

# **EXHIBIT L**



Suite 500  
1301 K Street NW  
Washington, DC 20005

**Chelsea T. Kelly**  
202-973-4250 tel  
202-973-4450 fax

chelseakelly@dwt.com

November 16, 2021

**VIA FED-EX**

U.S. Department of State  
Appeals Officer  
HST Room B266  
2201 C Street, NW  
Washington, D.C. 20520

Re: Freedom of Information Act Administrative Appeal of Case Control Number: F-2021-08768 (Subject of Request: Francisco Javier Ospina Baraya)

Dear Appeals Officer:

This letter constitutes an appeal of the U.S. Department of State's August 19, 2021 response to our FOIA request: Case Control Number: F-2021-08768. Although the Department of State produced some documents on August 19, 2021 in response to this request, it has improperly withheld a number of additional documents without sufficient legal justification. For the reasons that follow, we request that you produce the withheld documents within the next 20 days as required by law.

**BACKGROUND**

This firm represents Mr. Bob Mazur, Penguin Random House LLC, and Hachette Book Group—current defendants in the following pending litigation: *Baraya v. Mazur, et al.*, Case No. 16-006002-CI (Fla. Cir. Ct. 2016, Pinellas Cnty.). Mr. Mazur is a former U.S. Customs agent who spent five years undercover infiltrating the criminal hierarchy of Colombia's drug cartels. He later authored a book about his experiences called *The Infiltrator*, which was published by the aforementioned publishing companies. The plaintiff in this litigation, Francisco Javier Ospina Baraya, claims that Mr. Mazur and the other defendants defamed him by alleging in the book that he engaged in drug trafficking and money laundering—while the defendants maintain that such allegations are true. Accordingly, the defendants seek to establish through discovery that Mr. Baraya did indeed engage in drug trafficking.

As part of that discovery process, on July 9, 2021, these defendants—through the undersigned counsel—sent a FOIA request to the U.S. Department of State: Case Control Number: F-2021-08768 (hereinafter, the “FOIA Request,” attached hereto as Exhibit A). The FOIA Request was accompanied by a release signed by Mr. Baraya, which authorized the release of information relating to him to the undersigned requester. The FOIA Request provided information

Anchorage  
Bellevue  
Los Angeles

New York  
Portland  
San Francisco

Seattle  
Shanghai  
Washington, D.C.

U.S. Department of State  
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HST Room B266  
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Washington, D.C. 20520  
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regarding Mr. Baraya (including his name, aliases, date of birth, citizenship, and current and former addresses) and requested the following documents regarding him:

- U.S. Visa Applications (DS Forms 160) or their predecessor form equivalent
- Correspondence
- Memoranda
- Reports received from other agencies
- Photographs of Francisco Javier Ospina Baraya

The FOIA Request also provided the background of the documents requested for the convenience of the FOIA Office. Specifically, they noted that, in 1990, DEA and other law enforcement agencies confirmed that a considerable amount of drug proceeds were transferred from Panamanian accounts (operated by Banco de Occidente) to accounts in Spain. One or more of the accounts in Spain to which the drug proceeds were transferred were maintained under Mr. Baraya's name or under the name of companies he controlled. These transfers of drug proceeds came from accounts at Banco de Occidente (Panama) and/or Banco de Occidente International Limited in the names of:

EDUARDO MARTINEZ – A/C 02-007552-01  
PUNTO CLAVE – A/C 02-022500-01  
YEWFIELD – A/C 02-027928-01  
CAMPO LIBRE – A/C 02-022497-01

In 1990, information concerning the transfers of drug proceeds from the four above-referenced accounts to accounts controlled by Mr. Baraya was sent to the DEA Attaché in Madrid and other U.S. government agency employees at the U.S. Embassy in Madrid, for further investigation by U.S. and Spanish law enforcement authorities, including the Financial Intelligence Unit (FIU) in Spain, an agency now referred to as SEPBLAC. The FIU in Spain conducted an investigation and confirmed that drug proceeds transferred from the four above referenced bank accounts were deposited to accounts controlled by Mr. Baraya, either in his full legal name or in one of his known aliases listed in the FOIA Request.

During early 1993, Mr. Baraya applied for a Visa to travel to the United States. As a result of information furnished by U.S. authorities stationed at the U.S. Embassy in Spain that implicated Mr. Baraya in drug trafficking, this Visa application was initially denied. Subsequently, based on additional information furnished by DEA, it was later approved.

The FOIA Request sought any and all records related to the above-referenced Visa Application made during 1993, and any other prior or subsequent Visa Applications made by or on behalf of Mr. Baraya during the period 1980 to 1999.

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On August 19, 2021, the FOIA Office of the U.S. Department of State issued a response to the FOIA Request (hereinafter, the “Response Letter,” attached as Exhibit B) as well as a 16-page production (hereinafter, the “Production,” attached as Exhibit C). In the Response Letter, DOS FOIA stated that:

Visa records are confidential under section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). Consistent with this authority, the Department may disclose certain visa-related records, such as a visa application, to the person who provided the record to, or has already received the record from, the Department of State. Such records also may be disclosed to a duly authorized representative. Those records are included herewith, with any confidential portions redacted.

The Production included the records referenced therein. These records appear to include documents related to Mr. Baraya’s *application* for a Visa; however, they do not include any records regarding the *denial* of Mr. Baraya’s visa in 1993, despite the fact that Mr. Baraya refers to this denial in his own correspondence to the U.S. Embassy in Spain—as shown in the last page of the Production. *See* Ex. C at 16 (stating in translated Spanish: “In January 1993, I had trouble getting my visa. Drug Enforcement Administration clarifie[d] the case for me with the communication of May 7, 1993, which I attach.”). Importantly, the Production did not even include any correspondence sent to Mr. Baraya explaining the 1993 denial or any correspondence sent from Mr. Baraya to DOS or Embassy staff appealing or otherwise challenging the denial. We know that at least one such letter exists. *See* Ex. D (May 7, 1993 letter to Mr. Baraya from Mr. Joe A. Toft, DEA Attache in Colombia, referring to the reasons for the visa denial from earlier that year and representing that Mr. Baraya would thereafter be granted a visa). Instead, the Response Letter simply stated that: “Any information about other visa records responsive to your request, including whether other records exist and, if so, the quantity of such records, is confidential under Section 222(f) and therefore exempt from release under Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3).”

