



# National Security and Intelligence Committee of Parliamentarians

Special report into the allegations associated with  
Prime Minister Trudeau's official visit to India in  
February 2018

(Revised version pursuant to subsection 21(5) of the *NSICOP Act*)



Submitted to the Prime Minister on October 12, 2018 pursuant to subsection 21(2) of the  
*National Security and Intelligence Committee of Parliamentarians Act*

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Special Report into the allegations associated with Prime Minister Trudeau's official visit to  
India in February 2018 (Revised version pursuant to subsection 21(5) of the *NSICOP Act*)  
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Chair

Président

**NOV 28 2018**

The Right Honourable Justin Trudeau, P.C., M.P.  
Prime Minister of Canada  
Langevin Block  
Ottawa, Ontario  
K1A 0A2

Dear Prime Minister:

On behalf of the National Security and Intelligence Committee of Parliamentarians, it is my pleasure to present you with our Special Report on the allegations that were raised in the context of your official visit to India in February 2018. As set out in the terms of reference, we examined allegations relating to: i) foreign interference in Canadian political affairs; ii) risks to your security, and iii) inappropriate use of intelligence. Consistent with section 21(5) of the *National Security and Intelligence Committee of Parliamentarians Act (NSICOP Act)*, our report was revised to remove content that was deemed injurious to national security and international relations.

The Committee deliberated at some length on the value of conducting such a review. Our decision to proceed was taken after careful consideration, with Committee members concluding that the key national security and intelligence issues fell within our mandate, merited independent and non-partisan review, and could only be properly examined with access to classified information.

The Committee wishes to highlight that it received the full cooperation of the officials and organizations involved in this review, including the former National Security and Intelligence Advisor to the Prime Minister. Officials met all requests for information within deadlines set, and were forthcoming during the Committee's hearings. We are grateful for their cooperation and for the insights they provided.

Yours sincerely,

The Honourable David McGuinty, P.C., M.P.  
Chair  
National Security and Intelligence Committee of Parliamentarians



## **The National Security and Intelligence Committee of Parliamentarians**

**The Hon. David McGuinty, P.C., M.P., Chair**

**Mr. Gordon Brown, M.P. (deceased May 2, 2018)**

**The Hon. Tony Clement, P.C., M.P. (resigned November 7, 2018)**

**The Hon. Percy Downe, Senate**

**Mr. Emmanuel Dubourg, M.P.**

**The Hon. Hedy Fry, P.C., M.P.**

**Ms. Gudie Hutchings, M.P.**

**The Hon. Frances Lankin, P.C., C.M., Senate**

**Mr. Murray Rankin, M.P.**

**Ms. Brenda Shanahan, M.P.**

**The Hon. Vernon White, Senate**



## Revisions

Consistent with subsection 21(2) of the *National Security and Intelligence Committee of Parliamentarians Act* (NSICOP Act), the Committee may submit a special report to the Prime Minister and the Minister concerned on any matter related to its mandate. Once a report is completed, and in accordance with subsection 21(5) of the *NSICOP Act*, if, after consulting the Chair of the Committee, the Prime Minister is of the opinion that information in a report is information the disclosure of which would be injurious to national security, national defence or international relations or is information that is protected by litigation privilege or by solicitor-client privilege or the professional secrecy of advocates and notaries, the Prime Minister may direct the Committee to submit to him or her a revised version of the report that does not contain the information.

This Special Report was provided to the Prime Minister on October 12, 2018. Pursuant to subsections 21(5) and 21(5.1) of the *NSICOP Act*, it was subsequently revised to remove information deemed injurious to national security and international relations. In addition, the Committee removed information for privacy considerations.

All revisions are marked by three asterisks (\*\*\*) in the text of the report.



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## **Introduction**

1. On January 22, 2018, the Prime Minister announced that he would travel from February 17 to 24 on an official visit to India. His delegation included six Ministers and was accompanied by 16 Parliamentarians, who travelled independently to India to participate in portions of the itinerary. The trip included numerous meetings with local, state and national officials, business contacts and community groups at multiple locations in five cities.
2. On February 20, Jaspal Atwal attended a reception in Mumbai hosted by the Prime Minister as an invited guest of the Prime Minister's Office (PMO). There he was photographed with the Prime Minister's spouse, a Minister and a Member of Parliament. Those photographs surfaced in Indian and Canadian media and raised questions of how Mr. Atwal, convicted of the attempted murder of a Punjab Minister and with a past association with Sikh extremism in Canada, could have been invited to the event in Mumbai and to a reception planned in Delhi on February 22. Acting on information provided after the Mumbai event, the Prime Minister's Office directed Global Affairs Canada to rescind Mr. Atwal's invitation for the Delhi reception, which it did on February 21.
3. In response to these events, the National Security and Intelligence Advisor (NSIA) briefed Canadian journalists on background as a 'senior government official' first to journalists in Canada on February 22 and then to Canadian journalists accompanying the Prime Minister's delegation in India on February 23. In his briefing, the NSIA suggested that the media release of information about Mr. Atwal was being orchestrated, potentially by factions of the Indian intelligence community.
4. The Government subsequently faced criticism of the comments made by the NSIA, identified as the source of the media briefing, in the House of Commons. On March 1, the Minister of Public Safety and Emergency Preparedness suggested in a media scrum that the National Security and Intelligence Committee of Parliamentarians (NSICOP, hereafter, 'the Committee') could conduct a review of the issue. On the same day, the Committee was briefed by the NSIA and other senior officials from the security and intelligence community, at the request of the NSIA. On March 28, the Senate of Canada amended a motion stating that the Committee may be an appropriate forum to review the security and intelligence operating procedures in relation to diplomatic and foreign visits involving the Government of Canada.
5. The Committee considered the various allegations raised in the context of the Prime Minister's visit to India. These allegations related to foreign interference in Canadian political affairs, risks to the security of the Prime Minister, and inappropriate use of intelligence. The Committee believed that these allegations were serious, could have important implications for Canada's national security and sovereignty, and fell under the purview of the Committee's mandate. On April 5, the Committee unanimously decided to conduct a special review of these allegations, pursuant to Section 21(2) of the *NSICOP Act*.
6. On April 9, the Chair of the Committee notified the Prime Minister and the Ministers of Foreign Affairs and Public Safety and Emergency Preparedness of the Committee's review, consistent with Section 15(1) of the *NSICOP Act*. The terms of reference for the review were provided to the Privy

Council Office (PCO), the Canadian Security Intelligence Service (CSIS), the Royal Canadian Mounted Police (RCMP) and Global Affairs Canada on the same day, with a deadline for information to be provided to the Committee Secretariat of April 20 (see Annex A). The Committee Secretariat subsequently met officials from each department to clarify what information was required.

7. On April 20, the Secretariat received over 2400 pages of documents. Those documents included a wide range of materials, most of which were classified as Secret or Top Secret, including:

- Briefing notes and emails;
- \*\*\*;
- Trip and contact reports;
- Intelligence assessments and reports; and
- \*\*\*.

8. Aside from their classification, some of the documents contained extremely sensitive information about \*\*\*. They also included names of Canadians and Canadian Members of Parliament, and details of bilateral negotiations.

9. The Secretariat conducted an analysis of the information provided. It met and followed-up with the four relevant organizations numerous times to check facts and obtain further information, and received hundreds of pages of supplemental documents. On May 1, the Secretariat questioned senior CSIS officials. On May 3 and 7, the Committee met to consider the Secretariat's interim report. On May 8, the committee questioned the Deputy Minister of Global Affairs Canada and his officials, and then the RCMP Deputy Commissioner of Federal Policing. On May 9, the Committee questioned the NSIA and other PCO officials. Committee hearings were recorded and detailed notes were taken, the latter of which were transcribed electronically. This report is based on the information provided by the organizations and the hearing held in the week of May 7, 2018.

10. The report is organized into three sections. The first addresses \*\*\*, and the circumstances surrounding allegations of foreign interference in the specific context of the Prime Minister's trip to India in February 2018. The second reviews security issues surrounding the Prime Minister's travel in India and what government organizations knew of Mr. Atwal before and after his appearance in India. The third section considers allegations of the inappropriate use of intelligence by the NSIA during that visit. Each section contains finding and recommendations.

11. The Committee recognizes that it had the benefit of hindsight when it considered why officials, particularly the NSIA, decided to take certain actions. The benefit of hindsight is a built-in feature of all review bodies when they consider the appropriateness of government actions in difficult circumstances. While the Committee appreciates the risks inherent in this situation, it also believes that it must understand the rationale for why officials acted in the way they did. When the NSIA briefed the Committee, at his request, on March 1, he devoted considerable time to explaining the rationale for his decisions related to the issues raised in this report. He did again when he returned to answer the Committee's questions on May 9. In its findings and recommendations, the Committee tried to focus on the implications of certain decisions rather than on the merit of the decisions themselves.

**Section one: Foreign interference**

12. This section of the report addresses allegations of foreign interference \*\*\*. In its review, the Committee sought to:
- Develop a detailed chronology of events surrounding the Prime Minister’s trip to India in February 2018, \*\*\*;
  - Determine if and when security and intelligence agencies and officials briefed other government organizations or officials, including members and staff of the Government, on allegations of foreign interference; and,
  - Determine if organizations took measures to mitigate or block such activities.

