the political parties to
4 understand.

5 We touched upon IMVE, ideologically motivated
6 violent extremism, and the possibility, at that point in
7 time, of it becoming a factor in the Canadian electoral
8 system, in addition to election security.

9 And furthermore, we touched on cyber security
10 and how to be more resilient with regards to cyber
11 protections for Parliamentarians, et cetera.

12 All in all, we took the briefings very
13 seriously. We wanted to help assist the parties with as much
14 information as we could provide to give them a thorough
15 context of what Canada was facing in a very quick election
16 that, again, we were dealing with covid throughout, and the
17 larger priority was to set up a series of discussions, if
18 required, such that we could continue to engage with the
19 parties with more specific, if indeed required, actionable
20 material, and have them come back and inform us on any issues

21 ---

22 **MR. JEAN-PHILLIPE MacKAY:** Thank you.

23 **CSIS REPRESENTATIVE:** --- that they consider
24 important.

25 **MR. JEAN-PHILLIPE MacKAY:** I'm sorry, I will
26 interrupt you here just to pull up document 3498, CAN 3498.

27 Just for the record, this is a document
28 titled *Introduction to the SITE Taskforce*. And topics

1 contained in this document were covered by Mr. King and CSIS
2 Representative.

3 --- EXHIBIT No. CAN 3498:

4 SITE TF Briefing to Secret Cleared
5 Federal Political Parties

6 **MR. JEAN-PHILLIPE MacKAY:** So is this a
7 document, Mr. King, that was also used as part of the
8 briefing in July 2021?

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

10 **MR. JEAN-PHILLIPE MacKAY:** And we see, if we
11 scroll down to page 3, you already addressed those elements
12 in part, the last section, "What can be done with the
13 information you hear/receive today". So this is just for the
14 record, we have already covered this in the evidence so far.

15 **MR. LYALL KING:** May I briefly add one
16 difference between 2019 and '21, ---

17 **MR. JEAN-PHILLIPE MacKAY:** Go ahead.

18 **MR. LYALL KING:** --- 2021, if I may? Just
19 the fact that in 2019, we knew when the election was going to
20 be. In 2021, we did not. It was the minority government and
21 we weren't quite clear when that would happen. So that
22 proved a little bit of a challenge, just from a broader
23 communications perspective.

24 So in 2019, there was much discussion about
25 what the Government was doing with different initiatives to
26 protect democracy, one of those being the creation of SITE
27 and the Critical Election Incident Protocol.

28 There was not that opportunity, I think, in

1 2021. There had to be some caution taken in terms of
2 communicating if and when an election might occur. So that
3 was a little bit of a challenge in just getting the message
4 out, generally speaking, that for example, SITE was still a
5 thing, it was still active, it was still doing these things.

6 So I just wanted to point that difference out
7 as well.

8 **MR. JEAN-PHILLIPE MacKAY:** Thank you.

9 And I'll ask Court Operator to pull up
10 CAN13303. CAN13303.

11 And while the Registrar is pulling up the
12 document, CSIS Representative, I interrupted you earlier.
13 Was there any other key points you wanted to highlight
14 concerning the briefings to political parties?

15 **CSIS REPRESENTATIVE:** No, I think that
16 captures it.

17 **MR. JEAN-PHILLIPE MacKAY:** Okay. Thank you.

18 We have the document CAN13303 before us,
19 Madam Commissioner.

20 I'll ask Court Registrar to go to page 4 of
21 9, please. We can scroll down a little bit more. Okay.

22 So we have the list here that begins on page
23 -- the document has nine pages, so what we see here, three or
24 four, is not the reference I'll be using, but the entire
25 document.

26 We have the beginning of a list that
27 continues on the next page. We have referred to this
28 document this morning for some dates in 2019. I'd like you

1 to identify the -- we have a list of briefings for cleared
2 political party representatives here. I'd like you to
3 identify the briefings by in which SITE was involved in 2021.

4 **MR. LYALL KING:** Certainly. Looking at that
5 list, and starting with the July 22nd, 2021, I believe the
6 July 22nd, yes. There are two August dates there. I believe
7 August 20th might have been the original intention to have a
8 briefing, but that might have shifted. There were not two
9 briefings, to my recollection, in August, and certainly not
10 less than a week apart. Typically they tended to be about
11 three to four weeks in between. So I think it was July 22nd,
12 August 26th, September 2nd, and then on the next page, I
13 believe there should be one in and around mid-September. If
14 we can scroll down to the -- September 15th would be the one
15 that I would point out as all of SITEs in that preset PCO
16 organized and shared meetings.

17 **MR. JEAN-PHILIPPE MacKAY:** We'll come back to
18 the briefings that occurred during the writ period, but I
19 understand that the following briefings, September 24th and
20 September 30th, October 22, those were not SITE briefings?

21 **MR. LYALL KING:** Correct. Those would be
22 reflective of PCO communications with a political party --
23 with the Conservative Party, excuse me, post election.

24 **MR. JEAN-PHILIPPE MacKAY:** Okay. And we see
25 at the -- on top of the page here September 12, 2021, cleared
26 Liberal Party of Canada representative briefing. We have a
27 document, it's CAN 1082. I'll ask the Registrar to pull it
28 up, please. This document is redacted in some places, but we

1 see that the document is dated 11th of September 2021. So is
2 this the briefing that's reflected on the table that we just
3 saw that was given to a Liberal Party representative or
4 representatives?

5 **MR. LYALL KING:** Yes, I believe so. I will
6 just clarify that that would have been CSIS that was engaged
7 on that, so I would defer to them for the answer.

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

9 **CSIS REPRESENTATIVE:** That is correct. The
10 document reads accurately. It was a brief given by CSIS to
11 the Liberal Party representatives on September the 11th,
12 2021.

13 **MR. JEAN-PHILIPPE MacKAY:** If we can scroll
14 down a little bit on page 1? Obviously, we cannot discuss
15 the content of the -- of this briefing, but we see a note
16 here that,

17 "The distribution of this intelligence
18 has been very limited (P5 and SITE),
19 and we do not intend to disclose this
20 to anyone further."

21 So the mention of P5 on this document here,
22 is this a reference to the Panel of Five?

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

24 **MR. JEAN-PHILIPPE MacKAY:** Okay. So we
25 understand, and you can confirm this, that the Panel was
26 informed of the underlying intelligence or situation
27 concerned with this briefing?

28 **MR. LYALL KING:** Yes, they were.

1 **MR. JEAN-PHILIPPE MacKAY:** Okay. Thank you.

2 And was this the only party specific as
3 opposed to a group briefing that was given by SITE or SITE
4 representatives during the writ period or the election period
5 in 2021?

6 **MR. LYALL KING:** I will defer to my CSIS
7 colleague for that answer.

8 **CSIS REPRESENTATIVE:** It was.

9 **MR. JEAN-PHILIPPE MacKAY:** Okay. Thank you.
10 So now the -- in the chronology the writ drops on August the
11 15th. What happens to SITE when the writ drops briefly,
12 please?

13 **MR. LYALL KING:** Certainly. Essentially, the
14 pace of our engagement shifts significantly from weekly
15 meetings to daily touch points and the daily issuance of the
16 situation report. During the writ period, there are also
17 regular engagements, I believe, two or three times per week
18 with the Election Security Coordination Committee. The
19 distinction between 2019 and 2021 was some of these
20 conversations were held over Protected B communications, so,
21 effectively, a lower classification. And, yes, we talked
22 every day as SITE, just to sort of understand if there was
23 anything we were going to be putting into the sitrep. Same
24 principle applied as it did in 2019 in terms of the
25 expectation that each constituent member would provide the
26 preapproved form of words to include in the sitrep. CSE
27 would roll that up into one document and disseminate as we
28 had in 2019 to a set list of individuals principally intended

1 for the Panel of Five. So it was a frequency -- an increase
2 in frequency in terms of our activity, and also, an
3 availability for us to be reached on call 24 hours a day, 7
4 days a week.

5 **MR. JEAN-PHILIPPE MacKAY:** And as you
6 mentioned earlier, the briefings, the information flow
7 between SITE and the Panel was similar to what existed in
8 2019?

9 **MR. LYALL KING:** That is correct. In
10 addition to the daily sitreps that were delivered, there were
11 weekly briefings to the SITE Panel, which included,
12 effectively, a summary of that week's material, but again,
13 probably better summarized and a bit more coherent as in 2019
14 these were largely delivered from -- the threat briefings
15 were largely delivered by the Deputy Ministers of CSE and
16 CSIS.

17 **MR. JEAN-PHILIPPE MacKAY:** And concerning the
18 RRM, Rapid Response Mechanism, was there anything specific
19 when the writ dropped in your daily operations?

20 **MS. GALLIT DOBNER:** So, I mean, similar to
21 what my colleague Mr. King said, we obviously adopted the
22 SITE posture, so that was contributing to daily sitreps and
23 participating in the same meetings that Mr. King referenced.

24 **MR. JEAN-PHILIPPE MacKAY:** And what I'm
25 trying to -- where I'm trying to get is the RRM daily brief
26 and the weekly daily brief that we have in the record. So
27 was this a specific product, or those two products, were they
28 specific to the writ period?

1 **MS. GALLIT DOBNER:** Right. Thank you for the
2 clarification. So the daily product was essentially the
3 input for the daily sitrep for the Panel of Five. So my team
4 produced that and tried to boil it down a little bit and
5 provide them with a bit of a summary of that in the daily
6 sitrep. And then the team also contributed to the weekly
7 product that SITE put together as well.

8 **MR. JEAN-PHILIPPE MacKAY:** And was there any
9 dissemination of those two products to other partners beyond
10 the Task Force?

11 **MS. GALLIT DOBNER:** So the daily sitrep, I'm
12 not sure if we shared the daily with the rest of SITE or if
13 we just shared the high level summary. I don't have record
14 of that.

15 **MR. LYALL KING:** I recall seeing a few.

16 **MS. GALLIT DOBNER:** Okay. So we potentially
17 did. And then the weekly product that CSE as chair of SITE
18 assembled, that was -- maybe I'll just throw that question to
19 you.

20 **MR. LYALL KING:** Well, the weekly summary was
21 essentially put together with inputs from the other partners,
22 principally by CSE and CSIS, and that was really provided to
23 our Deputy Ministers to speak to so ---

24 **MR. JEAN-PHILIPPE MacKAY:** I'm sorry. I
25 don't want to interrupt you, but we're -- the -- we have a --
26 the weekly briefs of the RRM, they're -- I'm sorry, not the
27 brief, but the weekly ---

28 **MS. GALLIT DOBNER:** Oh, pardon me.

1 **MR. JEAN-PHILIPPE MacKAY:** --- well, it's a
2 weekly brief. That's the name of the product.

3 **MS. GALLIT DOBNER:** Pardon me, yes.

4 **MR. JEAN-PHILIPPE MacKAY:** The specific RRM
5 product.

6 **MS. GALLIT DOBNER:** Pardon me. I thought you
7 were referring to the SITE weekly. Pardon me. Yes, exactly.
8 So that brief that RRM put together, yes, there was the daily
9 that contributed to the sitrep, and there was a weekly that
10 was a broader product, and it was shared with the rest of
11 SITE and it was shared with the Election Security
12 Coordinating Committee, so all of the departments and
13 agencies across government that were part of the ESCC, and
14 that product would have fed into the oral briefing that I
15 would have provided the P5, the Panel of Five, along with the
16 heads of CSIS and CSE and member from RCMP.

17 **MR. JEAN-PHILIPPE MacKAY:** Thank you. I'm
18 turning now to a specific issue that arose during the writ
19 period. And it's the incidents of potential misinformation
20 or disinformation concerning Mr. O'Toole and Mr. Kenny Chiu,
21 and also, the Conservative Party was concerned with elements
22 of the incident concerning Mr. O'Toole. And before we enter
23 into this -- the specifics of this topic, what's the
24 distinction between misinformation and disinformation?

25 **MS. GALLIT DOBNER:** So broadly speaking, and
26 this is a very important distinction and it's often confused,
27 misinformation and disinformation are both instances of false
28 narratives, or narratives taken out of context. But in the

1 instance of misinformation, it's spread without intention, so
2 folks unknowingly spreading false narratives or narratives
3 out of context. And disinformation is where there is intent,
4 so there is intent that's either political, or for economic
5 gain, or for criminal reasons, but information that's false
6 that's knowingly spread.