In this appeal, we challenge the DOS’s withholding of any additional visa records on the basis of section 222(f) of the Immigration and Nationality Act—specifically visa records regarding the denial of Mr. Baraya’s visa in 1993.

### **ARGUMENT**

DOS is correct that, in general: “Section 222(f) of the Immigration and Naturalization Act (INA) requires the withholding of Department of State records ‘pertaining to the issuance or refusal of visas or permits to enter the United States.’ 8 U.S.C. § 1202(f)[; and] FOIA Exemption 3 applies to records subject to Section 222(f) of the INA.” *Ibrahim v. United States Dep’t of State*, 311 F. Supp. 3d 134, 139–40 (D.D.C. 2018); *see also Medina–Hincapie v. Dep’t of State*, 700 F.2d 737, 741–42 (D.C. Cir. 1983). However, there are two notable exceptions to this rule, which apply here.

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*First*, as DOS itself notes in its Response Letter, “the Department may disclose certain visa-related records, such as a visa application, to the person who provided the record to, or has already received the record from, the Department of State.” Ex. B at 1. The reasoning for this policy is that documents that the requester “had at one time or another possessed” cannot be said to be truly confidential under section 222(f) or Exemption 3. *Medina-Hincapie*, 700 F.2d at 740. Here, though, DOS did not produce *any* documents related to the 1993 denial of Mr. Baraya’s visa, including any documents that he would have possessed himself, such as any correspondence addressed to Mr. Baraya explaining the denial or any correspondence sent from Mr. Baraya to the Embassy appealing or otherwise challenging the denial. We therefore request that DOS produce any such documents regarding the 1993 visa denial that were communicated to or from Mr. Baraya, in accordance with Department policy and relevant case law. By way of reminder, we note that the FOIA Request included a Certification of Identity waiver by Mr. Baraya, which authorized the release of documents regarding him to the undersigned firm.

*Second*, section 222(f) includes an exception for situations in which the visa documents sought are relevant and necessary to resolve an issue in a pending legal proceeding. *See* 8 U.S.C.A. § 1202 (“[I]n the discretion of the Secretary of State certified copies of such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court”). As noted above, the documents sought in the FOIA Request are necessary to resolve a critical issue in a pending defamation litigation—whether Mr. Baraya engaged in drug-trafficking. Such situations have merited disclosure of visa documents under FOIA in the past. *See, e.g., United States v. O’Keefe*, No. 06-CR-0249, 2007 WL 1239204, at \*2 n.1 (D.D.C. Apr. 27, 2007) (“There can be no question that in a criminal case regarding the handling of requests within a consulate, consular records are ‘needed by the Court in the interest of the ends of justice’ within the meaning of this statute”); *see also Tran v. Rice*, No. 06-CV-02697-H, 2007 WL 9776703, at \*1 (S.D. Cal. May 1, 2007) (allowing disclosure of certain DOS visa documents “in order to determine the basis of Defendants’ decisions to regard [Plaintiff] Bich Tran as inadmissible, and to fail to act upon her approved H-2B visa application”). Additionally, Mr. Baraya himself initiated this litigation and put these facts into issue by doing so.

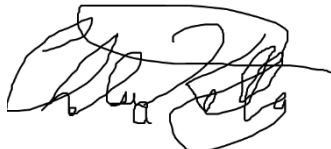
If necessary, the undersigned firm can seek a certification from the Court confirming as much. However, we would request that—prior to receiving any kind of certification—DOS at least produce any documents that were ever sent or received by Mr. Baraya—specifically any such documents regarding the denial of his visa in 1993.

Please do not hesitate to contact me if you would like to discuss this matter further. This letter is not a full recitation of the defendants’ rights and remedies, all of which are expressly reserved.

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Appeals Officer  
HST Room B266  
2201 C Street, NW  
Washington, D.C. 20520  
November 16, 2021  
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Respectfully submitted,

Davis Wright Tremaine LLP

A handwritten signature in black ink, appearing to read "Chelsea T. Kelly", enclosed within a hand-drawn rectangular box.

Chelsea T. Kelly

# **EXHIBIT A**



1301 K Street NW, Suite 500  
Washington, DC 20005

**Chelsea T. Kelly**  
Tel: 202-973-4250  
Fax: 202-973-4450  
[chelseakelly@dwt.com](mailto:chelseakelly@dwt.com)

July 9, 2021

VIA FIRST CLASS MAIL

U.S. Department of State  
Office of Information Programs and Services  
2201 C Street N.W., Suite B266  
Washington, D.C. 20520-0000  
Facsimile (202) 485-1669

Dear Records Custodian:

This is a request for public records pursuant to the Freedom of Information Act (5 U.S.C. § 552). This request seeks the right to examine and copy, or be furnished with copies, of records in the possession of the U.S. Department of State and several of its divisions, related to the time frame of 1980 to 1999. These records are not sought for any commercial, news media, educational, or scientific purposes. Nevertheless, we agree to reimburse you for reasonable costs associated with producing the requested records. If that cost will exceed \$500, please let us know before you incur the costs.

Specifically, this request seeks information, which is relevant to a presently pending litigation—*Baraya v. Mazur, et al.*, Case No. 16-006002-CI (Fla. Cir. Ct. 2016, Pinellas Cnty.) regarding the following individual (the plaintiff in the case):

- **Name:** Francisco Javier Ospina Baraya (a/k/a Javier Ospina Baraya, Javier Ospina, Francisco Javier Ospina Gutierrez, Javier Ospina Gutierrez, and Pacho)
- **Date of Birth:** December 4, 1956
- **Colombia Cedula Number:** 70.077.853, issued in Medellin, Colombia
- **Citizenship:** Colombia and Spain
- **Current Address:** Bdul. Regina Elisabeta 28, Corp B, Etaj 1, Ap B12 – Sector 5 Bucharest, Romania
- **Recent Addresses:**
  - Calle del Camino de Hoyarrasa, 24, 28109 Alcobendas, Madrid, Spain
  - 24 Calle del Camino de Hoyarrasa, Acobendas, 26109, Madrid, Spain
- **Prior Addresses in Following Cities:**
  - Medellin, Colombia
  - Bogota, Colombia

Attached hereto is DOS Form 4240, by which Mr. Baraya authorizes the release of information relating to him to the undersigned requester.