\*\*\*

13. The information provided to the Committee shows that \*\*\*:
- \*\*\*.
  - \*\*\*.
  - \*\*\*.
  - \*\*\*.

14. Based on its review, the Committee believes that \*\*\*.<sup>1</sup> \*\*\*.<sup>2</sup>

15. \*\*\*. The 1985 bombing of the Air India flight from Toronto to Delhi by Canada-based Sikh terrorists was the starkest manifestation of this type of threat. According to a CSIS Intelligence Assessment, the threat from Sikh extremists in Canada peaked in the mid-1980s and declined thereafter.<sup>3</sup> \*\*\*.<sup>4</sup> Jagtar Singh Johal, a British citizen who was arrested in India in November 2017 for his alleged involvement in assassinations in India.<sup>5</sup> \*\*\*.<sup>6</sup> \*\*\*.<sup>7</sup>

16. \*\*\*, because the Committee believes it is important context for its discussion of foreign interference. The description of these interventions is meant to be illustrative: the Committee did not ask Global Affairs Canada or the Privy Council Office to provide a record of every interaction on security issues with the Indian government.

17. The report will also review \*\*\*. These two issues are treated separately for clarity, but it should be recognized that they occurred contemporaneously and each affected the other.

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<sup>1</sup> CSIS document, “CSIS National Security Special Brief: \*\*\*”, December 07, 2017, page 3.

<sup>2</sup> CSIS testimony to NSICOP Secretariat, May 1, 2018.

<sup>3</sup> CSIS Intelligence Assessment, “\*\*\*,” July 31, 2017.

<sup>4</sup> CSIS Intelligence Assessment, “\*\*\*,” July 31, 2017.

<sup>5</sup> CSIS National Security Special Brief, “\*\*\*,” December 07, 2017, page 2.

<sup>6</sup> CSIS document, “\*\*\*,” January 10, 2018.

<sup>7</sup> CSIS document, \*\*\*.

### Recent Indian messaging on Sikh extremism

18. \*\*\*. According to government officials, these issues were raised with great regularity in bilateral meetings at all levels. Notable examples include:
- The January 26, 2017 Canada-India security dialogue;
  - The February 2017 Canada-India Deputy National Security Advisor Dialogue;
  - The April 2017 Canada-India Counter Terrorism Working Group;
  - In April 2017, India’s Chief Minister of Punjab province refused to meet the Minister of National Defence, who was travelling in India at the time, and accused him and four other Canadian Cabinet ministers of being “Khalistanis”, \*\*\*<sup>8</sup>
  - \*\*\*.
  - \*\*\*.<sup>9</sup>
  - \*\*\*.
  - On October 24, 2017, the Privy Council Office Security and Intelligence Secretariat highlighted these concerns to the NSIA in a briefing note, which stated: “\*\*\*.”<sup>10</sup>
  - In a November 17, 2017 meeting between senior officials from Global Affairs Canada and the Indian Ministry of External Affairs about potential outcomes for the Prime Minister’s visit, \*\*\*<sup>11</sup>
  - \*\*\*,<sup>12</sup> \*\*\*.<sup>13</sup> \*\*\*.<sup>14</sup>
  - In January 2018, India formally requested a Canada-India National Security Dialogue in advance of the Prime Minister’s trip. The Privy Council Office briefing note to the NSIA stated, “This request is a key part of joint Canadian-Indian efforts to address more effectively India’s growing concerns regarding the rise of extremism \*\*\*<sup>15</sup>
  - In February 2018, the Indian press released a number of major stories alleging Canadian complicity in Sikh extremism and the Prime Minister’s embrace of Sikh extremists. This included Outlook magazine, released February 2, with a cover page of the Prime Minister titled “Khalistan II: Made in Canada,” and 18 pages of reporting. A Hindi newspaper carried separate reporting on February 10, with allegations of terrorist support and training camps run in Canada. \*\*\*<sup>16</sup>  
\*\*\*<sup>17</sup>

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<sup>8</sup> PCO Memorandum for NSIA, “Meeting with India’s High Commissioner to Canada Vikas Swarup,” October 24, 2017, Tab A “Emergence of new bilateral irritants,” page 1.

<sup>9</sup> PCO Memorandum for the Prime Minister, “Update on Canada-India National Security Discussions and its Relevance to your Upcoming Trip to India,” January 16, 2018.

<sup>10</sup> PCO Memorandum for NSIA, “Meeting with India’s High Commissioner to Canada Vikas Swarup,” October 24, 2017, page 1.

<sup>11</sup> GAC diplomatic report, “MEA Meeting with OAD/Hartman – 17 November 2017,” page 2.

<sup>12</sup> Ministers’ social media commentary, @harjitsajjan and @sohiamarjeet.

<sup>13</sup> The Deputy Minister for Global Affairs Canada wrote on his briefing material that the Indian High Commissioner’s \*\*\* GAC document, “Meeting Note for USS: NSIA meeting with Indian High Commissioner Swarup,” page 2

<sup>14</sup> CSIS National Security Special Brief, “\*\*\*”, December 7, 2017.

<sup>15</sup> PCO Memorandum for NSIA, “Responding to the Government of India’s request for a Canada-India National Security Advisors Dialogue in Advance of the Prime Minister’s visit to India,” January 30, 2018, page 1.

<sup>16</sup> CSIS Contact Report, February 11, 2018, page 2.

<sup>17</sup> CSIS email, “RE: Contact Report: DDO Visit to India,” February 12, 2018.

19. Members of Canada’s security and intelligence community took steps to address India’s concerns prior to the Prime Minister’s visit to India. These included:
- January 19-23, 2018 a senior level RCMP delegation to India for bilateral talks;
  - February 5-6, 2018 a senior level multi-department delegation to India for the Canada-India Joint Working Group on Counter-Terrorism;
  - February 6-8, 2018 a senior level CSIS delegation to India for bilateral talks;
  - February 13-14, 2018 the NSIA to India for consultations with Indian NSA Doval and senior members of the Indian Ministry of External Affairs.

\*\*\*

20. \*\*\*<sup>18</sup> \*\*\*<sup>19</sup> \*\*\*

21. CSIS provided an assessment \*\*\* to the National Security Advisor on September 26, 2016.<sup>20</sup> \*\*\*

- \*\*\*
- \*\*\*

22. \*\*\*

- \*\*\*
- \*\*\*
- \*\*\*
- \*\*\*
- \*\*\*

23. CSIS provided similar information to Global Affairs Canada in February 2017 \*\*\*.<sup>21</sup>

24. \*\*\*.<sup>22</sup>

25. \*\*\*.<sup>23</sup> \*\*\*

- \*\*\*
- \*\*\*
- \*\*\*

26. \*\*\* The Committee Secretariat confirmed that undertaking with Global Affairs Canada officials.<sup>24</sup>

27. \*\*\*.

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<sup>18</sup> While foreign interference and foreign influence may be defined and interpreted differently by various organizations, the terms are used interchangeably for the purposes of this report.

<sup>19</sup> PCO document, “Briefing on India to Members of NSICOP,” March 1, 2018, page 1.

<sup>20</sup> CSIS Intelligence Assessment, “\*\*\*,” September 26, 2016.

<sup>21</sup> CSIS Case Report, “\*\*\*,” February 3, 2017.

<sup>22</sup> \*\*\*.

<sup>23</sup> \*\*\* 20 June, 2017.

<sup>24</sup> Secretariat meeting with Global Affairs Canada officials, May 3, 2018.

28. \*\*\*25 \*\*\*26 \*\*\*27

29. \*\*\*28 \*\*\*29 \*\*\*30

30. \*\*\*31 \*\*\*32 \*\*\*33

31. The Committee pursued this issue with officials. The Director of CSIS, who was at the May 17, 2017 meeting in his previous capacity as Assistant Secretary to Cabinet, Security and Intelligence, stated \*\*\*34 \*\*\*35 \*\*\*36

\*\*\*

32. \*\*\*37 \*\*\*38 \*\*\*

### **The NSIA's involvement in preparations for the PM visit**

33. The NSIA was an important player in preparations for the Prime Minister's trip to India in February 2018. In his role as National Security and Intelligence Advisor, he was well aware of classified intelligence on the threats posed by Sikh extremists \*\*\*. Records reviewed by the Committee show that the NSIA received numerous briefing notes and other official documents on these issues through 2017 and 2018. As discussed earlier, the NSIA was also briefed \*\*\*.

34. The NSIA briefed the Prime Minister and some Ministers on this information. Notwithstanding other documents or oral briefings on these subjects, the NSIA provided two key documents to the Prime Minister. The first, in June 2017, was a briefing note on the \*\*\*.<sup>39</sup> The second, in January 2018, was a briefing note on bilateral security discussions in preparation for the Prime Minister's trip.<sup>40</sup> At the Prime

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<sup>25</sup> CSIS email, "\*\*\*\* meeting with NSIA (NSA)," May 18, 2017, \*\*\*.

<sup>26</sup> \*\*\*

<sup>27</sup> PCO Memorandum for the Prime Minister, "\*\*\*\*," June 29, 2017, pages 1 and 3.

<sup>28</sup> CSIS Briefing Note, "\*\*\*\*," March 6, 2018, page 2.

<sup>29</sup> PCO Memorandum for NSIA, "Meeting with India's High Commissioner to Canada Vikas Swarup," October 24, 2017, Tab A, "Proposed Agenda for Meeting with Indian High Commissioner Vikas Swarup."