7 **MR. JEAN-PHILIPPE MacKAY:** And now can you
8 provide us with an overview of how these incidents of
9 potential disinformation unfolded during the writ period?

10 **MS. GALLIT DOBNER:** Yes, yeah, I absolutely
11 can. So as you said, there were two instances of false
12 narratives that we observed during GE44, and I'd start by
13 saying off the top that we did not have evidence that these
14 were foreign state-sponsored disinformation campaigns, so I
15 would like to start by saying that.

16 We saw two parallel narratives, false
17 narratives, circulating. So the first one had to do with the
18 Conservative Party of Canada and Mr. O'Toole. The second
19 one, Mr. Kenny Chiu and the Foreign Agent Registry.

20 I'll maybe walk you through the chronology of
21 both and then explain a little bit our assessment that we
22 reached.

23 So in the first instance with the
24 Conservative Party of Canada and Mr. O'Toole, as I recall, at
25 the very end of August, beginning of September we saw some
26 rumblings in, I believe it was, WeChat that if elected Mr.
27 O'Toole would ban WeChat. And that was reported in the daily
28 sitreps. But where we really saw these narratives start to

1 circulate was September 8th to 9th -- around September 8th,
2 9th until September 12th.

3 So what happened is, on September 8th there
4 was an article in the Hill Times that quoted a political
5 analyst, Jocelyn Coulon, saying that the Conservative Party
6 of Canada's platform almost wanted to break diplomatic
7 relations with China, or something to that effect.

8 That same day, Chinese media source, The
9 Global Times, picked up that phrase and ran it in The Global
10 Times that the Conservative Party of Canada almost wanted to
11 break diplomatic relations with China. And I believe there
12 was also a reference to the platform of the Conservative
13 Party of Canada mentioning China upwards of, I think, 30
14 times.

15 The next day, on September 9th, we saw that
16 same narrative reflected on a WeChat news account. So again,
17 we spoke about WeChat as sort of a Chinese version of
18 WhatsApp, but plus, plus. And they have personal messaging,
19 which we were not privy to and shouldn't, as the Government
20 of Canada, be privy to private message exchanges, but they
21 also have news accounts that you can subscribe to. So we saw
22 this on a news account.

23 And then over the course of the next couple
24 of days, until September 12th, it reverberated across other
25 WeChat news accounts.

26 What we then saw around September 12th is
27 that Xinhua News, which is another Chinese media source, much
28 akin to Reuters or Agence Presse, posted a video of this

1 story on Douyin, which is the Chinese version of TikTok, and
2 we then saw it reverberate not here in Canada, but in local
3 constituencies in China, so at like the provincial level in
4 China. But effectively, the narrative stopped circulating
5 around September 12th with regard to Mr. O'Toole and the
6 Conservative Party of Canada.

7 At a very similar time, again on September
8 8th, we saw the second narrative about Mr. Chiu. So Mr. Chiu
9 actually went to the media and spoke about what he perceived
10 to be as a disinformation campaign against him, and he made
11 reference to WeChat, but WeChat direct messages, which again
12 we did not have access to and, therefore, never saw.

13 But what we saw for the next few days from
14 September 9th, again, till about September 12th, is we saw
15 that some of these WeChat news accounts were running the
16 story about Kenny Chiu's private registry -- sorry, *Foreign*
17 *Agent Registry Act* would require Canadians of Chinese origin
18 essentially to register as agents, which was, again, false
19 narrative.

20 So we saw that move across a few WeChat news
21 accounts and, again, it fell silent as of September 12th.

22 So obviously, as we discussed before, my team
23 had been producing monthly threat reports to try to
24 understand what the ecosystem looks like in Canada as it
25 relates to Canadian politics, and this was an anomaly, and so
26 we did look into it.

27 And our assessment, unfortunately, came up
28 inconclusive. We came to the conclusion that there could be

1 three possible hypotheses to account for what we were seeing
2 on WeChat and in the online ecosystem.

3 The first was, this could be possibly a
4 Chinese government sponsored disinformation campaign. That
5 was a possibility. And one of the indicators that folks
6 pointed to on the team was that a few of the WeChat news
7 accounts that covered these two narratives or that reported
8 these two narratives had some links with the China News
9 Service, the CNS.

10 And we understood, again from third-party
11 reporting, that the China News Service, a bit of a news
12 aggregator, relates back to the United Front Work Department.

13 But at the same time, only a few of those
14 WeChat news accounts were affiliated with CNS. A lot of them
15 were not affiliated with CNS.

16 We also didn't see the -- any of the official
17 Communist Party news outlets amplifying the narrative. So
18 that was one possible hypothesis, but we had zero evidence to
19 suggest that this was a Chinese government directed campaign.

20 Another hypothesis was that this was purely
21 organic activity. Obviously, a story like this, albeit a
22 false narrative, would have been of interest to a lot of
23 folks in Canada and could have organically naturally spread
24 with different news accounts cutting and pasting the story
25 and sharing it along.

26 The third hypothesis was sort of what we call
27 the grey area, which is a grey area in terms of influence and
28 interference whereby there could have been individuals who

1 are sympathetic to the positions of the People's Republic of
2 China, could have felt that there was a will not to have the
3 Conservatives elected, and could have taken it on their own
4 accord to spread this information in a campaign-style
5 activity.

6 So again, could have been state sponsored, it
7 could have very well been organic or it could have been
8 somewhere in between. And we simply didn't have the evidence
9 to draw a conclusion with any kind of certainty that it was
10 one or the other or the other instance.

11 And I just would refer back to the comments I
12 made earlier because I think it's really important to
13 understand that the online space is difficult and Chinese
14 social media is incredibly difficult, again, because we don't
15 have tools, because we don't have communities of practice,
16 because we don't have access, and we shouldn't, to private
17 messaging and we don't have a relationship with the company
18 that's responsible for the platform.

19 So I just wanted to underline that once
20 again.

21 **COMMISSIONER HOGUE:** I would like Commission
22 counsel to check until what time the interpreters are
23 available because I see that we are running behind and want
24 to make sure that there's time for cross-examination.

25 **MS. ERIN DANN:** Yes, I will -- I will do that
26 and report back.

27 **COMMISSIONER HOGUE:** Thank you.

28 In the meantime, we'll continue.

1 **MR. JEAN-PHILIPPE MacKAY:** We understand, Ms.
2 Dobner, what you have described is based on the RRM's work,
3 the monitoring of the online environment. Am I correct to
4 assume that everything that you just mentioned went through
5 the SITE Task Force, it was discussed with your colleagues on
6 the Task Force?

7 **MS. GALLIT DOBNER:** That's right. That's
8 correct.

9 So as we observed these narratives, we
10 reported them in the daily sitreps, we discussed them with
11 the rest of SITE during the regular meetings that Mr. King
12 referenced. We produced a bit of a deep dive analysis on
13 September 13th that we shared on paper with the rest of SITE
14 to try to explain what it was that we were seeing to support
15 kind of a robust discussion.

16 I briefed the Panel of Five on what we were
17 seeing. I also briefed at the political party meeting what
18 we were seeing as well.

19 **MR. JEAN-PHILIPPE MacKAY:** Okay. Just for
20 the record, there's a document CAN 6595. It's a document
21 dated September 13th, 2021. I'll ask the registrar to pull
22 it up.

23 **--- EXHIBIT No. CAN 6595:**

24 GE44: Chinese Communist Party Social
25 Media Accounts Spreading Negative
26 Narratives about the Conservative
27 Party of Canada

28 **MR. JEAN-PHILIPPE MacKAY:** I don't want you

1 to describe or to walk us through, but is this the document
2 you just mentioned?

3 **MS. GALLIT DOBNER:** That's it. That's
4 exactly it.

5 **MR. JEAN-PHILIPPE MacKAY:** And also I'll ask
6 -- no, not for now.

7 So you just mentioned that it was included in
8 the sitrep. Are we correct to assume that when something is
9 put in a sitrep this is intended to be -- or it is sent to
10 the Panel of Five?

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

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

13 **MS. ERIN DANN:** Excuse me, Commissioner. We
14 have the interpreters available until 6:30.

15 **COMMISSIONER HOGUE:** Six-thirty? Which means
16 that -- let me just take a minute. Six-thirty? Then it
17 means, Mr. MacKay, that you can go for another -- until five.
18 But after that, we'll have to start cross-examination because
19 I absolutely want to make sure that the ---

20 **MR. JEAN-PHILIPPE MACKAY:** Absolutely.

21 **COMMISSIONER HOGUE:** --- parties have an
22 opportunity to cross-examine.

23 **MR. JEAN-PHILIPPE MACKAY:** Briefing to the --
24 -

25 **COMMISSIONER HOGUE:** And we won't take any
26 break. So if someone needs a break on your side, just let me
27 know. For the others, you can go outside if you need, but we
28 won't stop.

1 And I don't -- I won't read the rest of the
2 paragraph. You are familiar with this topical summary?

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

4 **MR. JEAN-PHILIPPE MACKAY:** Yes. Is this
5 something that was briefed to the Panel of Five? Is this
6 like a situation that was communicated to the Panel of Five
7 in 2021?

8 **MR. LYALL KING:** Information about India as a
9 actor in this space was briefed to the Panel of Five,
10 including this information as well, though it's a question of
11 timing as to when that was briefed. But they received the
12 information, yes.

13 **MR. JEAN-PHILIPPE MACKAY:** Okay. And we
14 understand, obviously, because it's in a topical summary, the
15 underlying and the details of that information cannot be
16 discussed publicly.

17 **MR. LYALL KING:** Correct; yes.

18 **MR. JEAN-PHILIPPE MACKAY:** Okay. We'll be
19 moving quickly in the post election period concerning claims
20 made by the Conservative Party concerning foreign
21 interference in the election.

22 So I'll invite the court operator to bring up
23 6748.

24 **--- EXHIBIT No. CAN 6748:**

25 Email thread: 04 Oct 2021

26 **MR. JEAN-PHILIPPE MACKAY:** And what we see in
27 this document it's an email from Tausha Michaud to the PCO,
28 which is sent to you.

1 So we'll go to the last page. It's an email
2 chain. Yes.

3 So briefly, what was SITE Task Force
4 implication in this request that we see here from PCO?

5 **MR. LYALL KING:** Certainly. This was a
6 request from the Conservative Party that went to PCO, and PCO
7 was always the intermediary on this space, and PCO then
8 provided that information to SITE to have a look at.

9 I don't know if you have further questions,
10 but we did subsequently look at the material, and you know,
11 we did take those allegations quite seriously and put some
12 significant resources into that. And principally that was
13 done, initially, I believe, Global Affairs, and mostly by the
14 Service.

15 So I would ask the Service colleague to speak
16 up if you have additional needs for clarification on this.
17 But SITE did look at detail in those allegations, produced a
18 report that was provided back to PCO for communicating back
19 out to the Conservative Party.

20 **MR. JEAN-PHILIPPE MACKAY:** And I'll ask court
21 operator to bring up, and I'm sorry, I'm just trying to move
22 quickly, CAN 14862.

23 And that's a document dated October 19, 2021,
24 PRC Interference in Election 2021: Response to the
25 Conservative Party of Canada. What is this document,
26 briefly, please?

27 **MR. LYALL KING:** That is the response and
28 summary of -- from SITE, but principally written by CSIS,

1 describing our response, the formal response back to the
2 Conservative Party regarding their concerns.

3 **MR. JEAN-PHILIPPE MACKAY:** And Ms. Dobner, I
4 have a question for you concerning work that was done by one
5 of your analysts on this at CAN 6750.

6 And maybe we can go at page 2, immediately.

7 And -- we won't go through the entire
8 document, but what are we seeing here, Ms. Dobner?

9 **MS. GALLIT DOBNER:** Right. So we received
10 the information from the Conservative Party of Canada via the
11 Privy Council Office, and my team took a bit of a deep dive,
12 and I would divide into two categories the information we
13 saw. The vast majority of the information was stuff we had
14 already seen during our own monitoring. There were a couple
15 of elements that were new.

16 One was a screenshot of a direct message,
17 which again we usually would not have access to, and the only
18 reason we looked at it was because it was as screenshot that
19 was stripped of any personal identifiers, so we didn't feel
20 there was any violation of privacy. And that demonstrated
21 that the narrative about Mr. Chiu was circulating on direct
22 messaging prior to when we saw it on WeChat news accounts.