1301 K Street NW, Suite 500  
Washington, DC 20005

**Chelsea T. Kelly**  
Tel: 202-973-4250  
Fax: 202-973-4450  
[chelseakelly@dwt.com](mailto:chelseakelly@dwt.com)

**Documents Requested:**

The records requested include any and all records related to the above-named individual, in his full legal name or any of his known aliases listed above, including:

- U.S. Visa Applications (DS Forms 160) or their predecessor form equivalent
- Correspondence
- Memoranda
- Reports received from other agencies
- Photographs of Francisco Javier Ospina Baraya

Please search both the subject's full name and his aliases, as we are aware that certain government documents only refer to him by his alias(es).

**Background of Documents Requested:**

An analysis conducted by DEA and other law enforcement agencies during 1990 of accounts at BANCO de OCCIDENTE (Panama) confirmed that a considerable amount of drug proceeds were transferred from Panama to accounts in Spain. One or more of the accounts in Spain to which drug proceeds were transferred was either maintained in the name of FRANCISCO JAVIER OSPINA BARAYA, in the name of one of his above listed aliases, or maintained in the name of companies he controlled in his full legal name or one of his above listed aliases. These transfers of drug proceeds to OSPINA BARAYA'S account(s) came from accounts at BANCO de OCCIDENTE (Panama) and/or BANCO de OCCIDENTE INTERNATIONAL LIMITED in the names of:

EDUARDO MARTINEZ – A/C 02-007552-01  
PUNTO CLAVE – A/C 02-022500-01  
YEWFIELD – A/C 02-027928-01  
CAMPO LIBRE – A/C 02-022497-01

In 1990, information concerning the transfers of drug proceeds from the four above referenced accounts to accounts controlled by FRANCISCO JAVIER OSPINA BARAYA, in his full legal name or one of his above listed aliases, was sent to the DEA Attaché in Madrid and other U.S. government agency employees at the U.S. Embassy in Madrid, for further investigation by U.S. and Spanish law enforcement authorities, including the Financial Intelligence Unit (FIU) in Spain, an agency now referred to as SEPBLAC. The FIU in Spain conducted an investigation and confirmed that drug proceeds transferred from the four above referenced bank accounts were deposited to accounts controlled by FRANCISCO JAVIER OSPINA BARAYA, either in his full legal name or in one of his known aliases listed above.

During early 1993, FRANCISCO JAVIER OSPINA BARAYA applied for a Visa to travel to the United States. As a result of information furnished by U.S. authorities stationed at the U.S.



1301 K Street NW, Suite 500  
Washington, DC 20005

**Chelsea T. Kelly**  
Tel: 202-973-4250  
Fax: 202-973-4450  
[chelseakelly@dwt.com](mailto:chelseakelly@dwt.com)

Embassy in Spain that implicated FRANCISCO JAVIER OSPINA BARAYA in drug trafficking, this Visa application was initially denied. Subsequently, based on additional information furnished by DEA, it was later approved.

This request seeks any and all records related to the above-referenced Visa Application made during 1993, and any other prior or subsequent Visa Applications made by or on behalf of FRANCISCO JAVIER OSPINA BARAYA during the period 1980 to 1999.

We respectfully request that you respond to this request within 20 business days, as required by 5 U.S.C. § 552(a)(6)(A)(i). If access to the requested records will take longer, please contact us with information about when we might expect copies or the ability to inspect the requested records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. We note that the release of the information sought is unlikely to result in any foreseeable harm because the relevant events occurred between 20-40 years ago.

If you have any questions about handling this request, you may telephone me at 703-850-6317 or at my office phone, 202-973-4250.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chelsea T. Kelly', written over a horizontal line.

Chelsea T. Kelly  
Davis Wright Tremain LLP



U.S. Department of State

## CERTIFICATION OF IDENTITY

1. Full Name of Requester <sup>1</sup> (Last, First, MI) Kelly, Chelsea	2. Date of Birth (mm-dd-yyyy) 12/04/1956
3. Full Name of Subject of Records Francisco Javier Ospina Baraya	4. Citizenship Status <sup>2</sup> Colombia and Spain
5. Current Address Bdul. Regina Elisabeta 28, Corp B, Etaj 1, Ap B12 - Sector 5 Bucharest (ROMANIA)	6. Place of Birth Bogota COLOMBIA

## Third Party Authorization

Complete this section if you are authorizing release of your records to another person.

I, Francisco Javier Ospina Baraya, pursuant to 5 U.S.C. Section 552a(b),

authorize the U.S. Department of State to release any and all information relating to me to

Name of Third Party Chelsea KellyAddress of Third Party Davis Wright Tremaine LLP, 1301 K Street NW, Suite 500, Washington, DC 20005Type of Third Party (check one):  Parent  Custodial Guardian  Legal Representation  Other litigant

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature<sup>3</sup>

Date (mm-dd-yyyy) 06.23.2021PRIVACY ACT STATEMENT

**AUTHORITIES:** The information is sought pursuant to 22 CFR Section 171; 5 U.S.C. Section 552a (the Privacy Act of 1974); 5 U.S.C 552 (Freedom of Information Act).

**PURPOSE:** The information solicited on this form will be used to identify the individuals submitting requests by mail under the FOIA and Privacy Act of 1974, 5 U.S.C. Section 552a. This solicitation is to ensure that the records of individuals who are the subject of U.S. Department of State records are not wrongfully disclosed by the Department. The information furnished may also be used to provide third party authorization.

