



United States Department of State

Washington, D. C. 20520

April 10, 1990

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INFORMATION MEMORANDUM
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RELEASED IN FULL

TO: P - Mr. Kimmitt
FROM: L - Abraham D. Sofaer ^{by AK}
SUBJECT: Pakistan Nuclear - Final Resolution of Pervez case

SUMMARY

Arshad Pervez was released on April 4, 1990, after pleading nolo contendere to one count of illegal export of beryllium. Pervez had been convicted in December 1987 for illegal procurement on behalf of Pakistan's nuclear weapons program; he was granted a new trial in December 1989 due to a later Supreme Court decision. This development does not require any new actions under the Solarz amendment.

BACKGROUND

Arshad Pervez was convicted on December 17, 1987, on five counts relating to efforts to export specialty steel and beryllium illegally to Pakistan's nuclear program. Taking into account Pervez's conviction, on January 15, 1988, President Reagan applied and waived sanctions under Section 670(a)(1) of the Foreign Assistance Act. (This section, the Solarz amendment, prohibits most forms of foreign assistance to any country that attempts to export items of nuclear explosives significance illegally from the U.S.) Due to a subsequent U.S. Supreme Court decision concerning the entrapment defense, Pervez was granted a new trial on December 18, 1989. In January 1990 the defense filed a sweeping discovery motion requesting, inter alia, any State Department material reflecting Pakistani denials of involvement with Pervez and his attempted exports.

On April 4, 1990, the U.S. District Court for the Eastern District of Pennsylvania accepted Pervez' plea of nolo contendere to attempt to export beryllium illegally. The Court also accepted the government and Pervez' agreement that Pervez had already served an appropriate sentence (32 months) for this count. The government agreed to dismiss the remaining counts of the indictment.

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REVIEW AUTHORITY: Sharon Ahmad, Senior Reviewer

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Pervez was released from prison on April 4 and is going to Canada. No further United States Government action is required and all affected agencies have been advised that work on defense's discovery request may be stopped.

The plea of nolo contendere does not suggest either innocence on the defendant's part or a lack of evidence supporting the government's case. In any event, since President Reagan waived the sanctions based on this case, they have no present legal effect. We will be advising the Government of Pakistan of the outcome of this case, and, if asked, of the fact that the Solarz determination will not be reconsidered.

Drafted: L/SFP/N - CSchwab^{by Ak}
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