23 And the second was a billboard from a grocery
24 store, and you can see the photograph here. So it was a
25 photo that someone took of a billboard. Again, this was
26 another new piece of information, but we weren't really --
27 neither of those pieces of information contributed in any
28 sort of substantive way to us being able to raise our level

1 of confidence about what we were seeing.

2 **MR. JEAN-PHILIPPE MACKAY:** And because I'm
3 running out of time, my last question to you will concern the
4 After Action Report.

5 The reference, we don't have to pull it up,
6 is CAN 2359, so that it's in the record.

7 But could you sum up the elements in your
8 conclusions in the After Action Report that you prepared, and
9 which was finalised I think in December 2021?

10 **MR. LYALL KING:** Sure. Generally speaking, I
11 think we noted that we hadn't seen specific targeting of
12 elections infrastructure. That China -- we assessed that
13 China had conducted foreign interference activities during
14 the general election, the 44th general election, and that
15 while we could not come to ground in terms of state's
16 involvement, that we did observe online disinformation, what
17 appeared to be online disinformation activities implicating
18 Mr. O'Toole and Mr. Chiu with an attempt, we believed, to
19 influence Canadian Chinese community. I think I've -- maybe
20 I've -- I'm sorry, I'm getting tired. I may not have
21 captured that.

22 **COMMISSIONER HOGUE:** I think we're all tired.

23 **MR. LYALL KING:** But online information
24 issues persisted in the Chinese language media space, that's
25 maybe a better way to characterise it. Sorry.

26 **MR. JEAN-PHILIPPE MACKAY:** Thank you.

27 **COMMISSIONER HOGUE:** Thank you.

28 So we'll start the cross-examination. First

1 counsel is counsel for Erin O'Toole. And you will understand
2 that I will keep you to your times.

3 Mr. Lim, we don't hear you.

4 **MR. PRESTON LIM:** Hi, can you hear me?

5 **COMMISSIONER HOGUE:** Yes, we do.

6 **MR. PRESTON LIM:** Perfect. Thank you so
7 much, Madam Commissioner.

8 **--- CROSS-EXAMINATION BY MR. PRESTON LIM:**

9 **MR. PRESTON LIM:** And thank you to all of you
10 for being here today. I know it's been a long day.

11 So my name is Preston Lim, and I'm counsel
12 for the Honourable Erin O'Toole.

13 The first question I have I'll direct to
14 Mr. King. It's a procedural question, and hopefully a quick
15 one. Am I correct to say that the Panel of Five had the
16 ability to seek clarification of the contents of any of the
17 SITREPs that SITE prepared?

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

19 **MR. PRESTON LIM:** Okay, thank you very much.

20 I'm now going to go through a series of
21 documents. I'll direct the questions to particular members
22 of the panel, but of course if anyone has additional
23 information, I invite them to just step in.

24 So if we could first go to CAN 003590, and
25 I'll direct this question to Ms. Dobner.

26 **--- EXHIBIT No. CAN 3590:**

27 SITE TF SITREP: 27 August 2021

28 **MR. PRESTON LIM:** And we're going to -- I'm

1 sorry, I don't think I can see it on my screen but that's
2 fine; I have it written down. We're going to go to page 1,
3 bullet point three. Brilliant.

4 So bullet point three reads in part:

5 "News sites linked to the Chinese
6 Communist Party likely acted in a
7 coordinated manner to push user
8 interest in the topic 'Meng Wanzhou
9 has been unlawfully detained by
10 Canada for 1000 days.'"

11 So I have two questions. The first one; am I
12 correct in stating that SITE would not have made any
13 recommendations as to how the Government of Canada should
14 respond to this finding?

15 **MS. GALLIT DOBNER:** So SITE would not have
16 made recommendations, that's correct.

17 **Mr. PRESTON LIM:** Right. So SITE would have
18 just been passing on the information; in this case, the
19 information about the news site.

20 So my second question is, to the extent that
21 you know, which entity or individual within the Government of
22 Canada would have been responsible for determining the
23 governmental reaction to that finding?

24 **MS. GALLIT DOBNER:** So this is a tricky
25 question. A lot of information passes through the Canadian
26 media ecosystem every day, and the Government of Canada
27 decides when it does or doesn't respond to what it's seeing
28 in the media. So I would assume that the government

1 departments that were most engaged in the issue of Meng
2 Wanzhou's detention would have determined whether or not they
3 wanted to communicate on this on any given day. It wasn't
4 directly linked to the election.

5 **MR. PRESTON LIM:** That's helpful. Thank you.

6 So if we could go next to CAN 012854, and
7 I'll stick with you, Ms. Dobner, for this one.

8 **--- EXHIBIT No. CAN 12854:**

9 SITE TF SITREP: 13 September 2021

10 **MR. PRESTON LIM:** That's CAN 012854. And
11 we're going to go page 2, bullet point 3. And this is the
12 topic that you were just discussing, Ms. Dobner. So that
13 document -- or the bullet point reads ---

14 **MS. GALLIT DOBNER:** Sorry; pardon me.

15 **MR. PRESTON LIM:** Yes.

16 **MS. GALLIT DOBNER:** Could I just see the date
17 again? We scrolled very quickly through this document.

18 **MR. PRESTON LIM:** Of course.

19 **MS. GALLIT DOBNER:** Can we just go up, so I
20 can get some context for what I'm seeing? Right to the top,
21 please, just so I can see the date. This is the SITREP on
22 the 13th of September, great. Thank you.

23 **MR. PRESTON LIM:** September 13, that's right.

24 **MS. GALLIT DOBNER:** Super, thank you.

25 **MR. PRESTON LIM:** So back to page 2, bullet
26 point three:

27 "...RRM Canada continues to monitor
28 claims about MP Kenny Chiu's private

1 member bill, and Erin O'Toole's China
2 and WeChat policies on WeChat and now
3 the Douyin platform. RRM Canada
4 notes that we have limited visibility
5 into the WeChat and Douyin platforms,
6 as such we cannot confirm or deny the
7 employment of inauthentic
8 amplification techniques."

9 So RRM Canada -- and I suppose by extension
10 the SITE Task Force -- could neither, "confirm nor deny the
11 employment of inauthentic amplification techniques." Who was
12 ultimately responsible for resolving that ambiguity; and more
13 specifically, for determining whether inauthentic
14 amplification techniques had been deployed?

15 **MS. GALLIT DOBNER:** No-one could have
16 determined that.

17 As I mentioned earlier, we didn't have a
18 relationship with Tencent, and that would require a
19 relationship with Tencent and information provided by
20 Tencent. The Chinese social media platforms for us are --
21 it's fair to call them a black box; we just don't have the
22 same understanding of them as we do of some of the big
23 American social media platforms.

24 **MR. PRESTON LIM:** Thank you, Ms. Dobner.

25 I'm now going to take Mr. King to WIT
26 multiple zeroes 22. This is WIT 22, and this is the
27 interview summary of Mr. Soliman, whom I believe you are
28 familiar with; he was co-chair of the Conservative Party's

1 2021 campaign. This is a summary of his interview with the
2 Commission. And we're going to go to paragraph 12; that's on
3 page 3. Great.

4 So Mr. Soliman testified that he passed on
5 certain allegations to SITE, right? So paragraph 12 reads:

6 "He recalls bringing an issue...to
7 the attention of SITE [Task Force] at
8 one point. The message he got back
9 was that there were no serious
10 problems to be concerned about."

11 So my first question is, if you might be able
12 to explain on what basis the SITE Task Force might decided
13 that there were -- and I'm using his words here, not yours --
14 "no serious problems to be concerned about"?

15 **MR. LYALL KING:** That's his view of what he
16 heard back. Those are Mr. Soliman's words to say that he
17 believes we communicated back there were no serious problems.
18 That is not my recollection. I don't recall us saying there
19 were no serious problems. I recall us, as Ms. Dobner has
20 already described, communicating to all the political party
21 members what we were observing in that online information
22 environment. I was at those briefings, so I do recall Ms.
23 Dobner relaying that information there.

24 It's unfortunate that he notes recalling
25 bringing an issue but doesn't recall the details. It's very
26 hard to sort of comment on that as to sort of the timing and
27 what that was. But, generally speaking, as we have noted
28 earlier, when we had information, and we did have information

1 by mid-September, we did communicate that to the political
2 parties, but I don't recall us saying SITE, as a group, that
3 there were, "no serious problems to be concerned about."

4 **MR. PRESTON LIM:** Right. So you would have
5 -- you're stating that you would have communicated back with
6 the parties in mid-September.

7 So my second question, then, I'll stick with
8 you, Mr. King. SITE would have had access to far more
9 detailed information than Mr. Soliman would have for sources
10 such as the RRM. Given SITE's extensive access to
11 information, how would the provision of information by the
12 Conservative Party or by Mr. Soliman have altered SITE's
13 decisions with respect to the various allegations it had
14 before it, if it would have altered SITE's decisions at all?

15 **MR. LYALL KING:** Just to be clear, you're
16 asking me how information provided by the Conservative Party
17 to SITE may have changed ---

18 **MR. PRESTON LIM:** Yes.

19 **MR. LYALL KING:** --- our particular views?

20 **MR. PRESTON LIM:** That's correct.

21 **MR. LYALL KING:** Okay. In terms of
22 information that we did receive from the Conservative Party,
23 I only recall the information we received via the Privy
24 Council Office towards the end of September, I believe it
25 was; I know we have the dates in there somewhere. And my
26 CSIS colleague had a number of people working on that
27 information.

28 So I would -- I've said this a few times, and

1 I apologize, I'd have to defer to my CSIS colleague because
2 this is about information happening in a domestic space, and
3 my role in SITE was not that; I got foreign signals
4 intelligence. So I will push it to my CSIS colleague to
5 describe, but I only recall receiving information from the
6 Conservative Party post-election at the end of September via
7 Privy Council Office.

8 **CSIS REPRESENTATIVE:** I agree with Mr. King's
9 statement. We only received information back on this
10 particular issue in terms of disinformation campaigns after
11 the election, and received it formally from PCO on September
12 the 30th, wherein we began to do extensive analysis over the
13 course of two and a half weeks, bridging off of what had been
14 actually learned through the Rapid Response Mechanism, and
15 all the other public information which had come to light
16 then, to come to the conclusions which have been laid out
17 here today in a report on October the 19th.

18 **MR. PRESTON LIM:** Thank you.

19 Madam Commissioner, do I have time for one
20 last question?

21 **COMMISSIONER HOGUE:** I will go with a last
22 question ---

23 **MR. PRESTON LIM:** Okay. It will be ---

24 **COMMISSIONER HOGUE:** --- but ---

25 **MR. PRESTON LIM:** It will be a short one.

26 So if we could go to CAN 003781. I'm just
27 going to read the first sentence and ask a quick question.

28 Page 1, bullet point three opens -- that's

1 the quote:

2 "The...(PRC) sought to clandestinely
3 and deceptively influence Canada's
4 2021 federal election."

5 And then of course you have the lines of
6 redacted material. Had SITE made a similar statement at an
7 earlier point during the General Election? And if not, what
8 changed to prepare SITE to make this remarkably clear
9 statement when it did? And I'll direct that to Mr. King.

10 **MR. LYALL KING:** We didn't make such a
11 statement during the election. We made statements to the
12 effect that we believed the People's Republic of China to be
13 the most significant threat to that space before the
14 election. So this is a reflection of what we had observed
15 during the election. This was made after, not during.

16 What we would have stated during to the
17 political parties, the cleared members, excuse me, of the
18 political parties, and before the writ drop, was that China,
19 for us, was the most significant threat.

20 **MR. PRESTON LIM:** Thank you all very much.

21 **COMMISSIONER HOGUE:** Thank you.

22 Counsel for the Conservative Party? I think
23 probably on the Zoom? It's Mr. De Luca.

24 **MR. NANDO de LUCA:** It is, Madam
25 Commissioner. Might I ask to be deferred? I'm having
26 trouble with my connection and my document retrieval. So if
27 the next ---

28 **COMMISSIONER HOGUE:** Okay. So we'll go with

1 counsel for Jenny Kwan.