**ROUTINE USES:** The information on this form will only be used to certify identification and will not be shared with other offices or agencies. More information on the Routine Uses for the system can be found in the System of Records Notice State-35, Information Access Program Records.

**DISCLOSURE:** Providing this information is voluntary. Failure to provide the information requested on this form may result in less information being disclosed in a FOIA or Privacy Act request. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

<sup>1</sup> Name of individual who is the subject of the record(s) sought.

<sup>2</sup> Individuals submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

<sup>3</sup> Name of individual who is the subject of the record(s) sought.

# **EXHIBIT B**



United States Department of State

Washington, D.C. 20520

August 19, 2021

Chelsea T. Kelly, Esq.  
Davis Wright Tremaine LLP  
1301 K Street NW, Suite  
Washington, DC 20005

Email: [chelseakelly@dwt.com](mailto:chelseakelly@dwt.com)

Case Control Number: F-2021-08768  
Subject of Request: Francisco Javier  
Ospina Baraya

Dear Ms. Kelly:

This is in response to your request under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, dated July 9, 2021, in which you requested visa records.

Visa records are confidential under section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). Consistent with this authority, the Department may disclose certain visa-related records, such as a visa application, to the person who provided the record to, or has already received the record from, the Department of State. Such records also may be disclosed to a duly authorized representative. Those records are included herewith, with any confidential portions redacted.

Any information about other visa records responsive to your request, including whether other records exist and, if so, the quantity of such records, is confidential under Section 222(f) and therefore exempt from release under Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3). Consequently, the Department is unable to disclose any further information in response to your request.

You may contact our FOIA Requester Service Center or our FOIA Public Liaison for any further assistance and to discuss any aspect of your request via email at [Foiastatus@state.gov](mailto:Foiastatus@state.gov) or telephone at (202) 261-8484. Please be sure to refer to the case control number shown above in all correspondence about this case.

If you are not satisfied with the Department’s determination in response to your FOIA request, you may administratively appeal by writing to: U.S. Department of State, Appeals Officer, HST Room B266, 2201 C Street, NW, Washington, D.C. 20520, or faxed to (202) 485-1718. Appeals must be postmarked within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

Additionally, if you are not satisfied with the Department’s determination in response to your request, you may contact the Office of Government Information Services (“OGIS”) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: [ogis@nara.gov](mailto:ogis@nara.gov); telephone: (202) 741-5770; toll free number: 1-877-684-6448; facsimile: (202) 741-5769.

Sincerely,

*Laura Stein*

Laura Stein, Deputy Director  
Office of Domestic Operations  
Directorate for Visa Services

Enclosure:  
As stated

# **EXHIBIT C**

F-2021-08768 A-00000430167 "UNCLASSIFIED" 8/19/2021

(b)(3)

NIE X-1956994-Q  
 Nombre FRANCISCO JAVIER  
 Apellidos OSPINA BARAYA  
 Fecha de nacimiento 04-12-1956  
 Lugar BOGOTA (COLOMBIA)  
 Nacionalidad actual COLOMBIA  
 Domicilio PADRE CLARE 15 10-H  
MADRID  
 Persona de la que depende  
 NIE DNI 1177783  
 No Registro Residencia 297993  
 Localidad MADRID  
 Fecha 04 04 1995  
**HIJOS MENORES DE 14 AÑOS**  

Nº Identificación	NOMBRE	APELLIDOS	Edad

 Firma del titular,  
*F. Ospina Baraya*  
**D Nº 009587**  
**VALIDEZ 03-04-2000**  
 Madrid a 04 de Abril de 1995  
 Sello y firma de la autoridad gubernativa,  
 Fdo: Juan Bta. Zurera Molta

N° 831 -SEC.  
 CORRESPONSAL DE  
 PRENSA EXTRANJERA  
 NOMBRE Francisco Javier  
 APELLIDOS OSPINA BARAYA  
 NACIONALIDAD colombiana PASAPORTE 7.007.7853  
 EXPEDIDO EN Madrid EL 11.11.98  

 Secretaría de Estado  
 para la Comunicación

MEDIO INFORMATIVO Per. "LA REPUBLICA"  
de Bogotá (COLOMBIA)  
 MADRID, 15 de diciembre de 19 98

FIRMA DEL TITULAR EL SECRETARIO GENERAL  
 DE INFORMACION

*F. Ospina Baraya* 
 Secretaría de Estado  
 para la Comunicación

*Ri*

CADUCA  
**15 DIC 1999**

R.D. 3882/1982, de 29 de diciembre  
 (B.O.E. Nº 314 de 31 de diciembre).



F-2021-08768

A-00000430167

"UNCLASSIFIED"

8/19/2021

(b)(3)

LEY DEL REGISTRO CIVIL (8 de junio de 1957)

8.\* En el Libro de Familia se certificará a todos los efectos, imamente, de los hechos y circunstancias que determine el Reglamento, ramente de la inscripción de los mismos.

101. Las personas consideradas pobres gozarán de gratuidad a en los servicios del Registro Civil. Por tanto, no puede exigirseles in por la tramitación de expedientes, honorarios, precio del Libro de o por certificaciones, las cuales se expedirán en papel de oficio.

AMENTO DEL REGISTRO CIVIL (14 de noviembre de 1958)

38. Si lo pierde o se deteriora obtendrá del mismo Registro un do (del Libro de Familia) en el que extenderán a su costa las certifica- oportunas. Las certificaciones relativas a inscripciones simultáneas ores a la nueva expedición serán gratuitas. En el duplicado se expresará stituye al primitivo, y de su expedición se tomará nota en la misma ue en la primera entrega.

39. El titular del Libro exigirá que en él se extiendan todas las certifi- is pertinentes inmediatamente de la inscripción. El Encargado del o velará especialmente por el cumplimiento de esta obligación ularmente en los matrimonios de los hijos y en las defun- ).

40. El Encargado facilitará gratuitamente a los titulares del Libro las upletorias de los impresos necesarios, del mismo tamaño y de papel . Las hojas supletorias serán rubricadas por el Encargado y selladas de la Oficina y su número se expresará por diligencia al final de la

16. (En los Juzgados de Paz) las certificaciones, siempre, se rán y firmarán conjuntamente por el Juez y el Secretario.