<sup>30</sup> PCO Memorandum for NSIA, "Meeting with Deputy Ministers and Agency Heads in Preparation for a Meeting with India's High Commissioner to Canada Vikas Swarup," November 15, 2017, and PCO Memorandum for NSIA, "Meeting with India's High Commissioner to Canada His Excellency Vikas Swarup," undated, including Agenda for the meeting.

<sup>31</sup> CSIS document, "\*\*\*\*" September 18, 2017, page 4.

<sup>32</sup> CSIS Briefing Note, "\*\*\*\*" October 17, 2017, page 1.

<sup>33</sup> CSIS testimony to NSICOP Secretariat, May 1, 2018. CSIS officials stated that they \*\*\*.

<sup>34</sup> CSIS testimony to NSICOP Secretariat, May 1, 2018.

<sup>35</sup> NSIA testimony to NSICOP, May 9, 2018.

<sup>36</sup> Global Affairs Canada testimony to NSICOP, May 8, 2018.

<sup>37</sup> PCO Memorandum for the Prime Minister, "Update on Canada-India National Security Discussions and its relevance to Your Upcoming Visit to India," January 30, 2018, page 3.

<sup>38</sup> CSIS contact report, "\*\*\*\* meeting with \*\*\* 2017 09 05," September 05, 2017.

<sup>39</sup> PCO Memorandum for the Prime Minister, "\*\*\*\*," June 29, 2017.

<sup>40</sup> PCO Memorandum for the Prime Minister, "Update on Canada-India National Security Discussions and its Relevance to Your Upcoming Visit to India," January 30, 2018.

Minister's direction,<sup>41</sup> the NSIA also briefed the Ministers of National Defence; Infrastructure and Communities; Innovation, Science and Economic Development; and Small Business and Tourism; and their Chiefs of Staff on February 7, 2018, and conducted a follow-up briefing with the Minister of Infrastructure and Communities, at his request, on February 12. According to material prepared for the NSIA at that meeting, the NSIA noted among other things:

- \*\*\*
- \*\*\*
- \*\*\*<sup>42</sup>

35. At the Prime Minister's request, the NSIA also organized a briefing by CSIS and the Privy Council Office Foreign and Defence Policy Advisor for at least 12 Members of Parliament prior to their travel to India (those members travelled to coincide with the Prime Minister's itinerary, but were not part of the official delegation). Held on February 13, the unclassified briefing focussed on Sikh extremism in Canada \*\*\*.<sup>43</sup>

36. The NSIA's role in preparations for the Prime Minister's visit to India included efforts to address India's security concerns ahead of the trip. As noted earlier, the NSIA organized a meeting with senior colleagues from the security and intelligence community to meet the Indian High Commissioner on December 5, 2017. According to a note prepared by PCO for his use at that meeting, "The main objective is to bring the Canada-India bilateral relationship back onto a positive footing in advance of the visit to India by Prime Minister Trudeau."<sup>44</sup>

37. In his role as coordinator of the security and intelligence community, the NSIA coordinated separate trips to India by the RCMP, a multi-departmental delegation on counter-terrorism, and CSIS in January and February 2018 to allay Indian concerns about Canadian efforts to address Sikh extremism in Canada.

38. The NSIA travelled to India for talks with his Indian counterpart on February 13 and 14 at the request of the Indian government. According to a briefing note prepared by the Privy Council Office for the NSIA, "This request is a key part of joint Canadian-Indian efforts to address more effectively India's growing concerns regarding the rise of extremism\*\*\*."<sup>45</sup> The NSIA discussions with Indian National Security Advisor Doval focussed on developing a joint statement with language on a strong and united India and cooperation against terrorism. \*\*\*<sup>46</sup> \*\*\*.<sup>47</sup>

39. Three days after the NSIA departed Delhi, the Prime Minister and his delegation arrived in India.

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<sup>41</sup> NSIA testimony to NSICOP, May 9, 2018.

<sup>42</sup> PCO document, "PM's India Trip/Extremism issue: Briefing with key Ministers," undated.

<sup>43</sup> CSIS Contact Report, "A series of briefings of Parliamentarians," February 15, 2018.

<sup>44</sup> PCO Memorandum to NSIA, "Meeting with Indian High Commissioner to Canada His Excellency Vikas Swarup," undated, page 1.

<sup>45</sup> PCO Memorandum to NSIA, "Responding to the Government of India's request for a Canada-India National Security Advisors dialogue in advance of the Prime Minister's visit to India," January 30, 2018, page 1.

<sup>46</sup> PCO email, "Wednesday Meetings," February 15, 2018.

<sup>47</sup> Email from NSIA, "Re: FYI," February 15, 2018.

## **Findings with respect to allegations of foreign interference**

The Committee finds that:

- F1     \*\*\*
- F2     \*\*\*
- F3     \*\*\*
- F4     \*\*\*
- F5     \*\*\*
- F6     \*\*\*<sup>48</sup> \*\*\*

## **Recommendations**

- R1     In the interest of national security, members of the House of Commons and the Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada. In addition, Cabinet Ministers should be reminded of the expectations described in the Government's *Open and Accountable Government*, including that Ministers exercise discretion with whom they meet or associate, and clearly distinguish between official and private media messaging,<sup>49</sup> and be reminded that, consistent with the *Conflict of Interest Act*, public office holders must always place the public interest before private interests. \*\*\*
- R2     The Minister of Public Safety and Emergency Preparedness should consider revising the \*\*\* to include a formal role for the National Security and Intelligence Advisor. The information provided to the Committee demonstrates that the NSIA played a significant role \*\*\*. The Committee believes that the NSIA has a legitimate role to provide advice as coordinator of the security and intelligence community and advisor to the Prime Minister. \*\*\*

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<sup>48</sup> CSIS document, "\*\*\*\*" February 23, 2018, page 1.

<sup>49</sup> *Open and Accountable Government*, 2015.

## Section two: Security

40. This section of the report addresses security issues surrounding the Prime Minister's trip to India in February 2018. The Committee's Terms of Reference stated that the Committee would review the adequacy of measures to screen participants and guests on major foreign visits. In its review, the Committee sought to determine what measures were in place to screen or vet individuals associated with the Prime Minister's delegation or participating in his itinerary. The Committee took a broad approach to these issues.

41. There are two organizations that have primary responsibility for the safety of the Prime Minister on foreign trips. The first is the RCMP, which is responsible for the physical security of the Prime Minister, his spouse and children. The second is Global Affairs Canada, which is responsible for the security of facilities where events will take place, particularly at diplomatic missions. Other organizations play supportive roles, including the Integrated Terrorism Assessment Centre, which prepares threat assessments for specific visits, and CSIS, which investigates threats to the security of Canada and, in that context, provides information to the Government on those threats.

42. Three threat assessments were developed to support the Prime Minister's trip. The first was developed by the Integrated Terrorism Assessment Centre and focussed on terrorist threats. Published on February 9, 2018, the assessment identified the threat of terrorism in India \*\*\* that Integrated Terrorism Assessment Centre had \*\*\*. The Integrated Terrorism Assessment Centre also assessed that the Prime Minister's delegation \*\*\*.<sup>50</sup> The assessment focussed almost exclusively on \*\*\*.

43. The second assessment was developed by CSIS and focussed on \*\*\*. Published on February 6, the assessment stated that \*\*\*.<sup>51</sup>

44. The third and most comprehensive assessment was prepared by the RCMP. Published on February 12, the RCMP assessed that the threat level for the Prime Minister and his delegation was \*\*\*. The RCMP stated that \*\*\*. It noted that the delegation's travel itinerary was well-known, and that the Prime Minister and his family may be perceived as an attractive target for terrorists; with the addition of Federal Cabinet Ministers and Members of Parliament, the delegation may be perceived as an extremely attractive target.<sup>52</sup>

45. The RCMP implemented a number of measures to address the \*\*\* threat level in India and the specific circumstances of the trip, notably its large delegation size, the complexity of the itinerary, the number of cities involved and its duration. The RCMP requested the Indian government take a number of security measures through a diplomatic note from the High Commission of Canada, \*\*\*<sup>53</sup> \*\*\*. The RCMP was satisfied with the overall level of cooperation from the Indian security services.

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<sup>50</sup> ITAC document, "Threat Assessment: The Right Honourable Justin Trudeau, Prime Minister of Canada, will travel to India, 2018 02 17-24," February 09, 2018, pages 1 and 3.

<sup>51</sup> CSIS Threat Assessment, "\*\*\*," February 6, 2018.

<sup>52</sup> RCMP document, "Threat Assessment: The Prime Minister, the Honourable Justin TRUDEAU, TRUDEAU Family, and six Federal Cabinet Ministers: Official Visit to India," February 12, 2018, pages 2 and 9.

<sup>53</sup> GAC document, Diplomatic Note No. 4334-18, February 6, 2018, in RCMP binder, Tab B.

46. \*\*\*<sup>54</sup> \*\*\*<sup>55</sup> During the course of the visit, the Prime Minister's Protective Detail took measures to strengthen security, including additional protective personnel for delegation members, additional drivers, and additional deployments at the delegation accommodations.<sup>56</sup>

### **Events in Mumbai and Delhi**

47. The security of two events during the Prime Minister's trip is of particular interest to the Committee's review. Those events took place in Mumbai, where Mr. Atwal was photographed, and in Delhi, where Mr. Atwal and another Canadian, \*\*\*, \*\*\* were to have attended.