2 **--- CROSS-EXAMINATION BY MR. SUJIT CHOUDHRY:**

3 **MR. SUJIT CHOUDHRY:** Good afternoon. My name
4 is Sujit Choudhry. I'm counsel for Jenny Kwan.

5 I was hoping the Registrar could put up the
6 following document, please. It's CAN2 -- double zero
7 6117_R01. Should I give it again, or are we -- should --
8 it's CAN006117_R01. This was produced last night at around
9 midnight. We alerted the Commission to it this morning that
10 we'd be relying on it. If we could have a bit of assistance?
11 Thank you. I'd ask for your indulgence, Madam Commissioner,
12 on the time.

13 **COMMISSIONER HOGUE:** I'm taking note ---

14 **MR. SUJIT CHOUDHRY:** Thank you.

15 **COMMISSIONER HOGUE:** --- of each and every
16 minute.

17 **MR. SUJIT CHOUDHRY:** I know you are.

18 **MS. ERIN DANN:** Mr. Choudhry, could you
19 please repeat the doc ID?

20 **MR. SUJIT CHOUDHRY:** With pleasure, Ms. Dann.
21 So it's CAN006117_R01.

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

23 **MR. SUJIT CHOUDHRY:** You're welcome. Thank
24 you.

25 Okay. So this document is titled *GE44:*
26 *Lessons Learned*. And I think in the first instance, I'd like
27 to direct my question to Ms. Dobner. Do you recognize this
28 document?

1 **MS. GALLIT DOBNER:** I do.

2 **MR. SUJIT CHOUDHRY:** Is this a document that
3 was produced by GAC?

4 **MS. GALLIT DOBNER:** This was a document that
5 was produced by an individual on my team as that person's off
6 the top of their head takeaways after the election.

7 **MR. SUJIT CHOUDHRY:** Okay.

8 **MS. GALLIT DOBNER:** It was not a SITE
9 document and it was not an approved RRM Canada document. It
10 does not represent our final judgements and our perspective.

11 **MR. SUJIT CHOUDHRY:** And what -- do you
12 roughly remember when this was produced?

13 **MS. GALLIT DOBNER:** After the election.

14 **MR. SUJIT CHOUDHRY:** Okay. So some time in
15 the weeks after?

16 **MS. GALLIT DOBNER:** The days, probably, after
17 the election.

18 **MR. SUJIT CHOUDHRY:** Okay. Good. Well, with
19 those caveats, I'd like to take you to a couple of points.

20 **MS. GALLIT DOBNER:** Okay.

21 **MR. SUJIT CHOUDHRY:** So if we could go first
22 to point two? And I'll just read it into the record. It
23 says:

24 "While SITE has once again played an
25 indispensable role in coordinating
26 threat analysis based on the unique
27 mandates of SITE members, an all-
28 source (fused) analysis would better

1 meet the challenges of [...]
2 contemporary [foreign interference]
3 space described above and would
4 facilitate a whole-of-government
5 response, including communications.”

6 Ms. Dobner, do you agree with the general
7 sentiment of that statement?

8 **MS. GALLIT DOBNER:** No. I think SITE was
9 well coordinated for the 2021 Election, and I think taking
10 the example of the false narratives that we saw on WeChat as
11 sort of a case study where RRM Canada saw these narratives
12 and we relayed them to the rest of SITE, and together SITE
13 put together a fused assessment as a document of October
14 25th, which is on the record. I think that’s demonstrative
15 of the fact that there was a coordinated and joined up
16 approach by SITE.

17 **MR. SUJIT CHOUDHRY:** But isn’t the point here
18 that an all-source analysis would be better at meeting the
19 contemporary challenges of foreign interference?

20 **MS. GALLIT DOBNER:** So, look, I don’t want to
21 go too far down here, because again, I can’t speak for the
22 person who authored this document and what was in that
23 person’s mind. I mean, we’re all familiar now with what the
24 mandate of SITE was. It’s been discussed this morning and I
25 think reiterated again this afternoon, that the SITE was
26 meant to be the sum of its parts with each agency or
27 government department bringing their mandate to the table and
28 working together in a coordinated fashion. And I feel that

1 that's what happened during the 2021 Election.

2 **MR. SUJIT CHOUDHRY:** Well let me then take
3 you to point three. So your ---

4 **MS. GALLIT DOBNER:** Sure.

5 **MR. SUJIT CHOUDHRY:** --- colleague here says:
6 "The situation above (coordinated but
7 not fused [...]) also left RRM Canada
8 'with nowhere to go' with its open
9 source threat assessment as SITE/CSIS
10 in particular did not align with RRM
11 Canada's sense of urgency in briefing
12 up/shining. This was a repeat of
13 [General Election] 43."

14 What could this be referring to?

15 **MS. GALLIT DOBNER:** So again, I -- you know,
16 I can't sort of put words in the mouth of the colleague who
17 offered this. So I don't understand what all of these
18 elements are referring to. And I think I would, you know,
19 once again, go back to the fact that there was, you know, a
20 very healthy debate that happened across the RRM Canada team
21 throughout GE44, as we were trying to figure out what we were
22 seeing and trying to postulate as to what could be sort of
23 the hypothesis for what we were seeing online. So I think
24 there was a very healthy debate.

25 And I think one person on the team here has
26 expressed his or her opinion, but this was not my opinion.
27 This was not reflected in the input that I provided SITE and
28 it was ultimately not reflected in the after-action report of

1 SITE.

2 **MR. SUJIT CHOUDHRY:** So let me give you one
3 example that perhaps might support this colleague's view. I
4 take the point it's not your view or the institutional view
5 of GAC.

6 So if we could call up SITREP CAN001075? So
7 if you could scroll down, please?

8 So this is from September the 7th.

9 And let's just stop there, under the
10 "GAC/RRM".

11 So this came from GAC. And then I'm just
12 looking at the third bullet. It refers to a message
13 published on a Facebook group, with:

14 "...screengrabs from a WeChat group
15 with what they claim are members of
16 the [CBA] of Vancouver, a group that
17 many open source reports claim are
18 linked to China's United Front..."

19 Which of course would be well known to you
20 and other members of the panel, Ms. Dobner. And then it
21 refers to an event, a campaign event for the Liberal
22 candidate in Vancouver East.

23 So you remember seeing this SITREP ---

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

25 **MR. SUJIT CHOUDHRY:** --- report?

26 **MS. GALLIT DOBNER:** Yes.

27 **MR. SUJIT CHOUDHRY:** Okay.

28 **MS. GALLIT DOBNER:** That would have been our

1 contribution to the SITREP.

2 **MR. SUJIT CHOUDHRY:** Okay. Good. So then
3 let's go on to CAN001088. If we could scroll down, please?
4 Again to the "GAC/RRM". Okay. And then stop there.

5 And if we go to the second bullet, again it
6 refers to the same campaign event, and this time it refers to
7 the event being hosted by a pro-Beijing individual with
8 connections to China. You're familiar with this SITREP
9 report as well?

10 **MS. GALLIT DOBNER:** I'd just like to take a
11 minute to read the sentence, if you don't mind?

12 **MR. SUJIT CHOUDHRY:** Sure. Of course. So
13 it's the second bullet ---

14 **MS. GALLIT DOBNER:** Yeah, I see that.

15 **MR. SUJIT CHOUDHRY:** And it's the third line
16 down.

17 **MS. GALLIT DOBNER:** I see that. Thank you,
18 Mr. Choudhry. Yes, thank you.

19 **MR. SUJIT CHOUDHRY:** Do you recall this
20 document?

21 **MS. GALLIT DOBNER:** Yes.

22 **MR. SUJIT CHOUDHRY:** Do you recall that ---

23 **MS. GALLIT DOBNER:** Absolutely. That would
24 have been our contribution to the SITREP.

25 **MR. SUJIT CHOUDHRY:** And look, we don't have
26 -- we're not privy to all the SITREP reports, and they're
27 redacted, but based on what we've seen, I can't think of
28 another riding-level event that's flagged twice in the SITREP

1 reports produced to the Commission. Would you agree that
2 that statement is correct?

3 **MS. GALLIT DOBNER:** So, I mean just reading
4 the statement carefully, what we have said that:

5 "A *Postmedia* editorial as well as
6 MacDonald-Laurier Institute's
7 DisinfoWatch..."

8 **MR. SUJIT CHOUDHRY:** Right.

9 **MS. GALLIT DOBNER:** --- has commented the
10 following.

11 **MR. SUJIT CHOUDHRY:** Sure.

12 **MS. GALLIT DOBNER:** So we were providing --
13 if I may, we were providing this information for contextual
14 background for the panel.

15 **MR. SUJIT CHOUDHRY:** But you provided it. I
16 mean ---

17 **MS. GALLIT DOBNER:** That's right.

18 **MR. SUJIT CHOUDHRY:** --- there's reams and
19 reams of information you're getting, but you picked this out
20 and you picked out this event twice.

21 **MS. GALLIT DOBNER:** We provided reports on
22 all elements of election-related potential disinformation to
23 the panel. As I had said earlier this morning, and I guess
24 it bears repeating again this afternoon, we had a fairly low
25 bar for what we included because we wanted to make sure that
26 we were comprehensive, so we did indeed point to the incident
27 when we saw it occur and then we have referenced here that
28 Post Media as well as MLI have both commented on the

1 following.

2 **MR. SUJIT CHOUDHRY:** So now, Ms. Dobner, were
3 you -- did you watch Anne McGrath's testimony this week on
4 Tuesday? Are you ---

5 **MS. GALLIT DOBNER:** I didn't.

6 **MR. SUJIT CHOUDHRY:** --- familiar with it?

7 **MS. GALLIT DOBNER:** No, I didn't.

8 **MR. SUJIT CHOUDHRY:** So she's the National
9 Director for the NDP. She was -- she met with the SITE Task
10 Force.

11 She testified that this -- these posts or
12 this information was not brought to her attention at meetings
13 that she attended with the SITE Task Force. Is that -- does
14 that seem accurate to you?

15 **MS. GALLIT DOBNER:** I honestly don't recall
16 if we flagged this or not.

17 **MR. SUJIT CHOUDHRY:** So I'd like to take you
18 to document JKW000076.

19 Should I give that again?

20 **THE COURT OPERATOR:** Yes, please.

21 **MR. SUJIT CHOUDHRY:** It's JKW000076.

22 Great. Thank you.

23 And so -- it's five zeros. Pardon me, Madam
24 Commissioner.

25 So Ms. Dobner, I'm sure -- I imagine you
26 haven't seen this document before.

27 **MS. GALLIT DOBNER:** I haven't, but I'm aware
28 that a complaint was made.

1 **MR. SUJIT CHOUDHRY:** Yeah. And so it's a
2 complaint that was filed on September 7th by the NDP to the
3 Office of the Commission of Canada Elections the very same
4 day as the sitrep report about the same event.

5 **MS. GALLIT DOBNER:** Yeah.

6 **MR. SUJIT CHOUDHRY:** That was then also --
7 appeared again on September 16th.

8 So you're familiar with this complaint.

9 You said you're familiar with the existence
10 of this complaint.

11 **MR. GALLIT DOBNER:** I understood that a
12 complaint was made, yeah.

13 **MR. SUJIT CHOUDHRY:** So there was testimony
14 by the OCCE panel last Thursday on March 28th. And so the
15 OCCE testified that when they received this complaint, they
16 hadn't been aware of the sitrep reports that had flagged this
17 event. In fact, they had never seen the sitrep reports until
18 it was presented to them in preparation for their testimony
19 at this hearing.

20 **MS. GALLIT DOBNER:** So the sitreps were
21 prepared for the P5, the Panel of Five. We talked about the
22 distribution list this morning. We can talk about it again
23 this afternoon, but we wouldn't have been sharing those
24 sitreps with the OCCE.

25 **MR. SUJIT CHOUDHRY:** And so let me just
26 circle back to the comments of your colleague ---

27 **COMMISSIONER HOGUE:** Last question.

28 **MR. SUJIT CHOUDHRY:** --- about a fused

1 **COMMISSIONER HOGUE:** Yes. Okay.

2 **--- CROSS-EXAMINATION BY MR. NANDO de LUCA:**

3 **MR. NANDO de LUCA:** Can I have CAN 14862 --
4 sorry, no.