372... Son pobres, a efectos del Registro, los que, tengan ingresos riores al doble del salario mínimo, lo que se acreditará por escrito del o de la Tenencia de Alcaldía de fecha no anterior en un año a su ación.

trucciones sobre el Libro de Familia (4-2-60)

En caso de pérdida o deterioro del Libro serán a cargo del interesado, del coste del nuevo ejemplar, los derechos por tasas e impresos que, ne al artículo 38 del Reglamento, han de satisfacerse por los asientos a efectuar, teniendo además el interesado derecho por dicho importe tantos certificados en extracto.

xpedición del duplicado se hará constar en la cubierta del Libro do en caracteres bien visibles la palabra «Duplicado», y habrá de carse a la Delegación Provincial del Instituto Nacional de la Seguridad (INSS).

Los asientos que se practiquen en el Libro de Familia son siempre is, sin más excepción que la establecida en el número anterior.

Si por expedición del nuevo Libro procede inutilizar el anterior, el do del Registro que lo autorice queda facultado, cuando el nacimien- os hijos hubiese ocurrido en distinto Registro, para transcribir los intos de los mismos directamente del anterior Libro, haciendo constar servaciones: «Certificado por transcripción».

Serie AB 151545

MINISTERIO DE JUSTICIA  
DIRECCION GENERAL DE LOS REGISTROS Y DEL NOTARIADO

LIBRO DE FAMILIA

EXPEDIDO PARA

D. Francisco-Javier Ospina Baraya

y D. a Ma. José Semano Gutierrez

(Si sólo hay un titular, déjese en blanco el espacio correspondiente).

(No serán considerados ejemplares editados oficialmente los que no lleven el sello en seco del Ministerio de Justicia).

Modelo oficial

EDICION 1985

Tasa (art. 4.f Decreto 18-6-1959,  
Decreto-Ley 26/179 de 24 de marzo  
y Leyes anuales de Presupuestos  
Generales del Estado)

88 Pesetas

(b)(3)

F-2021-08768 A-00000430167 "UNCLASSIFIED" 8/19/2021

L. 1071 R.C.C.  
p. 113

TOMO IX  
PAG. 188

**Titular o titulares del libro (1)**


Don Francisco-Javier Ospina y Baraya  
nacido el día 4 de diciembre de 1956  
en Bogotá (provincia)  
hijo de Mariano y de Helena (provincia)  
estado civil (2) soltero (Colombiano)

---

Doña María-José Serrano y Gu-  
tierre  
nacida el día 2 de enero de 1960  
en Bogotá (provincia)  
hija de Emilio-José y de Inés-Amalia (provincia)  
estado civil (2) soltera L. 2030  
p. 248

REGISTRO CIVIL de Bogotá  
PUEBLO DE Medellín  
PROVINCIA DE Colombia

Los titulares de este libro han contraído MATRIMONIO  
el día 23 de junio de 1979  
(1) .....

Sello y fecha 21 MAYO 1987  
Certifica(n) y firma(n) D. ....  
  
**Alfonso Díez Torres**  
CONSUL DE ESPAÑA

(1) Tórnense estos datos de la inscripción de matrimonio o, en su defecto, de la inscripción de nacimiento de los hijos.  
(2) Y la nacionalidad, si no es la española.

- 2 -

- 3 -

(b)(3)

F-2021-08768 A-00000430167





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<p><b>1</b> <u>Hijo</u></p> <p>R.C.C. { L-2696 F-248</p> <p>Nombre <u>Maria-Catalina</u></p> <p>Apellidos <u>Ospina y Sericano</u></p> <p>hijo de <u>Francisco Javier</u> y de <u>Maria José</u></p> <p>Nació el día <u>25</u> de <u>noviembre</u> de <u>1984</u></p> <p>en <u>Hemstedt-Ulzburg</u> / <u>Alemania R.F.</u> (provincia)</p> <p>CONSULADO GENERAL DE ESPAÑA EN HAMBURGO Tomo <u>XXVII</u> Págs. <u>295/6</u></p> <p>Observaciones</p> <p>Sello y fecha: <u>29-9-87</u></p> <p>Certifica(n) y firma(n) D. <u>[Firma]</u> ENRIQUE L. MONOQUE Cónsul General de España</p> <p>(1) el día ..... de ..... de ..... en ..... (provincia)</p> <p>Registro Civil de ..... { Tomo ..... Pág. ....}</p> <p>Observaciones</p> <p>Sello y fecha:</p> <p>Certifica(n) y firma(n) D. ....</p> <p>(1) Falleció, se casó o cualquier otro hecho que afecte al hijo y suponga extinción de la patria potestad.</p> <p style="text-align: center;">- 4 -</p>	<p><b>2</b> <u>Hijo</u></p> <p>R.C.C. { L-2714 F-37</p> <p>Nombre <u>Juan-Gonzalo</u></p> <p>Apellidos <u>Ospina y Sericano</u></p> <p>hijo de <u>fr. Juan</u> y de <u>Maria José</u></p> <p>Nació el día <u>diez</u> de <u>noviembre</u> de <u>1986</u></p> <p>en <u>Bogotá</u> (provincia)</p> <p>Registro Civil de <u>Bogotá</u> { Tomo <u>XXV</u> Págs. <u>155</u></p> <p>Observaciones</p> <p>Sello y fecha:</p> <p>Certifica(n) y firma(n) D. <u>[Firma]</u> Alfonso Díez Torres CONSUL DE ESPAÑA</p> <p>(1) el día ..... de ..... de ..... en ..... (provincia)</p> <p>Registro Civil de ..... { Tomo ..... Pág. ....}</p> <p>Observaciones</p> <p>Sello y fecha:</p> <p>Certifica(n) y firma(n) D. ....</p> <p>(1) Falleció, se casó o cualquier otro hecho que afecte al hijo y suponga extinción de la patria potestad.</p> <p style="text-align: center;">- 5 -</p>
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<p><b>3</b> <u>Hijo</u></p> <p>Nombre <u>ANA - ISABEL.</u></p> <p>Apellidos <u>OSPINA y SERRANO</u></p> <p>hijo de <u>Francisco Javier y María José</u></p> <p>Nació el día <u>20</u> de <u>enero</u> de <u>1990</u></p> <p>en <u>Madrid</u> (provincia)</p> <p>Registro Civil de <u>Madrid</u> Tomo <u>665</u> Págs. <u>353</u></p> <p>Observaciones</p> <p>Sello y fecha: <u>22.2.91</u> </p> <p>Certifica(n) y firma(n) D. </p> <p>..... (1) el día ..... de .....</p> <p>de ..... en ..... (provincia) .....</p> <p>Registro Civil de ..... Tomo ..... Págs. ....</p> <p>Observaciones .....</p> <p>Sello y fecha: .....</p> <p>Certifica(n) y firma(n) D. ....</p> <p>(1) Falleció, se casó o cualquier otro hecho que afecte al hijo y suponga extinción de la patria potestad.</p> <p>- 6 -</p>	<p><b>4</b> <u>Hijo</u></p> <p>Nombre <u>Jorge - Alberto</u></p> <p>Apellidos <u>Ospina y Serrano</u></p> <p>hijo de <u>Francisco Javier y María José</u></p> <p>Nació el día <u>17</u> de <u>Agosto</u> de <u>1991</u></p> <p>en <u>MADRID</u> (provincia)</p> <p>Registro Civil de <u>MADRID</u> Tomo <u>84-5</u> Págs. <u>183</u></p> <p>Observaciones</p> <p>Sello y fecha: <u>11-8-91</u> </p> <p>Certifica(n) y firma(n) D. </p> <p>..... (1) el día ..... de .....</p> <p>de ..... en ..... (provincia) .....</p> <p>Registro Civil de ..... Tomo ..... Págs. ....</p> <p>Observaciones .....</p> <p>Sello y fecha: .....</p> <p>Certifica(n) y firma(n) D. ....</p> <p>(1) Falleció, se casó o cualquier otro hecho que afecte al hijo y suponga extinción de la patria potestad.</p> <p>- 7 -</p>
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(b)(3)