48. The Canadian High Commission in India developed invitation lists for both of these events and provided them to the Prime Minister's Office. The lists compiled by government officials in India consisted of contacts known to the consulate in Mumbai and the High Commission in Delhi. On February 10, PMO added an additional 423 names to the list of invitees and instructed the High Commission to extend invitations to those individuals for both events. Included on the PMO list were Jaspal Atwal and \*\*\*, individuals who were identified later as \*\*\*. Both are listed on Global Affairs Canada records as having confirmed their intention to attend both events.

49. The number of invitees for the Mumbai event was over 1100; the number that attended was 397. For Delhi, the number of invitees was 2500; the number that attended was 808. Based on information provided to the Secretariat, the event in Mumbai was the third largest among nineteen events held during Prime Ministerial travel since January 2016; the size of the event in Delhi was unprecedented.<sup>57</sup> The High Commissioner took additional measures to secure these events.

50. The event in Mumbai at which Mr. Atwal attended and was photographed took place on February 20 at the Taj Mahal Palace Hotel. \*\*\* The RCMP Officer in Charge noted in a post-facto report that, from a security perspective, "overall it was a good visit." However, he also noted that Mr. Atwal's presence was a concern: "...this man[']s presen[ce] significantly increased the risks to the [Prime Minister and family] and others in the room." He also noted that, "a name check even on Google would have identified and flagged this individual if the guest list would have been accessible to security."<sup>58</sup>

51. Between the events in Mumbai and Delhi, Mr. Atwal's presence was brought to the Government's attention via several channels. The Prime Minister's Office directed Global Affairs Canada to rescind Mr. Atwal's invitation and, due to an Indian media report at the time, that of \*\*\*. Two other invitations were rescinded: the Prime Minister's Office directed Global Affairs Canada to rescind the

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<sup>54</sup> RCMP Briefing Note, "NSICOP Review," April 19, 2018, pages 3 and 4. Telephone interview with RCMP officials, May 3, 2018, 1430-1530.

<sup>55</sup> RCMP document, "Annex A – Sample security packages based on threat levels," May 7, 2018. \*\*\*

<sup>56</sup> RCMP Briefing note, "NSICOP Review," April 19, 2018, page 4.

<sup>57</sup> GAC document, "ICA covered events for PM visits abroad (January 2016-present)," undated. The event closest in size to that hosted in Delhi was a reception in Cuba on November 16, 2016, with 700 guests.

<sup>58</sup> RCMP document, "VIP Visit/Events Summary Report," 2018-02-24, page 4. As documented later, the Officer did not have advance knowledge of Mr. Atwal's presence.

invitation to \*\*\*, and the High Commissioner directed his officials to rescind the invitation to \*\*\*.<sup>59</sup> Global Affairs Canada rescinded each of those invitations.<sup>60</sup> The sequence of these events will be reviewed in more detail in the third section of this report.

52. The event in Delhi was hosted at the Canadian High Commission on February 22. Due to the size of the event, the High Commission deployed additional security resources. The High Commission deployed Global Affairs Canada's Security Program Manager, the Deputy Security Program Manager, 2 Military Police Service personnel, 17 locally engaged guards and 1 private guard. The High Commission deployment of guards was \*\*\* the normal complement and was the largest ever for an event.<sup>61</sup> High Commission staff assisted in guest screening, which consisted of three separate identity verifications and a fourth for VIP guests. Guests were asked to provide identifications outside of the High Commission, screened through a metal detector, subject to a hand-held metal detector, their personal items searched and bags checked for return after the event.<sup>62</sup> Guests were subject to random screening by an RCMP officer who spoke Punjabi and Hindi. No security issues were flagged in the RCMP post-facto report of the day.<sup>63</sup>

### **The issue of vetting**

53. Following the appearance of photos of Mr. Atwal and Canadian politicians in the Canadian and Indian press, several journalists asked questions about the vetting of guests prior to events. The Committee has substantiated what the NSIA briefed at the time: there is no systematic vetting of any guest list for foreign events for security purposes by either the RCMP or CSIS. Each of those organizations conduct security checks against intelligence and criminal databases on an ad hoc basis, and the RCMP did in fact check a number of names during the visit: on February 14, it conducted checks of 17 journalists who were accompanying the official delegation; and on February 20, it conducted checks of eight individuals who were to be in close proximity to the Prime Minister at a visit to a mosque on February 22.<sup>64</sup> These checks did not raise security concerns.

54. Guest lists for the events held in Mumbai and Delhi (and in all other locations) were not shared by Global Affairs Canada with the RCMP or CSIS. Global Affairs Canada officials stated that this is normal practice, because lists are the property of the Prime Minister's Office and therefore not theirs to share.<sup>65</sup> As noted earlier, one guest list was compiled by Global Affairs Canada missions in India from known professional contacts, and another guest list was provided by the Prime Minister's Office. With regards to the Prime Minister's Office list, the Committee learned that in at least one instance, the Prime Minister's Office directed a Liberal Member of Parliament to complete a form for potential guests to the events in India.<sup>66</sup> It is unclear if that form was completed in every instance or if it was used to vet

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<sup>59</sup> GAC email, "Follow up Request for Information on Reception," May 9, 2018.

<sup>60</sup> GAC emails, "Invitation to Feb. 22 Event," dated variously between February 21 and 22 (Delhi time).

<sup>61</sup> GAC email, "Additional Follow-up Information – February 22 Reception, New Delhi," May 14, 2018.

<sup>62</sup> GAC document, "February 22, 2018 Delhi Evening Reception Guest Registration Process," provided April 20, 2018.

<sup>63</sup> RCMP document, "VIP Visit/Events Summary Report," March 02, 2018, page 3.

<sup>64</sup> RCMP Briefing note, "NSICOP Review," April 19, 2018, page 5.

<sup>65</sup> Secretariat meeting with Global Affairs Canada officials, May 3, 2018.

<sup>66</sup> PMO document, "Stakeholder request form," undated.

guests. No forms were provided to government organizations. No analysis has been done subsequently to determine if other individuals of concern were on the PMO invitation list.

55. The security and intelligence community raised a number of challenges with the idea of vetting guest lists. For example, the RCMP wrote that it “is not responsible for vetting or accreditation of invited guests at functions hosted by local officials...abroad, or for providing security clearances to these foreign events.”<sup>67</sup> It stated that a database search of an individual’s name without accompanying information, such as date of birth, often produces multiple ‘hits’; guest lists are often inaccurate, incomplete and frequently change; \*\*\* There are considerable resource implications associated with vetting against criminal and intelligence databases, with the most thorough checks requiring engagement with police services of local jurisdiction to ensure the accuracy of information.<sup>68</sup> Guests to events would have to agree to the use of their information for vetting purposes and to permit the disclosure of any adverse information found as a result. There is no guarantee that such vetting would reveal reputational issues.

#### **RCMP information on Mr. Atwal’s potential involvement with the Prime Minister’s visit**

56. The RCMP was provided information on Mr. Atwal’s possible presence in India during the Prime Minister’s trip on February 13, 2018. That information caused RCMP personnel to search criminal databases, revealing information that should have triggered the notification of the Prime Minister’s Protective Detail and the briefing of senior officials: neither the Protective Detail nor officials were notified. The following section summarizes when the RCMP was provided relevant information and the actions it took in response.<sup>69</sup>

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<sup>67</sup> RCMP Briefing note, “NSICOP Review,” April 19, 2018, page 4.

<sup>68</sup> RCMP testimony to NSICOP, May 8, 2018.

<sup>69</sup> RCMP document, “National Security and Protective Policing: Timeline of information received on Jaspal Singh ATWAL \*\*\*.”

## RCMP timeline of events: information received on Jaspal Atwal

<b>February 13</b>
<ul style="list-style-type: none"><li>- *** The officer searched criminal databases and determined Mr. Atwal had a criminal conviction for attempted murder, an acquittal for assault ***.</li><li>- ***</li><li>- The British Columbia (E Division) Integrated National Security Enforcement Team (EINSET) stated that it provided this information to a regional CSIS counterpart. CSIS stated it has no record of this interaction.<sup>70</sup></li><li>- Because the officer who was initially contacted was going on annual leave, EINSET ***.</li></ul>
<b>February 14</b>
<ul style="list-style-type: none"><li>- EINSET requested that RCMP Headquarters in Ottawa check Mr. Atwal's name against the list of the Prime Minister's official delegation. The RCMP search of the Prime Minister's flight manifest did not identify Mr. Atwal as a member of the official delegation. The RCMP checked national criminal databases and found Mr. Atwal's criminal record and ***. Officers in that unit noted that although the RCMP had no information that Mr. Atwal was travelling with the Prime Minister "in any official capacity, he could travel as a private citizen."</li><li>- A senior RCMP officer directed EINSET to determine whether Mr. Atwal was in Canada. This direction was provided in a voicemail, but not actioned because the officer was away on leave.</li></ul>
<b>February 20</b>
<ul style="list-style-type: none"><li>- ***</li><li>- As this information was received "at the end of shift," EINSET decided that it would wait until the next day to validate the information ***.</li></ul>
<b>February 21</b>
<ul style="list-style-type: none"><li>- ***<sup>71</sup></li><li>- PCO requested the RCMP to conduct checks on criminal databases on Mr. Atwal. The RCMP conducted the checks and provided the results to PCO.</li></ul>

<sup>70</sup> CSIS testimony to NSICOP Secretariat, May 1, 2018.