5 Can I have -- let's start with WIT46 called
6 up.

7 This is the *in camera* examination summary
8 that was referenced earlier. And can I ask you to turn to
9 paragraph 28?

10 And while we're going to that paragraph,
11 you'll recall -- and this is for the panel generally, I think
12 perhaps Mr. King -- in your testimony earlier today I asked
13 you in particular a question in relation to the use of the
14 word "incident" in the PCO's briefing document to describe
15 what it was or one of the functions that the SITE Task Force
16 was to fulfil in terms of briefing up to the Panel of Five.

17 We actually see the use of the word
18 "incident" -- the phrase "incident register" referred to in
19 your own document here in connection with at least the 2021
20 SITE Task Force, so I have a couple of questions here.

21 Was this incident register something that was
22 also used in 2019? And -- because it says here the same type
23 of information was used in 2019, the same type of log.

24 And how did -- how did the way the
25 information was co-located or gathered in a register and a
26 log change from 2019 to 2021?

27 **MR. LYALL KING:** Yeah, thank you for your
28 question.

1 It was used in 2019 as well. I would just
2 make a point and it is noted, I think, further down in that
3 paragraph that, you know, "incident" may not have been the
4 best word to use in that, but rather, a capture of
5 information.

6 The general usage of that document was really
7 internal for us to track what we had brought to the table,
8 information that we had shared amongst ourselves and,
9 principally, it's built to look at, over an arc of time, the
10 types of foreign interference, things we had seen, the
11 countries that were implicated and referring back to the
12 discussion earlier on categories of foreign intelligence,
13 what type or flavour of foreign intelligence it was.

14 It was very much intended to be an internal
15 SITE product to track over an arc of time what we had seen.

16 **MR. NANDO de LUCA:** Can you provide any
17 clarity or transparency on how you categorize the
18 information? Because even in the -- you just indicated, but
19 then there's, I guess, a third sentence halfway through that
20 paragraph talks about categorization of pieces of
21 intelligence.

22 What kind of categories did you have, if you
23 can get into that?

24 **MR. LYALL KING:** Certainly.

25 It can be found, I think, in some of the
26 documents that have been provided to the Commission. I
27 referenced earlier today that in order to try to make sense
28 of the broad range of foreign interference activities and for

1 the SITE group to understand that domain, we looked to try to
2 categorize those from the very specific cyber targeting, for
3 example, of elections infrastructure to cyber targeting of
4 politicians, to the more human interaction space, covert
5 interference with the political layer, then covert
6 interference in the public space with individuals, diaspora,
7 and then moving finally into more overt, which we wouldn't
8 categorize as interference, but overt influence.

9 It was meant to capture the gradation, the
10 gradients, I guess, if you will, of how foreign interference
11 plays out.

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

13 So I ---

14 **MR. LYALL KING:** And those -- if we had a
15 report -- sorry for interrupting.

16 If we had a report or RRM brought something
17 to the table, it would say it was this country that was
18 implicated, it fell roughly into this category. It was a way
19 to track a trend over time.

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

21 Can I get CAN 14862 called up?

22 And I'd like to go to page 2 of this document
23 at the top.

24 Sorry. Let me just find -- so under the
25 heading, at the very top:

26 "What can SITE conclude at this time
27 about the election related FI?"

28 There is -- first bullet, there is a redacted

1 portion. It says:

2 "SITE cannot decisively conclude that
3 the PRC sought to clandestinely and
4 deceptively influence outcomes in
5 all...(13) ridings identified by the
6 CPC...."

7 Have I read that correctly?

8 **MR. LYALL KING:** Yes, you have.

9 **MR. NANDO de LUCA:** Okay. Was SITE able to
10 identify clandestine and deceptive influence in any of the 13
11 ridings identified by the CPC?

12 **MR. LYALL KING:** I will defer to my CSIS
13 colleague, as it was CSIS that did the bulk of the analysis
14 and pulled this particular piece together.

15 **CSIS REPRESENTATIVE:** So the answer to that
16 question is no. And I would add for context, in relation
17 with this piece of analysis, just to step back in time: When
18 we received the information, again on September the 30th,
19 from the Conservative Party relating to these 13 ridings, and
20 the overarching issue of this information, we assembled
21 significant amount of capability and teams, both within CSIS
22 and across SITE, to evaluate this particular issue.

23 We understood it was incredibly significant,
24 the charge that was being put forward. We took it with the
25 utmost seriousness and intent to make sure that we could come
26 up with the best set of analysis we could to satisfy the
27 issue at hand, but also to assure the Conservative Party that
28 we were doing as much as we could.

1 We spent close to three weeks evaluating all
2 the information we had. We had large teams of both analysts
3 and operators from the West Coast to the East Coast looking
4 at all of this. Our teams were fused with GAC's RRM team and
5 brought in every capability that we had to evaluate all of
6 this. And as you can see, the two significant conclusions,
7 which you've cited, were our takeaways, in that we could not
8 find attribution from the Government of China in these
9 particular areas.

10 **MR. NANDO de LUCA:** So might I ask why frame
11 the assessment that way? Why not say that SITE cannot
12 decisively conclude that the PRC sought to influence outcomes
13 in any of the 13 ridings?

14 **CSIS REPRESENTATIVE:** Because that was our
15 simple conclusion at the time, that we could not conclude
16 that they could clandestinely or had deceptively influenced
17 the outcome of the 13 that were under consideration.

18 **MR. NANDO de LUCA:** But with respect, you
19 haven't answered my question. Are you drawing a conclusion
20 with -- as to whether they could do it in any of them or in
21 all of them?

22 **CSIS REPRESENTATIVE:** Our conclusion was that
23 they didn't and -- they didn't do it. It couldn't be -- it
24 could not be proven, the point, in any of the 13.

25 **MR. NANDO de LUCA:** So why did you use the
26 word "in all of the 13"?

27 **CSIS REPRESENTATIVE:** I'm not privy to the
28 distinction that you're driving at. I'm merely saying that

1 it could not be proven in any or all of the 13.

2 **MR. NANDO de LUCA:** Well, those are two very
3 different words. Are you suggesting that they should be used
4 interchangeably?

5 **CSIS REPRESENTATIVE:** I would merely say that
6 we stand with the language that we're using in the particular
7 piece of analysis. It was vetted thoroughly.

8 **MR. NANDO de LUCA:** Okay. And so in that
9 analysis, though, your commentary is as to whether or not you
10 could prove influence in all of the 13 ridings; correct?

11 **CSIS REPRESENTATIVE:** Right. That's correct.

12 **MR. NANDO de LUCA:** Thank you. Those are my
13 questions.

14 **COMMISSIONER HOGUE:** Thank you.

15 Next, is -- will be counsel for Michael
16 Chong.

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

18 **--- CROSS-EXAMINATION BY MR. GIB van ERT:**

19 **MR. GIB van ERT:** I actually want to follow
20 up on the same line of questioning that Mr. De Luca was just
21 pursuing. Ms. Dobner, you explained very helpfully that there
22 were three possible explanations for the Kenny Chiu
23 situation, and one of them was attribution by PRC, but then
24 there were others. Right?

25 And the question that I had for you, and as I
26 say, I think Mr. De Luca's questioning and the answers that
27 the CSIS witness was just giving touch on this as well. My
28 was well what was the level of certainty that you required?

1 And in the document we were just looking at,
2 the phrase that was used was "decisively conclude." So
3 perhaps that's your answer. You'll tell me, and I'll invite
4 the other witnesses, particularly the CSIS witness, to
5 elaborate, if that would help. But what is the standard that
6 you were applying when trying to decide do we come out and
7 say this is PRC or not?

8 **MS. GALLIT DOBNER:** Yeah. That's an
9 excellent question.

10 In one of the documents, and I can't recall
11 the number, I'm sorry, so we can't drag it up here, we did
12 say that our confidence level was somewhere from low to
13 moderate. So that was the level of -- the highest level of
14 confidence that we could assign the judgement that this was
15 indeed a disinformation campaign versus just an organic
16 sharing of information.

17 You know, had we been more certain we could
18 have maybe applied more certainty to it, but again, the
19 judgment then would have belonged to the Panel, right, about
20 what they wanted to do with the information that we provided
21 them with.

22 Does that make sense?

23 **MR. GIB van ERT:** I'm sure it does, but I do
24 want to understand better what -- or you're saying you had
25 low to moderate confidence in -- sorry. Did you mean in
26 respect of the Kenny Chiu situation in particular, or was
27 that sort of a general?

28 **MS. GALLIT DOBNER:** The both -- to the two

1 narratives that we were seeing circulating.

2 **MR. GIB van ERT:** Okay. And so how much
3 confidence did you feel that you needed before you could say
4 to the P5, you can safely attribute this to PRC?

5 **MS. GALLIT DOBNER:** So I think we would have
6 always qualified our judgement with a level of confidence.
7 It is extremely difficult to, first of all, identify foreign
8 interference in the online space because there is a very
9 fuzzy area between what is influence and what is
10 interference. And then it is even more difficult in most
11 instances to do attribution, to decide to who it is that
12 could be behind this act. And then, and of course this was
13 the Panel's remit, the third challenge is determining impact
14 and what impact that may or may not have had on the election,
15 further to the discussion that we were just having.

16 **MR. GIB van ERT:** Sure.

17 **MS. GALLIT DOBNER:** So I would say that when
18 you're talking about the online space, and this was something
19 that we made very clear to in the threat assessments that we
20 worked on collectively as a Task Force, that it is really
21 difficult to say with certainty when you're seeing foreign
22 interference in an online ---

23 **MR. GIB van ERT:** And I'll just stop you
24 there. I don't want to interrupt, but that's the key there,
25 is with certainty. What I'm trying to ask you, I think, is
26 what do you mean by certainty?

27 Because we could, for instance -- I mean if
28 this were a criminal trial, with certainty would mean you'd

1 have to be, you know, beyond reasonable doubt. That's the
2 highest standard we have; right? But it isn't a criminal
3 trial. If it were a civil trial, you'd say well, more likely
4 than not. That's the standard. And we'd be certain using
5 that standard.

6 So what we mean by certainty always depends
7 on what standard we are adopting. And what I'm trying to
8 understand is what was the standard that you were adopting,
9 when I say you, I mean the SITE, generally, what standard
10 were you applying? Because in the national security context,
11 as I'm sure you know, and certainly the CSIS witness will
12 know, often reasonable grounds to suspect, which is a lower
13 standard still, will be applied.

14 I just need to understand what the standard
15 was so that when you say we weren't certain I know what you
16 mean.

17 **MR. LYALL KING:** Maybe I can interject a
18 little bit here just to speak on behalf of SITE as the former
19 Chair ---

20 **MR. GIB van ERT:** Yes, of course.

21 **MR. LYALL KING:** --- in that we are also
22 looking at a range of different disciplines that we brought
23 to the table, to be clear. So how and what Global Affairs
24 does within the RRM is different from the discipline of
25 Signals Intelligence, which is different again from the
26 discipline and culture, indeed of human intelligence. So
27 there are different thresholds applied, I think. There are
28 different sources that we might use to try to confirm or

1 corroborate to provide increased levels of confidence in
2 attribution to actors.

3 So it can vary, I think is the way I would
4 describe it, which may be not very helpful, but that is
5 factual. From a, you know, a CSE perspective, we might be
6 looking at technical information that we might use to try to
7 confirm activities tied to specific actors or individuals.
8 We might look at corroborating intelligence from other
9 sources to say, well, we've observed this and now we can get
10 other intelligence to confirm from another source that this
11 has been directed by somebody related to the specific
12 activity.

13 So in a sense, sir, it kind of bias slightly
14 different, I think, in terms of what levels of certainty that
15 you're asking us to describe in the sort of our different
16 disciplines.

17 But in recalling the conversation around the
18 table, I think what we could probably all agree to is that
19 each of us looked in our spaces where we could, where we had
20 the authorities to do so, but did not have a high enough
21 confidence level to be able to ascribe an attribution. And
22 that is quite important, I would suggest, when we're dealing
23 in a government space and accusing other adversaries and
24 states, nation states, of acting.

25 So in comparing that with a reasonable -- a
26 reason to believe something, it depends on the type of action
27 you might be taking. When it comes to attribution, we need a
28 fairly high level of confidence to be able to state so.