31. (a) ¿HA INDICADO VD. O ALGUIEN EN SU NOMBRE A UN FUNCIONARIO CONSULAR O DE INMIGRACIÓN DE LOS ESTADOS UNIDOS SU DESEO DE INMIGRAR A LOS ESTADOS UNIDOS? (b) ¿HA EFECTUADO ALGUIEN UNA PETICIÓN DE VISADO DE INMIGRANTE EN SU FAVOR? (c) ¿HA SOLICITADO VD. O ALGUIEN EN SU NOMBRE UN PERMISO DE TRABAJO EN LOS ESTADOS UNIDOS?

(a)  No  SI (b)  No  SI (c)  No  SI

32. ¿ESTAN ALGUNA DE LAS SIGUIENTES PERSONAS EN LOS ESTADOS UNIDOS? (Si la respuesta es afirmativa, señale con un círculo el parámetro apropiado: el estado legal de esta persona en los Estados Unidos, ej. trabajo, estudio, es residente permanente, ciudadano americano, etc.)

ESPOSA  NOVI/A  HERMANA  Ciudadano (a)  
 PADRE/MADRE  Investigador  HUIDA  OTRO  Residentes (a)  
 en M.F.T.

33. ENUMERE LOS PAISES DONDE HA VIVIDO MAS DE 6 MESES DURANTE LOS ULTIMOS 5 AÑOS. COMIENCE CON SU DOMICILIO ACTUAL.

Países	Ciudades	Fechas aproximadas
ESPAÑA	Madrid	1987-1999

34. IMPORTANTE: TODOS LOS SOLICITANTES DEBEN LEER Y SEÑALAR LA CASILLA ADECUADA EN CADA CASO. No se puede conceder un visado a aquellas personas que estén comprendidas en categorías específicas definidas por la ley como no admisibles en los Estados Unidos (salvo cuando se obtenga por anticipado un permiso especial). ¿Le afecta a Ud. alguno de los siguientes supuestos?

- ¿Ha padecido enfermedad contagiosa con riesgo para la salud pública, trastorno peligroso físico o mental, ha abusado de los narcóticos o es adicto a los mismos?  SI  No
- ¿Ha sido arrestado o condenado por cualquier delito o crimen aun cuando se beneficie por un perdón, amnistía u otro procedimiento legal de parecido naturaleza?  SI  No
- ¿Ha sido traficante de narcóticos, prostituta o proveneta?  SI  No
- ¿Ha tratado alguna vez de obtener o ayudado a otros a obtener un visado, la entrada a los Estados Unidos o cualquier otro beneficio que concedan las leyes de Inmigración de los Estados Unidos, mediante fraude o tergiversación?  SI  No
- ¿Ha sido deportado de los Estados Unidos durante los últimos cinco años?  SI  No
- ¿Se propone entrar en los Estados Unidos para dedicarse a actividades subversivas, terroristas o simplemente ilegales?  SI  No
- ¿Ha ordenado alguna vez, incitado o ayudado de alguna manera en la persecución de cualquier persona por razón de raza, religión, origen u opinión política, bajo el control directo o indirecto del Gobierno Nazi de Alemania, o del gobierno de cualquier área ocupada por, o aliada con, el Gobierno Nazi de Alemania?  SI  No
- ¿Ha participado alguna vez en un genocidio?  SI  No

Una respuesta afirmativa no significa necesariamente que no pueda concedérsele el visado, pero si ha contestado afirmativamente a alguna de las preguntas anteriores, o si tiene alguna duda al respecto, se recomienda que se presente en esta oficina. Si no le es posible hacerlo en ese momento, adjunte con su solicitud una declaración con los detalles de su caso.