<sup>71</sup> RCMP email to NSICOP Secretariat May 7, 2018. \*\*\*

57. The Committee heard testimony from the RCMP Deputy Commissioner for Federal Policing on May 8.<sup>72</sup> In that testimony, the RCMP admitted that the information obtained by EINSET on February 13 and sent to RCMP Headquarters on February 14 should have been provided to the Prime Minister's Protective Detail. The RCMP also admitted that mistakes were made \*\*\*, the failure to follow up on direction to determine Mr. Atwal's whereabouts, \*\*\*. The RCMP stated that the errors were a result of not following existing procedures and were addressed in meetings with relevant RCMP officials.

58. The RCMP stated that Mr. Atwal was not considered a threat, despite his criminal history and \*\*\*. The RCMP stated that it had no information that indicated Mr. Atwal was a threat to the Prime Minister, and that even if information on Mr. Atwal's criminal history had been provided to the Prime Minister's Protective Detail when it should have under proper procedures (i.e. February 14), the RCMP would only have done so as "situational awareness" and would not have changed its security deployment in India. The RCMP provided the Committee with a partial result from a search of Canada's national criminal database, and later a search of the criminal database used in British Columbia, of Mr. Atwal and notes that Mr. Atwal was \*\*\*. \*\*\*, Mr. Atwal was identified as 'charged,' \*\*\*. Mr. Atwal was charged in three \*\*\* occurrences related to violence, including uttering threats and assault.<sup>73</sup> The Committee notes that Mr. Atwal was charged in British Columbia in April 2018 for uttering threats to cause bodily harm.<sup>74</sup>

#### **CSIS information on Mr. Atwal prior to the Prime Minister's visit**

59. CSIS collects intelligence against targets under investigation for threats to the security of Canada (Sections 2 and 12 of the *CSIS Act*). \*\*\*<sup>75</sup>

60. \*\*\*

61. At some point, Mr. Atwal was in contact with the Member of Parliament for Surrey Centre or his office to obtain an invitation to events on the Prime Minister's India itinerary. In that context, the Committee notes that the Member, after having taken responsibility for inviting Mr. Atwal on February 22, stated in a subsequent media interview that, "I didn't invite the person [Mr. Atwal]." He also stated that, "There's no spots on the list. All we did is forwarded anyone who wanted to attend, had expressed interest in the office..." and that, "...people were calling in the office, there was about 25 or 30 names that came in from various different industries and we forwarded those name [sic] forward."<sup>76</sup>

62. The Committee Secretariat met the CSIS Director, the Deputy Director of Operations, and three members of the CSIS executive on May 1. At that meeting, CSIS explained \*\*\*. With respect to Mr. Atwal's criminal history, CSIS noted that Mr. Atwal had served his time and had been acquitted on the

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<sup>72</sup> RCMP testimony to NSICOP, May 8, 2018.

<sup>73</sup> RCMP document, "Query – ATWAL, JASPAL," provided May 7, 2018. RCMP document, "Criminal Checks in Relation to Mr. ATWAL," May 14, 2018, page 2.

<sup>74</sup> Candice Malcolm, "Jaspal Atwal charged in B.C.," Toronto Sun, May 11, 2018.

<sup>75</sup> CSIS document, "\*\*\*\*" February 23, 2018.

<sup>76</sup> Kelsey Johnson, "B.C. Liberal MP now says he didn't invite Atwal," iPolitics, March 3, 2018.

charge of aggravated assault (against Canadian politician Ujjal Dosanjh). CSIS suggested that the RCMP was responsible for determining whether Mr. Atwal was a current threat.<sup>77</sup>

### **Committee assessment and findings**

63. The Committee has learned a considerable amount about Mr. Atwal's criminal record, his involvement with the criminal justice system, \*\*\*. Mr. Atwal was convicted in 1986 of the attempted murder of an Indian Minister. Following his release from prison, he \*\*\* was charged three times, including for violence-related sections of the *Criminal Code*, such as uttering threats and assault. A number of Mr. Atwal's charges have not been tried in court \*\*\*. Nonetheless, Mr. Atwal's repeated involvement with the criminal justice system over a long period of time should have raised security concerns about his participation at events during the Prime Minister's official trip to India in February 2018. Physical security, however, should not be the only issue of concern to the security and intelligence community or this Committee.

64. CSIS informed the Committee \*\*\*

65. The NSIA stated repeatedly that CSIS and the RCMP confirmed that Mr. Atwal was no longer considered a threat. The RCMP also confirmed this assessment.<sup>78</sup> This assessment is based on a physical threat: Mr. Atwal was not violent in Mumbai, and because his invitation to the Delhi reception had been rescinded, he could not have posed a further physical threat to the Prime Minister or the official delegation. That said, the Committee struggled to reconcile the security and intelligence community's categorical denial that Mr. Atwal was a threat with the information and testimony provided to the Committee. Both CSIS and the RCMP had identified Mr. Atwal's \*\*\* history of violence within hours of being asked by PCO to provide information after his presence in India became public, and shortly thereafter the RCMP confirmed his criminal record and that he was identified on Canada's national criminal database \*\*\*. \*\*\*

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<sup>77</sup> CSIS testimony to NSICOP Secretariat, May 1, 2018.

<sup>78</sup> Security and intelligence community briefing to NSICOP, 1 March 2018.

### **Findings with respect to screening measures**

The Committee finds that:

- F7 The organizations implicated in this trip have not conducted an interdepartmental ‘lessons learned’ exercise to identify areas for improvement.
- F8 Global Affairs Canada and the RCMP took reasonable measures to ensure that guests at events were physically screened prior to entry to events, including additional security measures taken to secure facilities for events in Mumbai and Delhi. Physical screening measures are part of a wider security process that is in place to protect the Prime Minister and his or her delegation. These measures are put in place, in part, to mitigate the risks posed by guests attending events without undergoing consistent security checks.

### **Findings with respect to the Security and Intelligence community’s knowledge of Mr. Atwal**

The Committee finds that:

- F9 \*\*\*
- F10 The RCMP had information that suggested that Mr. Atwal was going with the Prime Minister on the official trip to India, but did not validate that information.
- F11 The RCMP had information that Mr. Atwal had a serious criminal record and a history of involvement in violent acts, issues which should have been identified as security risks to the Prime Minister and his delegation. The RCMP recognizes that it erred in not providing that information to the Prime Minister’s Protective Detail.
- F12 The RCMP assertion that the Prime Minister’s Protective Detail would not have changed its security posture even if it had known of Mr. Atwal’s presence at the event and his history of violence was questionable, at best.
- F13 The conclusion of officials from the security and intelligence community that Mr. Atwal was not a threat was based on a narrow interpretation of risk that did not reflect his known criminal record or \*\*\*

### **Findings with respect to \*\*\* in the context of the Prime Minister’s visit**

The Committee finds that:

- F14 \*\*\*
- F15 The NSIA provided advice to the Prime Minister on the \*\*\* prompting the Prime Minister to direct the NSIA to brief his Ministers and Members of Parliament prior to the visit.

### **Recommendations**

- R3 Drawing on the Committee's findings, an interdepartmental review should be undertaken to identify key lessons learned following these events.
  
- R4 The Government should develop and implement a consistent method of conducting background checks by all organizations involved in the development of proposed guest lists for foreign events with the Prime Minister.



### Section three: The use of intelligence

66. This section addresses whether intelligence was used for political purposes or disclosed inappropriately in the context of the Prime Minister's trip to India. The Committee believed this was important for two reasons: the use of intelligence for political purposes undermines the integrity of information provided by intelligence organizations and draws into question the neutrality of their advice; the inappropriate disclosure of intelligence puts sources of intelligence and methods of intelligence collection at risk. In its review, the Committee sought to determine *what* information was provided by the NSIA when he briefed the press on allegations of foreign influence or interference, and *why* he conducted those briefings.

67. The Committee believes that the events surrounding Mr. Atwal's presence during portions of the Prime Minister's trip to India cannot be understood only in the context of the three days they occurred. Rather, they took place as part of a long continuum of bilateral irritants and engagements. These irritants and engagements shaped the opinions and actions of Canadian officials responsible for preparing the trip and ensuring its success. This broader context, outlined above, is important to understand the actions of the NSIA and other government officials between February 20 and 23, as set out below.

68. In the sequence of events below, all times are adjusted to Eastern Standard Time to account for the +10 ½ hour time difference between Ottawa and Delhi.

#### February 20<sup>79</sup>

08:45-09:30, Mr. Atwal attended an event in Mumbai at the invitation of the Prime Minister's Office. He posed for photographs with members of the Canadian delegation and Members of Parliament, notably the Prime Minister's wife and the Minister of Infrastructure and Communities.

20:14, \*\*\*

Evening, \*\*\* CSIS official \*\*\*.

#### February 21

01:13, a "Concerned Citizen" sent an email from a domain in Canada to the Canadian High Commission in Delhi stating that the High Commissioner sent a dinner invitation to Mr. Atwal, who was a convicted criminal and linked to Indian intelligence. Attached to the email were \*\*\* and an undated photo of Mr. Atwal with Mr. Justin Trudeau and an unidentified man.

06:30, the CSIS official \*\*\*.