1 **MR. GIB van ERT:** And where ---

2 **MR. LYALL KING:** I don't know if that is a
3 helpful ---

4 **MS. GALLIT DOBNER:** If I can -- if I can just
5 add ---

6 **MR. GIB van ERT:** Just before you do, I just
7 had this one point. The phrase "decisively conclude" that we
8 were looking at does seem to be a high standard the way you
9 were just describing.

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

11 **MR. GIB van ERT:** Please go ahead, ---

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

13 **MR. GIB van ERT:** --- Ms. Dobner.

14 **MS. GALLIT DOBNER:** Thank you. I was going
15 to say thank you very much to Mr. King because he provided an
16 excellent segue to what I was going to say in response to
17 your question. This goes back to when I spoke about the
18 challenges of working on WeChat in particular and Chinese
19 social media. And one of the challenges that I sited was a
20 lack of a community of practice, a lack of literature, a lack
21 of standing expertise.

22 If we had that community of expertise that we
23 have with regard to some of the better established American
24 social media companies, we would have been able to exchange
25 information, build on other literature that had already been
26 concluded, and we might have been able to conclude with
27 greater confidence what it was that we were seeing.

28 But in the absence of any of that expertise,

1 and in the absence of that community of practice, we were
2 doing our very best to try to provide the Panel and others
3 with a sense of what we were seeing. And we certainly did
4 not have enough confidence to say something like "likely"
5 that would have potentially ---

6 **MR. GIB van ERT:** And did you feel that you
7 needed to be able to say "likely" before you would actually
8 recommend -- I shouldn't say recommend, but before you would
9 feel confident that the P5 ought to take action, ought to
10 respond to what it's seeing about Kenny Chiu, for instance?
11 Did you need it to be likely that it was PRC, or could it be
12 something lower than that?

13 **MS. GALLIT DOBNER:** So I've just got -- I
14 have a little trouble with the premise of the question,
15 because again, SITE was providing, to the best of its
16 ability, information to the Panel, and the Panel had the very
17 touch and unenviable job of taking that information and
18 making a decision about whether or not they felt that it
19 constituted foreign interference and that it met the
20 threshold, and then report to Canadians.

21 **MR. GIB van ERT:** Yes.

22 **MS. GALLIT DOBNER:** So I was providing, and
23 my team was providing, our honest assessment to the best of
24 our ability, with the tools and the limitations that we had,
25 of what we were seeing and what our assessment was. And
26 unfortunately, I couldn't go further than that.

27 **MR. GIB van ERT:** And just one last question
28 then ---

1 **MS. GALLIT DOBNER:** Sure.

2 **MR. GIB van ERT:** --- to follow up on the
3 last point. I don't doubt the hard work your team was doing
4 and the difficulty of the challenge for one moment. But what
5 I do need to understand is when you provided the information
6 to the P5, because they're the decision makers, does that
7 information include your confidence about whether or not it
8 can be attributed to PRC? Or do you just leave that decision
9 to P5?

10 **MS. GALLIT DOBNER:** So we provided our
11 assessment, and that was in all of the documents that have
12 been entered into evidence. You can see as it builds; right?

13 **MR. GIB van ERT:** Yes.

14 **MS. GALLIT DOBNER:** Right up until the most
15 conclusive assessment, which is the October 25th fused piece
16 with the rest of the members of SITE.

17 So I think those documents speak for
18 themselves in terms of what we informed the Panel of and what
19 our assessment was.

20 **MR. GIB van ERT:** Yes. You're providing your
21 assessment on the level of confidence, among other things?
22 Have I understood you correctly?

23 **MS. GALLIT DOBNER:** I'm saying that those
24 documents are the best record of exactly what we provided the
25 P5 with in terms of our assessment.

26 **MR. GIB van ERT:** Yes, I know. I'm sure they
27 are. I don't have them in front of me. I'm wanting to
28 understand. Are you saying that those documents include your

1 assessments of how certain you are about attribution?

2 **MS. GALLIT DOBNER:** So I think we need to
3 call up the documents, because one of the documents talks
4 about a level of confidence that we had reported up the line.
5 I'm not sure which of those documents, but one of them
6 includes a confidence assessment.

7 But at the end of the day, our bottom-line
8 assessment, and I think the assessment that was most useful
9 to the Panel of Five, was that this is what we were seeing,
10 there are a few different hypotheses that could account for
11 what we're seeing, and we cannot tell you with any confidence
12 which of those hypotheses accounts for what occurred in the
13 online environment. And that's due to all of the limitations
14 that we have.

15 And I think it bears saying that right from
16 the start before we even headed into the election, we flagged
17 that this was going to be a challenging space; right?

18 So I think we were operating in an imperfect
19 environment, unfortunately.

20 **MR. GIB van ERT:** All right. You've left me
21 some homework to go look at the documents. I will do that.
22 Thank you very much.

23 **COMMISSIONER HOGUE:** Thank you.

24 **MS. GALLIT DOBNER:** Sure.

25 **COMMISSIONER HOGUE:** Next counsel is Me
26 Sirois for RCDA.

27 **--- CROSS-EXAMINATION BY MR. GUILLAUME SIROIS:**

28 **MR. GUILLAUME SIROIS:** Good evening.

1 Guillaume Sirois for the Russian Canadian Democratic
2 Alliance.

3 I want to pull CEF a bunch of zeros 23_R2.

4 But while it's being pulled, I just wanted to
5 come back on a point that you've made about Chinese social
6 media being black boxes. Would the same apply to Russian
7 social media as well? Such as Telegram or Vkontakte?

8 **MS. GALLIT DOBNER:** We didn't spend time
9 looking at Russian social media.

10 **MR. GUILLAUME SIROIS:** Okay.

11 **MS. GALLIT DOBNER:** I don't recall that we
12 looked directly at Russian social media.

13 **MR. GUILLAUME SIROIS:** Thank you. I just
14 want to -- I appreciate the response. It doesn't concern
15 your response, but for the following of the cross-
16 examination, I would appreciate if we could try to limit the
17 comments, just say yes or no, because -- well, unless there's
18 an important comment.

19 **COMMISSIONER HOGUE:** It's quite difficult for
20 a witness to answer by yes or no, so if they feel that they
21 have to make ---

22 **MR. GUILLAUME SIROIS:** Absolutely.
23 Absolutely. If they -- just in the interest of time. Thank
24 you.

25 So here at page 15 of the document, you can
26 scroll down, please. Page 14, in fact. So we can scroll
27 down a little bit.

28 **MS. GALLIT DOBNER:** Sorry, what document are

1 we looking at, for my context?

2 **MR. GUILLAUME SIROIS:** Can we go back to page
3 1, please?

4 **MS. GALLIT DOBNER:** I'm just not sure that
5 I've seen this.

6 **MR. GUILLAUME SIROIS:** Yeah, exactly. It's a
7 complaint that was made to the Commissioner of Canada
8 Elections. It's probably not a document that you've seen ---

9 **MS. GALLIT DOBNER:** No, I'm ---

10 **MR. GUILLAUME SIROIS:** --- in preparation for
11 this.

12 **MS. GALLIT DOBNER:** --- not familiar with it.

13 **MR. GUILLAUME SIROIS:** Okay. But this is a
14 document that was sent to RRM, as we will see. So I'm going
15 to present it to you in that context, not in the context of
16 what was said to the Commissioner of Canada Elections.

17 If you want, we can go to page 18, where it
18 discusses that this was submitted to the RRM.

19 So we can scroll down.

20 See it's a letter from Mr. Côté. As you can
21 see:

22 "Pursuant to para. 510 [...] of the
23 Act, the Comm'r authorized disclosing
24 this information to the Rapid
25 Response Mechanism of GAC for any
26 action they may deem warranted."

27 Does that ring any bells?

28 **MS. GALLIT DOBNER:** No, unfortunately this

1 wasn't a document that was provided to me in my preparation
2 for today's proceeding, so I -- this was a few years ago and
3 I can't ---

4 **MR. GUILLAUME SIROIS:** No problem. I will
5 keep my questions general then.

6 **MS. GALLIT DOBNER:** Sure.

7 **MR. GUILLAUME SIROIS:** We can go back to page
8 14, please. The complaint concerned supposed -- we can
9 scroll down a little bit.

10 You can see the URL here? It's
11 panel.quizgo.ru? So it's an advertisement that was reported
12 as containing false information regarding the leader of a
13 political party in Canada during the election period.

14 We can scroll down, please, to page 15.

15 So Commissioner of Canada Elections was not
16 able to reproduce this advertisement. It didn't have the
17 tools to do so.

18 I just want to know generally if the RRM has
19 the ability to reproduce advertisements of this sort?

20 **MS. GALLIT DOBNER:** I would have to chat with
21 our analysts about this, with the experts on our team. I'm
22 sorry.

23 **MR. GUILLAUME SIROIS:** So in the hypothetical
24 case of receiving a complaint concerning an advertisement
25 that seemed to originate from the Russian Federation because
26 the URL has dot R-U at the end, you're not sure if the RRM is
27 able to reproduce said advertisement to investigate?

28 **MS. GALLIT DOBNER:** Well I'm not sure if the

1 advertisement still existed, or if it were taken down by
2 then. I would -- honestly, I would have to refer this
3 question to my analyst. I don't want to give you an
4 inaccurate answer.

5 **MR. GUILLAUME SIROIS:** No problem. And any
6 other members of the SITE Taskforce would be able to do
7 something like that?

8 **MR. LYALL KING:** Could you go to page 18 on
9 that for a moment, please?

10 **MR. GUILLAUME SIROIS:** Yes.

11 **MR. LYALL KING:** And just scroll down.
12 There. Stop, please. Oh, no. Sorry. Further down. Just
13 another line or two.

14 I'm just looking at what it says there:

15 "...the ad could not be located, it was
16 not possible to determine the source
17 of the advertising or the person or
18 entity behind it, nor could it be
19 determined the location from which
20 the ad emanated."

21 I don't know, like, -- so I'm just -- I'm
22 trying to understand the situation with respect to that one.

23 **MR. GUILLAUME SIROIS:** It's all right.

24 **MR. LYALL KING:** So I mean, it looks like
25 it's something that appeared and then disappeared, and then
26 nobody had a technical ability to recall it or discover. I
27 forget the phraseology you used.

28 I won't speak to the specifics of CSE

1 capabilities. We don't typically look at this sort of thing.
2 Like we are looking at adversaries through different lens and
3 how they operate in overseas spaces.

4 Generally speaking, if things did come up in
5 this nature, it would have been an RRM lead to have a look at
6 and we would start with RRM as at least a clearing spot, I
7 think, for where to begin in these spaces, so.

8 **MR. GUILLAUME SIROIS:** Okay. We can pull the
9 document down and pull document CAN 000125, please.

10 I want to draw your attention to some
11 elements of that document. And it as -- as we'll soon see,
12 it is RRM Canada Weekly Threat Analysis for the week of
13 September 2 to 8.

14 This document you would have knowledge of;
15 right?

16 **MS. GALLIT DOBNER:** Right.

17 **MR. GUILLAUME SIROIS:** Okay. At first bullet
18 point, we see here:

19 "RRM Canada did not observe any
20 significant trends of foreign state-
21 sponsored information manipulation in
22 its monitoring of the broader
23 Canadian digital information
24 ecosystem."

25 Do you recall this phrase being used?

26 **MS. GALLIT DOBNER:** Yeah, that sounds about
27 right.

28 **MR. GUILLAUME SIROIS:** Okay. We can go at

1 page 2 now, please.

2 There's a few sentences. The first three
3 sentences of the first full paragraph that's here, it says
4 that:

5 "Yonder monitoring identified
6 accounts that may be associated with
7 Russian state-sponsored actors who on
8 a very small scale have amplified
9 content supportive of accounts of two
10 candidates of the People's Party of
11 Canada..."

12 Do you remember this information being
13 discussed with your contracting firm, Yonder?

14 **MS. GALLIT DOBNER:** Yes. Yeah, I do.

15 **MR. GUILLAUME SIROIS:** Okay. We can now pull
16 document CAN 000134, please.

17 You'll see it's a subsequent weekly report
18 from the RRM for the period September 9 to 15.

19 See the first bullet point, there's a slight
20 change in the phrase. It says, "RRM Canada did not observe
21 any clear evidence of foreign..."

22 **MS. GALLIT DOBNER:** That's right. That's
23 correct.