35. Certifico que leído y entendido todas las preguntas enumeradas en esta solicitud y que las respuestas que he dado en este formulario son verdaderas y correctas a mi mejor saber y entender. Entiendo que cualquier declaración falsa o tergiversación puede ser causa de la denegación permanente de un visado o de la entrada en los Estados Unidos. Entiendo que el poseer un visado no otorga el derecho al poseedor de entrar a los Estados Unidos de América al llegar al puerto de entrada si en ese momento se le encuentra inadmisibile.


FECHA DE SOLICITUD 4.5.99 FIRMA DEL SOLICITANTE [Firma]

Si esta solicitud ha sido preparada por una agencia de viajes, el agente debe indicar nombre y domicilio de la agencia. Si la solicitud ha sido preparada por otra persona en nombre del solicitante, esta persona debe firmar también la solicitud.

FIRMA DE LA PERSONA QUE PREPARO EL FORMULARIO (Si difiere del solicitante)

**NO ESCRIBA EN ESTE ESPACIO**

¿Es Ud. miembro o representante de una organización terrorista?  SI  No



OPTIONAL FORM EN ESPAÑOL (REV. 4-91) ESTE FORMULARIO SE SUMINISTRA GRATIS PAGINA 1

(b)(3)

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8/19/2021



F-2021-08768 A-00000430173 "UNCLASSIFIED" 8/19/2021

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Resguardo  
de entrega

UTILICE UN IMPRESO PARA CADA TIPO DE ENTREGA

<input checked="" type="checkbox"/> EFECTIVO	Importe:	6.975
--	----------	-------

El abono de Cheques no surtira efecto hasta que no sea realizado el cobro de los mismos, devengando una comisión de Negociación y Compensación de 300 Ptas. por remesa (sobre propia plaza) o del 0,15%, con un mínimo de 300 Ptas. por remesa (sobre distinta plaza). En caso de impago de cualquier documento, se devengará una comisión de devolución del 4%, con un mínimo de 2.000 pesetas, por documento.

DETALLE DE LA ENTREGA EFECTUADA			
CHEQUES	Banco	Oficina PARA APLICAR A	Serie y número
<input type="checkbox"/>	Banco Santander	REFERENCIA	: COBRO CATA
<input type="checkbox"/>	Otras Entidades	NUMERO DE VISADOS:	1
		IMPORTE TOTAL :	
		EFECTUADA POR :	FRANCISCO JAVIER OSP
		BANCO SANTANDER	
		MADRID AG. 33	- MADR
		04-05-1975	

Total 6.975

NÚMERO DE TRANSACCION : 0083063300000

Titular/es: Embajada de Estados Unidos Sucursal 614

Por entrega de D. Francisco Javier Ospina

Bavaya domiciliado en Camino de Nº. de Cuenta: 13541

Hoyavusa 24 Alcobendas 28109

PESETAS \_\_\_\_\_

Certificación a cumplimentar por el Banco

Este resguardo carece de validez si lleva enmiendas o carece de certificación mecánica o en su defecto la firma del cajero que los autentifique.

F-2021-

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PLEASE TYPE OR PRINT YOUR ANSWERS IN THE SPACE PROVIDED BELOW EACH ITEM.

1. SURNAME(S) OR FAMILY NAME(S) (Exactly as in Passport)  
OSPINA BARAYA

2. FIRST NAME AND MIDDLE NAME (Exactly as in Passport)  
FRANCISCO JAVIER

3. OTHER NAMES (Maiden, Religious, Professional, Aliases)  
ENTERED IN CLASS

4. DATE OF BIRTH (Day, Month, Year)  
04-12-1958

5. PLACE OF BIRTH (City, Province, Country)  
Bojota Colombia

6. PASSPORT NUMBER  
70077853

7. DATE PASSPORT ISSUED (Day, Month, Year)  
11.11.1998

8. NATIONALITY  
Colombian

9. SEX  
 MALE  
 FEMALE

10. DATE PASSPORT EXPIRES (Day, Month, Year)  
11-11-2008

11. HOME ADDRESS (Include apartment no., street, city, province, and postal zone)  
Camino de Haprima 24  
La Moraleja - Bogota

12. NAME AND STREET ADDRESS OF PRESENT EMPLOYER OR SCHOOL (Postal box number unacceptable)  
Camino de Haprima 24  
La Moraleja - Bogota

13. HOME TELEPHONE NO.  
916505838

14. BUSINESS TELEPHONE NO.  
09203704

15. COLOR OF HAIR  
Brown

16. COLOR OF EYES  
Cafe

17. COMPLEXION  
Fair

18. HEIGHT  
1.72 m

19. MARKS OF IDENTIFICATION

20. MARITAL STATUS  
 Married  Single  Widowed  Divorced  Separated  
If married, give name and nationality of spouse

21. NAMES AND RELATIONSHIPS OF PERSONS TRAVELING WITH YOU (NOTE: A separate application must be made for a visa for each traveler, regardless of age.)

22. PRESENT OCCUPATION (If retired, state past occupation)  
Compañía de Países

23. WHO WILL FURNISH FINANCIAL SUPPORT INCLUDING TICKETS?  
Yo mismo

24. AT WHAT ADDRESS WILL YOU STAY IN THE U.S.A?  
2600 Inglewood  
Cocunut Grove 33134A

25. WHAT IS THE PURPOSE OF YOUR TRIP?  
Negocios y Turismo

26. WHEN DO YOU INTEND TO ARRIVE IN THE U.S.A?  
15.12.98

27. HOW LONG DO YOU PLAN TO STAY IN THE U.S.A?  
5 dias

28. HAVE YOU EVER BEEN IN THE U.S.A?  
 No  
 Yes When? 24.11.98  
For how long? 2 dias

29. DO YOU INTEND TO STUDY IN THE U.S.A?  
 No  Yes  
Time and address of school as it appears on form I-20.

30. COMPLETE ALL QUESTIONS ON REVERSE OF FORM

**NONIMMIGRANT VISA APPLICATION**

OPTIONAL FORM 156 (Rev. 6-93) PAGE 1  
Department of State

50156-108  
PREVIOUS EDITIONS OBSOLETE

NSN 7540-00-139-0053

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F-2021-08768 A-00000430170 "UNCLASSIFIED" 8/19/2021

(b)(3)

31. (a) HAVE YOU OR ANYONE ACTING FOR YOU EVER INDICATED TO A U.S. CONSULAR OR IMMIGRATION EMPLOYEE A DESIRE TO IMMIGRATE TO THE U.S.? (b) HAS ANYONE EVER FILED AN IMMIGRANT VISA PETITION ON YOUR BEHALF? (c) HAS LABOR CERTIFICATION FOR EMPLOYMENT IN THE U.S. EVER BEEN REQUESTED BY YOU OR ON YOUR BEHALF?

