

SECRET

S/S-O
OUTGOING

R12

Department of State

RELEASED IN FULL

PAGE 01 STATE 270161 3262 008556 SS05958
-----29/0244Z
INFO SSS-01 SS-01 EUR-01 NEA-01 L-01 OES-01 ACDA-01
/BD7 A3
-----29/0238Z
INFO X-01 /BBJ A4 PEC
ORIGIN SS-00

PAGE 01 STATE 270161 3262 008556 SS05958
BEEN GIVEN ACCESS TO THAT EVIDENCE IN ACCORDANCE WITH
U.S. RULES OF CRIMINAL PROCEDURE.

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 DEPT OFFICERS WOULD TRAVEL TO PHILADELPHIA FOR THIS
PURPOSE. WE WOULD NOT NEED OUR OWN SET OF COPIES OF THE
DOCUMENTS. WHITGENEH

EXDIS

INFO LOG-00 ADS-00 SSO-00 /BBB R
DRAFTED BY: NEA/RA:SAOKI
APPROVED BY: EUR:FJHALL
NEA:RFLATEN L/N: TBOREK
OES/NEP: JOETHOMAS ACDA/NWC: LWARD
EUR/CAN: RHOMME S/S: RHMUELLER
S/S-O: ROLSON :AEASTHAM
-----157440 290012Z /38

D P 290000Z AUG 07
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE
INFO AMEMBASSY ISLAMABAD PRIORITY

EXDIS

SECRET STATE 270161

DECAPIIONED

EXDIS

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

REF: OTTAWA 07137

1. SECRET - ENTIRE TEXT.

2. REFTEL 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
MEMO SENT TO THE PRESIDENT, AND THE INTERNAL STATE MEMO
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 FOREGONE
CONCLUSION, AND THERE WILL MAY BE NO PUBLIC PRESIDENTIAL
DETERMINATION RESULTING FROM THIS CASE.

4. WITH RESPECT TO THE SPECIFIC AREAS OF CONCERN OUTLINED
REFTEL, MENOTE 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 GENERALLY BE KNOWN,
GOC-PROVIDED EVIDENCE HAS BEEN INCORPORATED INTO THE
OVERALL BODY OF EVIDENCE ASSEMBLED BY U.S. LAW
ENFORCEMENT AUTHORITIES AGAINST PERVEZ. MOREOVER, WE
UNDERSTAND THAT LAWYERS FOR THE DEFENDANT HAVE ALREADY

EXDIS

EXDIS

ACTION
TO NWC
INFO D/DD
VI. NWC/INA
PA, NWC/NST
MA, D/GAC
GC, NWC/ATD
D/M, D/I
A/CS

RECEIVED
COMMUNICATIONS

87 AUG 31 P3:38

U.S. ARMS CONTROL
AND
DISARMAMENT AGEN

RECEIVED
GENERAL SERVICES

87 AUG 31 A6:10

U.S. ARMS CONTROL
AND
DISARMAMENT AGEN

M 2008 00012
383-00-0031
Box 3

REVIEW AUTHORITY: Sharon Ahmad, Senior

NOT TO BE REPRODUCED WITHOUT THE
APPROPRIATE AUTHORITY OF THE EXECUTIVE SECRETARY