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<sup>79</sup> All times and events are drawn from a timeline provided by PCO, "Sequence of Events," April 20, 2018, except where other primary documents, such as departmental email, show otherwise.

08:00, the CSIS official \*\*\*<sup>80</sup>

10:00, CSIS advised PCO of \*\*\*

11:14, CSIS provided its Secret report to PCO officials, who then forwarded it to the NSIA. That report stated that Mr. Atwal \*\*\*; he was convicted of the attempted murder of a former Indian Minister; he was previously \*\*\*; and a search of a law enforcement database between 2006 and 2013 had revealed \*\*\* (the number of files identified by CSIS and the RCMP differ, likely due to different search criteria). \*\*\*

\*\*\*<sup>81</sup>

11:38, the NSIA sent an email to the Prime Minister's Office Director of Issues Management ('the Director of Issues Management') to follow up on an earlier conversation with open source information on Mr. Atwal. A later reply from a Privy Council official who was included on the NSIA's 'cc' list noted that an official travelling with the delegation in India said that the issue of Mr. Atwal was raised at a meeting with the Prime Minister's Office and that the Prime Minister's Office and the High Commission "are following up."<sup>82</sup>

14:36, PCO sent a Top Secret email to the NSIA stating, "RCMP have confirmed that ATWAL was charged and convicted for attempted murder on 1987 04 03. Additional police checks reveal a number of historical charges against ATWAL, related to threats against person and assault with a weapon... \*\*\*."<sup>83</sup> (It should be noted that the information the RCMP provided was that Mr. Atwal \*\*\*.)<sup>84</sup>

16:48, Officials from PCO Communications Secretariat sent an email to a list of PMO and PCO officials, including the NSIA, relaying questions from a CBC journalist about Mr. Atwal's attendance at the Mumbai event, including a CBC reference that "CSIS has specifically warned the PMO about Atwal." The NSIA added the Director of Issues Management to the list of addressees and stated to that Director, "this sounds like someone \*\*\* is feeding the info to the media."<sup>85</sup>

19:04, the NSIA forwarded an email to the Clerk and Deputy Clerk of the Privy Council with an embedded CBC story on Mr. Atwal's invitation to the February 22 reception and stated, "We became aware that this individual was on the list \*\*\* this AM and flagged it to PMO and tour in Delhi; provided them facts and decision to pull invite. However in meantime, someone \*\*\* alerted media that he had been seen among delegation (pictures taken) and was on guests' list."<sup>86</sup>

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<sup>80</sup> CSIS document, "CSIS Timeline relating to Atwal Invitation," March 1, 2018.

<sup>81</sup> CSIS document, "\*\*\*\*" February 21, 2018.

<sup>82</sup> Exchange of emails, "Ref our chat," February 21, 2018, 11:38 and 11:58.

<sup>83</sup> PCO email, "message for the NSIA," February 21, 2018, 2:36 PM.

<sup>84</sup> RCMP document, "Re: Special Review into allegations of foreign interference," May 7, 2018.

<sup>85</sup> Exchange of emails, "Re: CBC news inquiry at CSIS," February 21, 2018, 16:33, 16:48, 17:39.

<sup>86</sup> PCO email, "Re: CBC: Convicted attempted murderer invited to state dinner with Trudeau in India," February 21, 2018 7:04 PM.

20:58, the NSIA sent an email in response to the Director of Issues Management request for information on Paramjit Randhawa, identified in an embedded news article from The Indian Express where Mr. Randhawa claims to have entered India “as part of the delegation of Canadian Prime Minister Justin Trudeau” after having been denied visas seven previous times over 38 years. The NSIA stated, “...India sometimes puts people on their black list for having expressed Khalistan separatist views,” and directed his officials to check with CSIS and the RCMP for any adverse information.<sup>87</sup>

21:38, The Canadian High Commission contacted Mr. Atwal to rescind his invitation at the direction of PMO Director of Operations.<sup>88</sup>

22:40, the NSIA attempted without success to contact Indian National Security Advisor Doval by telephone.

22:51, the NSIA sent an email to Indian National Security Advisor Doval thanking him for their meeting the previous week, noting that the Prime Minister had publicly stated Canada’s support for a united India, expressing pleasure that the Minister of National Defence was able to meet the Punjab Chief Minister, \*\*\*. The NSIA asked if National Security Advisor Doval could “confirm that all conditions are well set for a productive meeting between our two PMs tomorrow,” and gave telephone numbers where he could be reached. National Security Advisor Doval did not respond.<sup>89</sup>

#### February 22

00:37, the NSIA sent an email to his officials directing that they check with the RCMP in response to the Director of Issues Management noting that the Prime Minister’s Office press team was told by CBC that “their sources are telling them that the RCMP in Surrey knew he was coming to India and informed PMO.”<sup>90</sup>

01:22, PCO sent an email to the NSIA stating that the RCMP confirmed that it did not advise the Prime Minister’s Office of any information and that the “search was coming up clean – both on RCMP and PMPD side.” The Director of Issues Management had been advised by email and telephone.<sup>91</sup>

6:36-07:23, Canadian High Commission in Delhi sent emails to three individuals, \*\*\*, \*\*\* and \*\*\*, rescinding their invitations. On the first name, direction came from the Prime Minister’s Office; on the second, from PCO; and the third, from the Canadian mission.<sup>92</sup> According to testimony from PCO officials, these names were identified by a team of Prime Minister’s Office and PCO officials in Delhi who conducted an internet search of the guest list.<sup>93</sup>

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<sup>87</sup> PCO email, “Re: Check,” February 21, 2018 8:58 PM.

<sup>88</sup> GAC email, “Invitation to Feb. 22 Event,” February 21, 2018.

<sup>89</sup> PCO email, “Nice meeting you,” February 21, 2018 10:51 PM.

<sup>90</sup> PCO email, “Re: Check,” February 22, 2018 12:37 AM.

<sup>91</sup> PCO email, “Re: Pour toi seulement,” February 22, 2018 1:22 AM.

<sup>92</sup> GAC emails, “Invitation to Feb. 22 Event,” sent at 06:36, 07:07 and 07:23 EST.

<sup>93</sup> NSIA testimony to NSICOP, May 9, 2018.

07:00-09:00, the NSIA attempted without success to contact Indian National Security Advisor Doval by telephone.

11:27, CSIS sent a Top Secret email to PCO stating that \*\*\*

14:26, the NSIA sent an email to Indian National Security Advisor Doval seeking clarification of how Mr. Atwal and Mr. Randhawa \*\*\* while noting that neither individuals was part of Canada's official delegation to India. The NSIA asked that the National Security Advisor Doval call him. National Security Advisor Doval did not respond.<sup>94</sup>

14:50, the Director of Issues Management sent an email to the NSIA with a list of reporters who had been contacted and were expecting calls from the NSIA.<sup>95</sup> The NSIA did not provide his speaking notes for these calls, but stated at testimony that what he communicated to journalists in his background briefing was the same as what was provided in his opening remarks to the House of Commons Standing Committee on Public Safety and National Security on April 16, 2018.<sup>96</sup>

That afternoon and evening, the NSIA briefed media officials in Canada.

18:35, In one of the first articles to come out following the NSIA's briefing, the National Post posted an article on its website from a journalist briefed by the NSIA, which quoted him as saying that it "was no accident" that Mr. Atwal was removed from the Indian black list, and that "the intelligence service" might be motivated to embarrass the Prime Minister for being soft on Sikh separatism.<sup>97</sup>

### February 23

05:26, the Director of Issues Management forwarded the National Post article to PMO and PCO officials and suggested that the NSIA also brief Canadian journalists in India accompanying the Prime Minister's delegation.

07:00 (approximately), the NSIA briefed Canadian journalists in India.

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<sup>94</sup> PCO email, "Re: Call and Query," February 22, 2018 2:26 PM.

<sup>95</sup> PMO email, "Re: List for DJ," February 22, 2018 2:50 PM. The list of journalists in this email overlaps but does not match the list provided later by PCO, "Ottawa media – February 22, 2018," provided on April 20.

<sup>96</sup> PCO email, "Special Review," May 2, 2018, and NSIA testimony to NSICOP, May 9, 2018.

<sup>97</sup> John Ivison, "The Indian government removed Jaspal Atwal from its blacklist. Why?" National Post, February 22, 2018, 6:35 PM EST.

### **Information provided by the NSIA during his background briefing to journalists**

69. The Committee sought to determine whether any information provided to the media was classified.

70. In response to an oral request for any materials the NSIA used to brief journalists on those days, PCO replied that “What was communicated to media in the background briefing is reproduced in the NSIA’s opening remarks to [the House of Commons Standing Committee on Public Safety and National Security (SECU)] on April 16, 2018.”<sup>98</sup> The Committee was not provided with other material, such as hand-written notes, that the NSIA may have used when he briefed journalists at the time. It confirmed that the NSIA did not make a recording of those briefings.

71. The Committee conducted a review of the press articles that were published after the NSIA’s press briefings. The Committee found that what was reported in the media matched closely to what the NSIA told the Committee on March 1 and SECU.<sup>99</sup> In response to questions by the Committee, the NSIA stated that the content of his briefings were explained in his appearance at SECU and that he did not disclose any classified information.<sup>100</sup> Senior officials from Global Affairs Canada, CSIS and the RCMP, each stated separately that the NSIA did not share any classified information. In a press release, the Leader of the Official Opposition stated that the Government and the Minister of Public Safety and Emergency Preparedness confirmed that the information provided to the media by the NSIA did not contain classified information.<sup>101</sup> Given the above, the Committee is unable to make a finding in this regard.

