SECRET

Department of State

5. In practical terms, we believe that our need for access would be satisfied by an examination of the GOC-supplied material currently in the hands of the U.S. attorney in charge of the Pervez prosecution. One or more DEP officers would travel to Philadelphia for this purpose. We would not need our own set of copies of the documents. WITTIGER

SECRET STATE 270161

EXDIS

E.O. 12356: DECL: OADR
TAGS: PRL, PK, MVD,
SUBJECT: ACCESS TO CANADIAN DOCUMENTS IN PERVEZ CASE

REF: OTTAWA 09137
1. SECRET - ENTIRE TEXT.

2. REQUEST TRANSMITS QUESTIONS RAISED BY GOC OFFICIALS REGARDING OUR REQUEST FOR ACCESS TO PERVEZ CASE DOCUMENTS SEIZED BY CANADIAN AUTHORITIES. FOLLOWING IS ADDITIONAL BACKGROUND FOR GOC ON PROCEDURES WE EXPECT TO FOLLOW IN MAKING A SOLARZ AMENDMENT DETERMINATION.

3. THE STATE DEPT WILL BE RESPONSIBLE FOR REVIEWING AND ASSESSING EVIDENCE IN THE PERVEZ CASE AND FORMULATING A SUMMARY RECOMMENDATION TO THE PRESIDENT. THIS ASSESSMENT WILL BE CLASSIFIED, AND CLOSELY HELD WITHIN THE USG. THE MENO SENT TO THE PRESIDENT, AND THE INTERNAL STATE MENO ON THE SAME SUBJECT MAY REFER TO SPECIFIC ITEMS OF EVIDENCE, BUT ARE UNLIKELY TO QUOTE AT GREAT LENGTH OR TO HAVE DOCUMENTS OR PORTIONS OF DOCUMENTS ATTACHED. IN THE HYPOTHETICAL EVENT THAT THE PRESIDENT WERE TO DETERMINE THAT THE SOLARZ AMENDMENT HAD BEEN TRIGGERED, AN UNCLASSIFIED DETERMINATION WOULD BE TRANSMITTED TO THE CONGRESS. THIS DETERMINATION WOULD CONVEY THE PRESIDENT'S CONCLUSION, BUT WOULD NOT DISCUSS OR CITE FROM ANY OF THE EVIDENCE IN THE CASE, AND WE DO NOT ANTICIPATE ANY NEED TO REFER PUBLICLY TO THE SPECIFIC SOURCES OR NATURE OF THAT EVIDENCE. WE SHOULD EMPHASIZE THAT THE OUTCOME OF OUR ASSESSMENT IS NOT A FORECLOSED CONCLUSION, AND THERE WILL MAY BE NO PUBLIC PRESIDENTIAL DETERMINATION RESULTING FROM THIS CASE.

4. WITH RESPECT TO THE SPECIFIC AREAS OF CONCERN OUTLINED IN THE REQUEST, REMEMBER THAT THE FACT OF GOC COOPERATION IN THE INVESTIGATION, ARREST, AND PROSECUTION OF PERVEZ IS A MATTER OF GENERAL PUBLIC KNOWLEDGE IN THE U.S. WHILE SPECIFICS OF THAT COOPERATION MAY NOT BE DISCLOSED TO THE OVERALL BODY OF EVIDENCE ASSEMBLED BY U.S. LAW ENFORCEMENT AUTHORITIES AGAINST PERVEZ. HOWEVER, WE UNDERSTAND THAT LAWYERS FOR THE DEFENDANT HAVE ALREADY

REVIEW AUTHORITY: Sharon Ahmad, Senior