24 **MR. GUILLAUME SIROIS:** Okay. Can you -- was
25 this change deliberate? Was it ---

26 **MS. GALLIT DOBNER:** Yes, it was very
27 deliberate. You'll see this is week of 9 to 15 September, so
28 this was the same point that we saw the two narratives about

1 Mr. Chiu, Mr. O'Toole and the Conservative Party of Canada
2 spreading across WeChat news accounts. That was that period
3 of especially September 9 to 12.

4 So indeed, we saw some indicators of
5 potential foreign interference, but we did not see any clear
6 evidence of foreign interference.

7 **MR. GUILLAUME SIROIS:** Okay. We can go down
8 -- thank you for your answer.

9 **MS. GALLIT DOBNER:** Sure.

10 **MR. GUILLAUME SIROIS:** I'm going to go down
11 to page 2, please, the same kind of paragraph.

12 We see the Yonder report again. It's a
13 contracting firm that monitors social media; right?

14 **MS. GALLIT DOBNER:** That's right.

15 **MR. GUILLAUME SIROIS:** Okay. So the second
16 sentence here:

17 "The firm has seen less engagement
18 from accounts that generally amplify
19 China state sources but more
20 engagement from accounts that
21 generally amplify Russian state
22 sources. It appears that both
23 Chinese and Russian state and state-
24 aligned accounts generally show low
25 levels of engagement overall."

26 So at the -- in the previous report, weekly
27 report, we were talking about very small scale. That was the
28 term that were used. And now we're talking about "generally

1 show low levels of engagement overall".

2 Is there a difference?

3 **MS. GALLIT DOBNER:** I don't think so. I
4 don't think there was an intentional difference.

5 I think it's helpful to just understand what
6 we're seeing here. So Yonder again was a private sector firm
7 who we contracted to help us look at the online environment,
8 and they saw what they believed to be Russian and Chinese
9 accounts. However, a few things.

10 First of all, these accounts were not
11 labelled as state aligned on Twitter because Twitter at this
12 point was -- as a matter of policy was now labelling state-
13 aligned accounts. Also, they didn't share with us their
14 methodology for determining that these were Russian and
15 Chinese state-aligned accounts. It was proprietary
16 information so we couldn't sort of re-create or understand
17 exactly why they were labelling these accounts as Russian or
18 Chinese.

19 In the instance of the Russian accounts, I
20 recall in particular we saw them amplifying a few of the
21 candidates from the People's Party of Canada, and they were
22 doing it in a very *ad hoc* manner. And it seemed to be more
23 happenstance where they agreed with the ideology of the
24 candidate versus trying to amplify the candidate for the sake
25 of the candidate themselves.

26 And these accounts had extremely low
27 followership, so had very little impact on the overall media
28 ecosystem. Because they had so few followers, it's kind of

1 like the proverbial tree that falls in the forest with no one
2 around to hear it, right.

3 So again, this was -- this was the judgment
4 of this private sector partner that we had contracted, but we
5 weren't able to re-create those results and draw the same
6 conclusions.

7 **MR. GUILLAUME SIROIS:** Okay. And do we know
8 how many accounts ---

9 **COMMISSIONER HOGUE:** It will be your last
10 question because your time's up.

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

12 I just want to know on an order of scale, do
13 we know -- because this document doesn't specify it and I was
14 ---

15 **MS. GALLIT DOBNER:** I'm sorry. I don't have
16 those offhand. I wish I did. I don't.

17 But it was the judgment of our analyst that
18 it was extremely low level.

19 **MR. GUILLAUME SIROIS:** Here it says low
20 levels.

21 **MS. GALLIT DOBNER:** It was low level was the
22 judgment of our analyst.

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

24 **MS. GALLIT DOBNER:** Thank you.

25 **COMMISSIONER HOGUE:** Counsel for the Sikh
26 Coalition.

27 **MS. NATALIA RODRIGUEZ:** Commissioner, I'm
28 sorry to interrupt. It's Natalia Rodriguez, Commission

1 counsel here.

2 We just -- I just want to take the time to
3 remind the parties that in order to put a document that's not
4 on the list of documents for the witness, leave needs to be
5 sought in accordance with Rules 58 and 60. I appreciate
6 counsel for the RCDA had sent us an email to let us know, but
7 that's not sufficient. Leave must be sought and granted by
8 the Commissioner.

9 Thank you.

10 **MR. PRABJOT SINGH:** Thank you, Commissioner.
11 It's Prabjot Singh, counsel for the Sikh Coalition.

12 **--- CROSS-EXAMINATION BY MR. PRABJOT SINGH:**

13 **MR. PRABJOT SINGH:** Ms. Dobner, I'm going to
14 direct my questions towards yourself today because my primary
15 line of inquiry is going to be revolving around the
16 observations of the Rapid Response Mechanism.

17 **MS. GALLIT DOBNER:** Sure.

18 **MR. PRABJOT SINGH:** And as I understand it,
19 the documents that I'm referring to were all approved by
20 email.

21 I'm going to draw your attention to some of
22 the reports generated in the lead-up to the 2021 election
23 just to confirm some of the findings in those reports and
24 then I'll ask some follow-up questions.

25 So Mr. Operator, if we can have CAN 016857.

26 And my understanding that these are monthly
27 information ecosystem reports, I think they're called, to try
28 and set a baseline prior to the ---

1 **MS. GALLIT DOBNER:** Exactly right. You're
2 100 percent right.

3 **MR. PRABJOT SINGH:** And so looking at this
4 one, if we scroll down. I believe it's on the second page,
5 perhaps.

6 A little bit further down. That subsection
7 right there.

8 This is a December 2020 report which notes
9 specifically that:

10 "Following comments by Prime Minister
11 Trudeau on November 30th about the
12 right to protest in India, Indian
13 media and online networks began
14 targeting Prime Minister Trudeau and
15 the Liberal government with false and
16 misleading narratives."

17 If we could scroll down further to see the
18 list.

19 Some of those misleading narratives revolved
20 around the Prime Minister's 2018 visit to India, narratives
21 around Canadian vote bank politics, attempting to appeal to
22 the Sikh and Punjabi diaspora specifically, depictions of the
23 Prime Minister as a sympathizer of Khalistani separatism,
24 notions that Canada is an overall for "terrorists" and other
25 COVID-related narratives.

26 Is that an accurate reflection of what's
27 reported in the document?

28 **MS. GALLIT DOBNER:** Yeah, that's what the

1 document says, indeed.

2 **MR. PRABJOT SINGH:** And later, the report
3 also comments that these topics may be vulnerabilities that
4 could be exploitable by foreign hostile actors, particularly
5 those targeting diaspora communities.

6 Is that an accurate statement?

7 **MS. GALLIT DOBNER:** Yeah, that's fair.

8 **MR. PRABJOT SINGH:** So I think you would
9 agree with me that the misleading narratives could suggest
10 that the Prime Minister is more closely aligned to one
11 specific cultural community, the Sikh community in this case,
12 and more specifically holds some kind of sympathy for the
13 political movement for an independent Sikh state. A lay
14 person could come to that conclusion based off of those
15 narratives.

16 **MS. GALLIT DOBNER:** Could, yes.

17 **MR. PRABJOT SINGH:** And naturally, if that
18 was the case, this would conceivably have the impact of
19 alienating other members of other diaspora groups from the
20 Prime Minister or the government or the Liberal Party. Is
21 that fair?

22 **MS. GALLIT DOBNER:** Could, yes.

23 **MR. PRABJOT SINGH:** And if we can pull up CAN
24 016858.

25 This is a February 2021 report. And if you
26 can go to page 4.

27 **MS. GALLIT DOBNER:** Sorry. Could I just see
28 the title and the date again for my context?

1 **MR. PRABJOT SINGH:** Sure.

2 **MS. GALLIT DOBNER:** Thank you.

3 Oh, the monthly for February. Got it.

4 **MR. PRABJOT SINGH:** I believe it's the same
5 report, it's just two months later.

6 **MS. GALLIT DOBNER:** Super. Thank you.

7 **MR. PRABJOT SINGH:** So if we go back to
8 page 4. And the last line of that second body paragraph, the
9 report noted reports that tied together a Canadian activist
10 named Mo Dhaliwal, a Sikh advocacy group, the WSO, which is a
11 member of the Sikh Coalition, and NDP leader Jagmeet Singh in
12 a narrative about a criminal investigation entity. Correct?

13 **MS. GALLIT DOBNER:** Yes.

14 **MR. PRABJOT SINGH:** And if we move to page 5,
15 this page notes that Indian influencers and media outlets,
16 including Zee News, ABP News, OpIndia, and Republic TV,
17 worked in concert, likely employing covert or automated
18 accounts to target Mr. Dhaliwal. Do you see that there in
19 the first paragraph?

20 **MS. GALLIT DOBNER:** Sorry, could you read the
21 line again? Which -- the beginning, the first line of the
22 paragraph, is that where you're reading?

23 **MR. PRABJOT SINGH:** In that section there,
24 yeah, like that second line, the:

25 "...pro-BJP influencers media outlets
26 and journalists worked in concert,
27 likely employing covert or automated
28 accounts..."

1 MS. GALLIT DOBNER: Right. Yes.

2 MR. PRABJOT SINGH:

3 "...to target Mr. Dhaliwal..."

4 MS. GALLIT DOBNER: Yeah. That's correct.

5 MR. PRABJOT SINGH: And if you go I think two
6 lines later.

7 MS. GALLIT DOBNER: Yeah.

8 MR. PRABJOT SINGH:

9 "According to the analysis...Zee
10 News, ABP...Republic TV, as well as
11 [others]..."

12 Furthered those allegations.

13 MS. GALLIT DOBNER: That's right. That's
14 what it says.

15 MR. PRABJOT SINGH: And in the next
16 paragraph, it says that the RRM reviewed reports that
17 Mr. Dhaliwal's inbox was:

18 "...flooded with threatening
19 messages, including images of dead
20 Sikhs."

21 Is that correct?

22 MS. GALLIT DOBNER: That's what it says, yes.

23 MR. PRABJOT SINGH: And if we go further down
24 on that same page, it says:

25 "By late February, and into
26 March 2021, pro-BJP media outlets
27 began to coalesce on a narrative that
28 Indo-Canadians of the Hindu faith are

1 increasingly threatened by, [quote]
2 Sikh extremists' throughout Canada."

3 Is that observation recorded there in that
4 report?

5 **MS. GALLIT DOBNER:** That's right.

6 **MR. PRABJOT SINGH:** So combined with the
7 misleading narratives in December 2020, and then these
8 narratives in February 2021, targeting the Prime Minister
9 with narratives aligning him with the Sikh community and
10 sympathies with the Sikh Sovereignty Movement, and then
11 amplification of Indian media, that suggest that members of
12 the Hindu community in Canada feel unsafe, logically, this
13 could have direct impacts on the formulation of voters'
14 political opinions, their party preferences, and their
15 decisions at the ballot box. Not something that's observed,
16 but logically based off of these narratives that is something
17 that is an impact that could be seen.

18 **MS. GALLIT DOBNER:** Yeah. So certainly
19 everything you've said is correct. You've read from all of
20 the reports. That's a correct interpretation of -- sorry,
21 it's a correct recount of everything that's in these reports.

22 I don't want to sort of go down the road in
23 terms of what impact this may or may not have had on voters.
24 I feel very uncomfortable, and I think it would be very
25 disingenuous of me to start to opine on that. But what I
26 think -- and if I'm -- if you might permit me, and just for
27 the benefit of everybody in this room, because these reports
28 paint a very complex story. So I just want to step back to

1 give folks a little of context for what they are seeing.

2 Is that as of November 2020, when we started
3 to do these monthly reports to establish a baseline of the
4 ecosystem, what we noticed is there was a pickup in coverage
5 in sort of state, Indian state aligned media of politics in
6 Canada, and particularly focussed on the Prime Minister of
7 Canada and very critical of the Prime Minister of Canada.

8 And what we saw in February is that shifted,
9 and one of our civil society partners cited here,
10 specifically shared with us an assessment that this was
11 directed towards a Canadian activist of Sikh heritage in
12 Canada, and some personal attacks, and that's what you see in
13 this report. And at the same time, my team also noted that
14 their state aligned media was very critical of other well
15 known personalities who had made statements supportive of the
16 farmers' protests in India. So we were seeing these trends.