### **The NSIA’s rationale for briefing the media**

72. In order to determine whether intelligence was used for political purposes, the Committee sought to understand why the NSIA briefed the media on February 22 and 23. The NSIA has explained his reasoning in several fora. His clearest statement was provided in testimony before SECU on April 16, 2018, where he repeatedly cited three reasons.

There were three main objectives...The first was – *as when you are in a crisis* – trying to describe to the media the facts...The second was to *answer a lot of their questions* ... The third objective – *and it was an important one* – was that we could see you had inaccurate information, but you also had what really looked like coordinated efforts to try to create a narrative that was actually using, in an inappropriate way, three respected public institutions, CSIS, the RCMP, and our diplomatic mission in Delhi...*if you have actors who are trying to fabricate a narrative that is totally untrue and are using three of our most respected public institutions to do that, I think there has to be someone who is neutral who can come in and alert the media to that. That’s why I did it.*”<sup>102</sup> [emphasis added]

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<sup>98</sup> PCO email, “Special Review,” May 2, 2018. The Committee Secretariat made an oral request on April 30.

<sup>99</sup> \*\*\*.

<sup>100</sup> NSIA testimony to NSICOP, May 9, 2018.

<sup>101</sup> News Releases, “Scheer Accepts Offer of National Security Briefing.” April 3, 2018.

<sup>102</sup> NSIA remarks to SECU, Number 103, 1<sup>st</sup> Session, 42 Parliament, Monday, April 16, 2018. 12:10-12:15.

73. In prepared remarks for his briefing to the Committee on March 1, the NSIA reiterated the importance of providing facts and answering media questions.

I want to be very clear that I offered to do the background briefing to Canadian media to suggest that they may wish to be cautious with the volume of inaccurate information being orchestrated beyond the one undisputed fact that the individual [Mr. Atwal] should not have been invited.

I did that because, given the classified information that we shared with you and the number of facts now confirmed..., we came to the conclusion that there was a very high probability of an orchestrated disinformation campaign to tarnish Canada...<sup>103</sup>

74. The NSIA repeatedly stated that his briefings were meant to counter what he believed were orchestrated efforts to fabricate a false narrative, specifically that Global Affairs Canada, the RCMP and CSIS had information about Mr. Atwal's presence at official events during the Prime Minister's visit to India and had provided that information to PMO prior to those events.

75. Beyond these three reasons (to address the crisis, to answer media questions, and to protect the reputation of three organizations), the NSIA added a fourth: countering foreign interference. He stated on March 1,

Foreign interference, whether from private individuals acting on their own or with some support of foreign governments, is more and more manifest. This issue is that, if a non-partisan public servant cannot talk to the media on background to alert them to be careful on some of the information being sent, we are removing one of the most important lines of defence against foreign interference.<sup>104</sup>

76. The NSIA stated repeatedly in testimony before the Committee his belief that Canada needed to 'push back' on this orchestrated attempt to plant false information about government institutions.

77. The Deputy Minister of Global Affairs Canada agreed with this, stating in a separate appearance before the Committee that he believed that government authorities notifying the public of false information was a legitimate means of defence against foreign interference.<sup>105</sup>

78. The NSIA maintained, in public and before the Committee, that he briefed journalists on his own initiative. He also stated that he consulted PMO prior to briefing. The Committee has email evidence that shows the NSIA was in contact with several PMO officials prior to his briefings, and the NSIA stated during testimony to the Committee that he spoke to the PMO Principal Secretary prior to his briefing. The Committee does not know the content of that conversation.

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<sup>103</sup> PCO document, "Briefing on India to Members of NSICOP," March 1, 2018, page 4.

<sup>104</sup> PCO document, "Briefing on India to Members of NSICOP," March 1, 2018, page 4.

<sup>105</sup> Global Affairs Canada testimony to NSICOP, May 8, 2018.

### **The Committee's assessment of the NSIA's rationale for briefing the media**

79. The Committee questions the reasons the NSIA provided for why he decided to brief journalists. The idea that media reporting around Mr. Atwal's presence at the event in Mumbai and his possible presence at the event in Delhi was a 'crisis' is hard to rationalize from a security and intelligence perspective if, as the NSIA stated, Canada's security and intelligence community had determined that Mr. Atwal was not a threat. The importance of answering questions from the media is also unclear. The type of questions that the media had about vetting and what CSIS, the RCMP or Global Affairs Canada knew about Mr. Atwal prior to the visit would have been better addressed by the implicated departments. The NSIA's intervention in this regard appears to be unprecedented: the NSIA stated in testimony that he had briefed journalists rarely in the past, and at least one senior political correspondent noted that he had never seen this type of briefing by such a senior government official.<sup>106</sup> The NSIA's stated concern that foreign actors were undermining the reputation of 'respected public institutions' is understandable. However, the Committee learned that the NSIA did not notify any senior official from the RCMP, CSIS or Global Affairs Canada that he intended to brief journalists, and each of them denied in testimony that they had concerns about reputational damage at that time or thereafter.

80. The Committee finds the most compelling rationale presented by the NSIA for his briefing to journalists was his desire to counter foreign interference in 'real time.' The Committee notes however that there were other personal, professional and situational factors that contributed to his decision to brief. The NSIA had been deeply invested in addressing Indian security concerns about Canada and the Canadian government in order to ensure the success of the Prime Minister's trip in February 2018. He was well aware of India's \*\*\*. The "strategically released" media articles prior to the Prime Minister's visit and Indian officials' repeated raising of concerns around Sikh extremism and separatism, even after multiple efforts by Canadian officials, including the NSIA, to refute those claims, fit the pattern that the NSIA now saw emerging: an orchestrated attempt to 'shine a spotlight' on Mr. Atwal's invitation in order to embarrass the Canadian Government. As the NSIA stated during his testimony, "\*\*\*."

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<sup>106</sup> David Akin, "In my 12 years reporting on Parliament Hill, no individual in this (Senior Government Official's) position has ever provide this kind of briefing." David Akin, "Notebook: What the 'senior government official' told media about Atwal, India, and Trudeau," Global News, April 8, 2018.

### **Findings with respect to the NSIA's use of intelligence**

The Committee finds that:

- F16 It cannot draw a conclusion on the merits of the NSIA's decision to brief Canadian journalists 'off the record.' That decision was made under difficult circumstances, and the NSIA himself stated before the Committee that he should have briefed journalists 'on the record.' Nonetheless, his decision raises important considerations:
- Some of the issues raised by Mr. Atwal's appearance at the events in India should have been more properly addressed by the Prime Minister's Office, including failures to screen invitees.
  - To the extent that allegations of lapses in security or information sharing involved the actions or errors of government organizations, those allegations should have been judged and addressed by those organizations, not solely by the NSIA.
  - The NSIA's status as one of the most senior officials in the government and as a key advisor to the Prime Minister on security and intelligence, coupled with his effort to remain 'off the record' with the press, served to further raise the profile of the issues at play.
  - The NSIA did not consult departments or agencies responsible for important aspects of security or bilateral relations prior to briefing journalists. That decision made him solely responsible for determining whether the information that he intended to share was unclassified, and whether his comments would have implications for Canadian bilateral relations, security investigations or relationships with Indian security organizations. Those decisions more properly belonged to the Ministers or Deputy Ministers responsible for relevant departments.
- F17 There is no evidence to suggest that the NSIA briefed journalists at the explicit direction of the Prime Minister's Office. Prior to briefing journalists, the NSIA consulted the Prime Minister's Office, which in turn provided him with a list of journalists to contact. The NSIA's status as a principal advisor to the Prime Minister likely contributed to the perception that he was trying to attenuate the broader criticisms around the Prime Minister's trip to India.
- F18 Neither the credibility nor the reputation of Global Affairs Canada, CSIS or the RCMP was being undermined by the events surrounding Mr. Atwal.

### **Recommendations**

- R5 The Prime Minister should review the role of the NSIA in the area of countering threats to the security of Canada. The Committee already made one recommendation with respect to the role of the NSIA in the area of \*\*\*. The Committee notes that a number of other government departments and agencies have statutory authority to take measures to protect Canada from threats to its security. The role of the NSIA should be clarified for those organizations, as well.

## Conclusion

81. The Committee conducted a special review which considered the various allegations raised in the context of the Prime Minister's visit to India. These allegations related to foreign interference in Canadian political affairs, risks to the security of the Prime Minister, and inappropriate use of intelligence. In that respect, the Committee made a total of 18 findings and five recommendations to the Prime Minister and the Ministers of Foreign Affairs, and Public Safety and Emergency Preparedness.

82. This review also raised broader issues of concern. Like other countries, Canada must investigate, prosecute or disrupt extremists who, from within our borders, pose a threat to the security of a foreign state – in this case India, a democratic country with which Canada has strong relations. At the same time, \*\*\*. The Committee recognizes that managing these competing and often antagonistic priorities is a significant challenge.

83. The Committee thanks departments and officials for their collaboration and the timely provision of information to the Secretariat.



## Annex A – Terms of Reference

**Review:** Allegations of foreign interference related to the Prime Minister’s visit to India in February 2018.

### **Overview:**

The National Security and Intelligence Committee of Parliamentarians (NSICOP) will review the allegations of foreign interference \*\*\*; whether intelligence was used for political purposes or disclosed inappropriately; and the adequacy of measures to screen participants and guests on major foreign visits. Following the review, the Committee will submit a report to the Prime Minister, the Minister of Foreign Affairs and the Minister of Public Safety and Emergency Preparedness, in accordance with section 21(2) of the *NSICOP Act*.

### **Preliminary document provision:**

The NSICOP Secretariat seeks the following preliminary documentation in writing as it relates to the Prime Minister’s visit to India in February 2018 (unless otherwise noted):

- From CSIS:
  - any information and intelligence in the Service’s holdings with respect to possible foreign interference \*\*\*;
  - any information or briefings provided to other government departments or officials, including political officials, about such interference;
  - any information about measures taken by the Service, alone or in cooperation with another government department, to disrupt or affect such interference;
  - any information on the Service’s \*\*\*;
  - any information about security issues raised by the Indian government with respect to Sikh extremism in Canada or as it relates to Canada-India bilateral relations.
- From RCMP
  - a description of the RCMP’s responsibilities for the protection of the Prime Minister abroad and any other official(s) part of the PM’s delegation;
  - the RCMP’s assessment of the threat to the Prime Minister during his visit to India;
  - any information on measures taken to protect the Prime Minister and his delegation before and during his trip to India, including any measures to screen or vet Canadian members of the official delegation or anyone from Canada expected to attend any part of the Prime Minister’s itinerary;
  - information on the RCMP’s cooperation and dealings with Indian authorities related to the security of the Prime Minister;

- any information on concerns raised to other government departments or officials, including political officials, with respect to security before or during the trip.
- From Global Affairs Canada: any information, and advice provided to other government departments or officials, including political officials, on:
  - the Prime Minister’s trip to India as it may relate to elements of the \*\*\*;
  - security issues raised by the Indian government with respect to Sikh extremism in Canada or as it relates to Canada–India bilateral relations;
  - the participation of anyone in the Prime Minister’s itinerary;
  - security measures in place at the High Commission or during the visit;
  - how guest lists for official events are developed for trips by Members of Parliament, Senators, Ministers, the Prime Minister or the Governor General.
- From PCO:
  - any information or advice provided to Government officials, including political officials, or to the media with respect to Jaspal Atwal \*\*\*;
  - information regarding Canada’s relationship with the Indian National Security Advisor generally, and with respect to this incident.

Note: Information or intelligence includes any written material, including electronic or other correspondence, notes of oral briefings, and any legal opinions or advice sought or received.

**Hearings:**

Following provision of preliminary documentation, the Secretariat may engage appropriate officials at the relevant departments and agencies prior to holding Committee hearings, the content of which will be determined by the results of the preliminary review.

**Secondary document provision:**

Additional documentation and hearings will be sought or scheduled as required.

**Timeline:**

Consistent with section 15(3) of the *NSICOP Act*, the requested information should be provided in a timely manner. The Secretariat therefore requests that the information be provided by 1700 20 April 2018. Committee hearings will be scheduled thereafter.

**Report:**

The Committee will create a special report on its findings and recommendations, pursuant to section 21 (2) of the *NSICOP Act*.

**Contact:**

Rennie Marcoux, Executive Director \*\*\*

Sean Jorgensen, Director of Operations \*\*\*

Secretariat of the National Security and Intelligence Committee of Parliamentarians



## Annex B – Findings

### The Committee finds that:

#### **Findings with respect to allegations of foreign interference**

- F1     \*\*\*
- F2     \*\*\*
- F3     \*\*\*
- F4     \*\*\*
- F5     \*\*\*
- F6     \*\*\*

#### **Security**

#### **Findings with respect to screening measures**

- F7     The organizations implicated in this trip have not conducted an interdepartmental ‘lessons learned’ exercise to identify areas for improvement.
- F8     Global Affairs Canada and the RCMP took reasonable measures to ensure that guests at events were physically screened prior to entry to events, including additional security measures taken to secure facilities for events in Mumbai and Delhi. Physical screening measures are part of a wider security process that is in place to protect the Prime Minister and his or her delegation. These measures are put in place, in part, to mitigate the risks posed by guests attending events without undergoing consistent security checks.

#### **Findings with respect to the security and intelligence community’s knowledge of Mr. Atwal**

- F9     \*\*\*
- F10    The RCMP had information that suggested that Mr. Atwal was going with the Prime Minister on the official trip to India, but did not validate that information.
- F11    The RCMP had information that Mr. Atwal had a serious criminal record and a history of involvement in violent acts, issues which should have been identified as security risks to the Prime Minister and his delegation. The RCMP recognizes that it erred in not providing that information to the Prime Minister’s Protective Detail.

F12 The RCMP assertion that the Prime Minister's Protective Detail would not have changed its security posture even if it had known of Mr. Atwal's presence at the event and his history of violence was questionable, at best.

F13 The conclusion of officials from the security and intelligence community that Mr. Atwal was not a threat was based on a narrow interpretation of risk that did not reflect his known criminal record or \*\*\*

#### **Findings with respect to \*\*\* in the context of the Prime Minister's visit**

F14 \*\*\*

F15 The NSIA provided advice to the Prime Minister on the \*\*\* prompting the Prime Minister to direct the NSIA to brief his Ministers and Members of Parliament prior to the visit.

#### **The use of intelligence**

##### **Findings with respect to the NSIA's use of intelligence**

F16 It cannot draw a conclusion on the merits of the NSIA's decision to brief Canadian journalist 'off the record.' That decision was made under difficult circumstances, and the NSIA himself stated before the Committee that he should have briefed journalists 'on the record.' Nonetheless, his decision raises important considerations:

- Some of the issues raised by Mr. Atwal's appearance at the events in India should have been more properly addressed by the Prime Minister's Office, including failures to screen invitees.
- To the extent that allegations of lapses in security or information sharing involved the actions or errors of government organizations, those allegations should have been judged and addressed by those organizations, not solely by the NSIA.
- The NSIA's status as one of the most senior officials in the government and as a key advisor to the Prime Minister on security and intelligence, coupled with his effort to remain 'off the record' with the press, served to further raise the profile of the issues at play.
- The NSIA did not consult departments or agencies responsible for important aspects of security or bilateral relations prior to briefing journalists. That decision made him solely responsible for determining whether the information that he intended to share was unclassified, and whether his comments would have implications for Canadian bilateral relations, security investigations or relationships with Indian security organizations. Those decisions more properly belonged to the Ministers or Deputy Ministers responsible for relevant departments.

- F17 There is no evidence to suggest that the NSIA briefed journalists at the explicit direction of the Prime Minister's Office. Prior to briefing journalists, the NSIA consulted the Prime Minister's Office, which in turn provided him with a list of journalists to contact. The NSIA's status as a principal advisor to the Prime Minister likely contributed to the perception that he was trying to attenuate the broader criticisms around the Prime Minister's trip to India.
- F18 Neither the credibility nor the reputation of Global Affairs Canada, CSIS or the RCMP was being undermined by the events surrounding Mr. Atwal.



## Annex C - Recommendations

### The Committee recommends that:

#### Foreign interference

- R1 In the interest of national security, members of the House of Commons and the Senate should be briefed upon being sworn-in and regularly thereafter on the risks of foreign interference and extremism in Canada. In addition, Cabinet Ministers should be reminded of the expectations described in the Government's *Open and Accountable Government*, including that Ministers exercise discretion with whom they meet or associate, and clearly distinguish between official and private media messaging, and be reminded that, consistent with the *Conflict of Interest Act*, public office holders must always place the public interest before private interests. \*\*\*
- R2 The Minister of Public Safety and Emergency Preparedness should consider revising the \*\*\* to include a formal role for the National Security and Intelligence Advisor. The information provided to the Committee demonstrates that the NSIA played a significant role \*\*\*. The Committee believes that the NSIA has a legitimate role to provide advice as coordinator of the security and intelligence community and advisor to the Prime Minister. \*\*\*

#### Security

- R3 Drawing on the Committee's finds, an interdepartmental review should be undertaken to identify key lessons learned following these events.
- R4 The Government should develop and implement a consistent method of conducting background checks by all organizations involved in the development of proposed guest lists for foreign events with the Prime Minister.

#### The use of intelligence

- R5 The Prime Minister should review the role of the NSIA in the area of countering threats to the security of Canada. The Committee already made one recommendation with respect to the role of the NSIA in the area of \*\*\*. The Committee notes that a number of other government departments and agencies have statutory authority to take measures to protect Canada from threats to its security. The role of the NSIA should be clarified for those organizations, as well.



## **Annex D – List of witnesses**

### Canadian Security Intelligence Service (May 1, 2018):

- Director
- Deputy Director, Operations

### Global Affairs Canada (May 8, 2018)

- Deputy Minister
- Director General, Counter Terrorism, Crime and Intelligence Bureau
- Chief of Protocol
- Director General, South Asia Relations Bureau

### Royal Canadian Mounted Police (May 8, 2018)

- Deputy Commissioner, Federal Policing

### Privy Council Office (May 9, 2018)

- National Security and Intelligence Advisor (now retired)
- Foreign and Defence Policy Advisor to the Prime Minister
- Assistant Secretary to the Cabinet, Security and Intelligence
- Director of Operations, Security and Intelligence