17 And then what we saw happen after February is
18 that the state aligned media interest in Canada dropped off
19 and we didn't see it continue throughout the rest of the year
20 or into the election. So just to provide some context for
21 what it is that we were seeing.

22 Specific to your question, could this
23 absolutely -- I mean false narratives like these always run
24 the risk of influencing the way people see things and
25 understand things, and that is the danger of disinformation.
26 So yes.

27 **MR. PRABJOT SINGH:** Yeah. no, and I
28 appreciate that clarification, and I don't want to mislead

1 Madam Commissioner or yourself. These reports don't make
2 these conclusions, they don't make these observations. I
3 just wanted to confirm the narratives that were being seen,
4 and just, you know, following along, that these are plausible
5 outcomes.

6 And Madam Commissioner, with your leave, I'd
7 like to also request that CAN 016818 also be made an exhibit,
8 just for additional context. It's the January 2021 report,
9 and I don't want to spend time today going into that.

10 So in terms of the exhibit, it would be
11 CAN 016818.

12 **MR. PRABJOT SINGH:** But for the time being,
13 I'd like to return to CAN 016857.

14 **MS. GALLIT DOBNER:** Which is the February
15 report?

16 **MR. PRABJOT SINGH:** Six-eight-five-seven, I
17 believe might be December, actually.

18 **MS. GALLIT DOBNER:** Okay.

19 **MR. PRABJOT SINGH:** So I'm jumping back now.
20 I wanted to cover the context.

21 **MS. GALLIT DOBNER:** Just to keep me on my
22 toes.

23 **MR. PRABJOT SINGH:** Madam Commissioner, I'm
24 mindful that I'm running out of time. I don't believe I'll
25 be too much longer, but if I could have your ---

26 **COMMISSIONER HOGUE:** No, because I'm going to
27 tell you if you go too long.

28 **MR. PRABJOT SINGH:** Sure.

1 **COMMISSIONER HOGUE:** You have another two
2 minutes.

3 **MR. PRABJOT SINGH:** Thank you.

4 Ms. Dobner, if you go to page 2, footnote 9.

5 Mr. Operator, if you can scroll down to that.

6 I know it's tiny there in the fine print, but
7 it states that a comment from the RRM:

8 "...notes that our analysts are less
9 familiar with non-western digital
10 information ecosystems including
11 India's - this is a potential
12 vulnerability that could be exploited
13 by foreign threat actors to shape
14 opinions among diaspora audiences..."

15 So just looking at that comment, there are
16 admittedly some vulnerabilities when it comes to foreign
17 ecosystems and how they interact with diaspora communities
18 that haven't been fully addressed or unpacked by the RRM at
19 this time or at the time of this report.

20 **MS. GALLIT DOBNER:** Yeah. That's very true,
21 and I just -- I wanted to explain that for a second.

22 When I spoke about some of the challenges
23 before, I spoke about, for instance, the lack of
24 off-the-shelf tools to monitor social media that is not
25 American social media. There are not off-the-shelf tools for
26 this kind of media. And in recognition of some of these
27 vulnerabilities, we did bring new expertise onto the team,
28 and that was, for instance, when I spoke about bringing in an

1 analyst who had experience in Chinese social media, for
2 example. Yeah.

3 **MR. PRABJOT SINGH:** So -- yeah. I just
4 wanted to kind of emphasise the point, and despite the best
5 efforts and intentions of the mechanism, there are some
6 vulnerabilities that can be exploited, is all I wanted to
7 kind of get across, and ---

8 **MS. GALLIT DOBNER:** I think -- I guess the
9 point that I was trying to make is I think that the
10 vulnerability across the board, not just for the Rapid
11 Response Mechanism, but for our partners.

12 **MR. PRABJOT SINGH:** Oh, of course. Yeah,
13 yeah. Yes. No, that's a -- you know, the Rapid Response
14 isn't looking at instant messaging and how this might be
15 amplified within groups. It's not looking at how those cable
16 TV networks are subscribed by Canadian households.

17 So in light of this ---

18 **COMMISSIONER HOGUE:** It's going to be the
19 last one.

20 **MR. PRABJOT SINGH:** Sure. Sure.

21 If we can just pull up CAN 003707. And I
22 believe it's page 3 or potentially 4. Or if you could just
23 show the panelists that first page so that they can identify
24 the document. And there should be now a page 3 or 4 where it
25 specifically talks about India. There you go.

26 So you know, this is similar to some of the
27 observations we have seen from the security and intelligence
28 earlier this week, and it notes that, you know, Indian

1 foreign interference seeks to further their pro-India agenda
2 and counter perceived pro-Khalistani elected officials.

3 So in light of the clear conclusions by SITE
4 and the broader community, that India targets individual
5 elections and sitting elected officials, it's fair to say
6 that the Rapid Response Mechanism, as well as other tools,
7 Ms. Dobner, as you've mentioned, is not currently suited to
8 actually monitor or combat that specific threat, the one
9 that's posed by India in terms of targeting specific
10 individual ridings. Is that fair?

11 **MS. GALLIT DOBNER:** So the RRM was just about
12 the online ecosystem. I don't know if my colleagues from CSE
13 or CSIS want to speak to the broader judgement that's in this
14 document, but just keeping in mind that we're only looking at
15 the online ecosystem, and this appears to be broader
16 judgement.

17 **MR. PRABJOT SINGH:** And that's my question --
18 my question is focussed purely on RRM. That based on India-
19 specific threat activity, RRM is not, as it stood at this
20 time, was not equipped to fully monitor, or combat the
21 specific threat emanating from foreign interference.

22 **MS. GALLIT DOBNER:** So -- and I feel that I
23 need to also take a step back. I don't think that there is
24 any team like RRM Canada who could claim to be able to fully
25 monitor the online ecosystem. It is a very big place; it is
26 global. And so I -- as -- you know, yes, but yes across the
27 board. I don't think that any team could claim to be able to
28 cover the entire online ecosystem.

1 **MR. PRABJOT SINGH:** Thank you. Those are my
2 questions.

3 **COMMISSIONER HOGUE:** Thank you.
4 So counsel for Human Rights Coalition.

5 **(SHORT PAUSE)**

6 **--- CROSS-EXAMINATION BY MS. SARAH TEICH:**

7 **MS. SARAH TEICH:** Good afternoon.

8 Did you either, collectively as SITE or to
9 your individual agency's complaints mechanisms, receive
10 reports from members of diaspora community groups about
11 harassment or intimidation in the lead-up to the 2021
12 elections?

13 **MR. LYALL KING:** SITE, to my knowledge, did
14 not receive -- sorry; you said complaints from specific
15 diaspora communities? Not directly to SITE from a CSE
16 perspective, but I can definitively say that was not -- that
17 did not happen.

18 **MS. SARAH TEICH:** Sure. And I should
19 actually clarify, I mean beyond Members of Parliament; I mean
20 members of the public, in case that wasn't clear.

21 **MR. LYALL KING:** Yeah, my same answer
22 applies.

23 **MS. SARAH TEICH:** Okay. Could I also ask
24 specifically the CSIS representative the same question?

25 **CSIS REPRESENTATIVE:** I echo my CSE
26 colleague; in my capacity as SITE is the only way in which I
27 can describe that, and that would be no.

28 **MS. SARAH TEICH:** Okay.

1 **MS. LISA DUCHARME:** Speaking from the RCMP
2 perspective, so there is an RCMP representative to the SITE
3 Task Force but the RCMP itself may have received complaints
4 from diaspora communities, but that would be outside the
5 purview of this, and I would not be privy to that. That's in
6 the investigation side.

7 **MS. SARAH TEICH:** Okay, thank you.

8 Can we please pull up HRC 30? And I'd just
9 like to jump to page 4, second-to-last paragraph.

10 This is a document from Global Affairs Canada
11 about RRM. And it states:

12 "In March 2022, the Prime Minister
13 announced additional funding for RRM
14 Canada. In August 2022, he announced
15 the creation of a dedicated Eastern
16 Europe unit at RRM Canada. It will
17 monitor and detect Russian
18 disinformation."

19 Was this based on a lesson learned from the
20 2021 general election?

21 **MS. GALLIT DOBNER:** Yes; in part it was, yes.
22 I think you also have to think about the context of when the
23 announcement was made, and Russia's illegal invasion of
24 Ukraine and the enormous uptick that we saw in disinformation
25 to support its invasion.

26 **MS. SARAH TEICH:** All right.

27 **MS. GALLIT DOBNER:** I would -- I just wanted
28 to go back because I didn't have an opportunity to answer

1 your first question, and I would just say that much like my
2 colleagues, not in the context of the elections and SITE's
3 work, but wearing my regular hat, of Centre -- Director for
4 the Centre for International Digital Policy, I did have
5 occasion to meet with some members of diaspora and hear about
6 some of their experiences with foreign interference.

7 **MS. SARAH TEICH:** I would like to ask follow-
8 up questions about that, but I recognize that's beyond the
9 scope of this panel, so I'll refrain, but thank you for that.

10 On this country unit, in your opinions, would
11 other dedicated country units; for example, a dedicated China
12 unit, have been valuable in the lead-up to the 2021 general
13 election?

14 **MS. GALLIT DOBNER:** So as I understand it,
15 there are now dedicated units. The team is much larger. But
16 all of this happened after I left, so unfortunately I can't
17 speak to it firsthand. I just don't have the knowledge; I
18 now lead a different team at Global Affairs Canada. But I
19 understand that the team has pretty much, I think, more than
20 doubled in size and that there are different geographical
21 leads. But, again, I can't speak from a place of knowledge
22 on this because I no longer lead the team.

23 **MS. SARAH TEICH:** I appreciate that, but
24 would that have been valuable in your capacity when you were
25 leading the team for the 2021 general election?

26 **MS. GALLIT DOBNER:** Well, we did have a few
27 Asia experts on the team who assisted. We didn't have as
28 many resources as RM Canada now has, so of course the more

1 the merrier and the more effective we can be. But we did
2 have a team at the time, but of course, the more resources we
3 have, the more expertise we have, the more eyes we have the
4 better, yes.

5 **MS. SARAH TEICH:** All right. My final
6 question; in the lead-up to the 2021 general election, did
7 RRM Canada continue to contract out of the Atlantic Council's
8 Digital Forensic Research Lab?

9 **MS. GALLIT DOBNER:** So we had a second
10 contract with DFR Lab after the election. We did not -- as I
11 recall, to the best of my recollection, we did not
12 specifically contract them for the 2021 election. We rather
13 contracted, as I spoke to earlier, Yonder and the Media
14 Ecosystem Observatory, particularly because the media
15 Ecosystem Observatory had a very strong basis in the Canadian
16 media environment.

17 **MS. SARAH TEICH:** All right, thank you.
18 Those are all my questions.

19 **COMMISSIONER HOGUE:** Thank you. AG?

20 **MR. MATTHEW JOHNSON:** The AGC has no
21 questions for these witnesses.

22 Thank you.

23 **COMMISSIONER HOGUE:** Thank you.
24 Re-examination?

25 **MR. JEAN-PHILIPPE MacKAY:** No.

26 **COMMISSIONER HOGUE:** So we did it.
27 Thank you very much ---

28 **MR. LYALL KING:** Thank you.

1 **COMMISSIONER HOGUE:** --- for your time today.

2 And thank you all. You have been very
3 disciplined, and I appreciate.

4 Have a very good weekend.

5 **THE REGISTRAR:** Order.

6 This sitting of the Foreign Interference
7 Commission has adjourned until Monday.

8 --- Upon adjourning at 6:19 p.m.

9

10

11 **C E R T I F I C A T I O N**

12

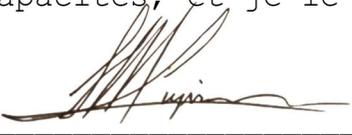
13 I, Sandrine Marineau-Lupien, a certified court reporter,
14 hereby certify the foregoing pages to be an accurate
15 transcription of my notes/records to the best of my skill and
16 ability, and I so swear.

17

18 Je, Sandrine Marineau-Lupien, une sténographe officielle,
19 certifie que les pages ci-hauts sont une transcription
20 conforme de mes notes/enregistrements au meilleur de mes
21 capacités, et je le jure.

22

23



24 Sandrine Marineau-Lupien

25

26

27

28