(a)  No  Yes (b)  No  Yes (c)  No  Yes

32. ARE ANY OF THE FOLLOWING IN THE U.S.? (IF YES, circle appropriate relationship and indicate that person's status in the U.S., i.e., studying, working, U.S. permanent resident, U.S. citizen, etc.)

HUSBAND/WIFE \_\_\_\_\_ FIANCÉ/FIANCÉE \_\_\_\_\_ BROTHER/SISTER \_\_\_\_\_ U.S. Citizen  
 FATHER/MOTHER \_\_\_\_\_ Immigrant SON/DAUGHTER \_\_\_\_\_ U.S. Resident

33. PLEASE LIST THE COUNTRIES WHERE YOU HAVE LIVED FOR MORE THAN 6 MONTHS DURING THE PAST 5 YEARS. BEGIN WITH YOUR PRESENT RESIDENCE.

Countries	Cities	Approximate Dates
Spain	Madrid	1987-1998

34. IMPORTANT! ALL APPLICANTS MUST READ AND CHECK THE APPROPRIATE BOX FOR EACH ITEM.

A visa may not be issued to persons who are within specific categories defined by law as inadmissible to the United States (except when a waiver is obtained in advance). Are any of the following applicable to you?

- Have you ever been afflicted with a communicable disease of public health significance, a dangerous physical or mental disorder, or been a drug abuser or addict?  Yes  No
- Have you ever been arrested or convicted for any offense or crime, even though subject of a pardon, amnesty, or other such legal action?  Yes  No
- Have you ever been a controlled substance (drug) trafficker, or a prostitute or procurer?  Yes  No
- Have you ever sought to obtain or assist others to obtain a visa, entry into the U.S., or any U.S. immigration benefit by fraud or willful misrepresentation?  Yes  No
- Were you deported from the U.S.A. within the last 5 years?  Yes  No
- Do you seek to enter the United States to engage in export control violations, subversive or terrorist activities, or any unlawful purpose?  Yes  No
- Have you ever ordered, incited, assisted, or otherwise participated in the persecution of any person because of race, religion, national origin, or political opinion under the control, direct or indirect, of the Nazi Government of Germany, or of the government of any area occupied by, or allied with, the Nazi Government of Germany, or have you ever participated in genocide?  Yes  No

A YES answer does not automatically signify ineligibility for a visa, but if you answered YES to any of the above, or if you have any question in this regard, personal appearance at this office is recommended. If appearance is not possible at this time, attach a statement of facts in your case to this application.

35. I certify that I have read and understood all the questions set forth in this application and the answers I have furnished on this form are true and correct to the best of my knowledge and belief. I understand that any false or misleading statement may result in the permanent refusal of a visa or denial of entry into the United States. I understand that possession of a visa does not entitle the bearer to enter the United States of America upon arrival at port of entry if he or she is found inadmissible.

DATE OF APPLICATION \_\_\_\_\_


APPLICANT'S SIGNATURE J.P.G.

If this application has been prepared by a travel agency or another person on your behalf, the agent should indicate name and address of agency or person with appropriate signature of individual preparing form.

SIGNATURE OF PERSON PREPARING FORM \_\_\_\_\_  
(If other than applicant)

**DO NOT WRITE IN THIS SPACE**

Are you a member or representative of a terrorist organization?  Yes  No



OPTIONAL FORM 156 (Rev. 8-03) PAGE 2  
Department of State

(b)(3)

F-2021-08768

A-00000430170

"UNCLASSIFIED"

8/19/2021







(b)(3)

F-2021-08768

A-00000430168

"UNCLASSIFIED"

8/19/2021

Madrid, 4 de mayo de 1999

Señores  
Consulado General  
Embajada de Estados Unidos de América  
Madrid - España

Con la presente muy respetuosamente les solicito una VISA B1/B2 múltiple, para entrar en los E.E.U.U. .

El motivo por el cual quiero viaje es, visitar a mis familiares que viven en este y que son: Mi padre y madre, (mi padre es investigador en M.I.T., Cambrige Massachusetts), un hermano ciudadano americano y 3 hermanos residentes.

Además tengo relación de negocios con empresas de este país, a las cuales debo visitar periódicamente.

Soy casado con María José Serrano Gutiérrez, ciudadana española y tengo cuatro hijos españoles, y vivo en España desde 1987.

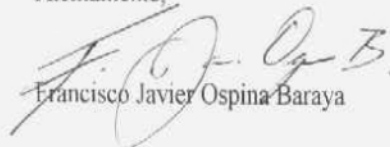
En enero de 1993 tuve problemas para obtener mi visado.

Drug Enforcement Administration me aclara el caso con el comunicado de mayo 7 de 1993 , el cual les adjunto. Como consecuencia el 14 de mayo de 1993, obtuve la visa Control Numeber 1993133576001 en este Consulado de Madrid y posteriormente, el 21 de abril de 1995 obtuve la visa Control Numer 1995111635001 que expiraba el 20 de abril del 2000. (adjunto fotocopias)

En caso de que existiera un problema para obtener la visa muy amablemente le solicitaria al consulado un waiver P2C para solicitar la corrección de la información que aparentemente entiendo figura sobre mi persona.

Agradezco de antemano la atención que me sirvan prestar,

Atentamente,

  
Francisco Javier Ospina Baraya

# **EXHIBIT D**



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MAY 10 '93 14:23 DEA HQTS/OAS



U.S. Department of Justice  
Drug Enforcement Administration

P.1

May 7, 1993

RE: Francisco Javier OSPINA-BARAYA

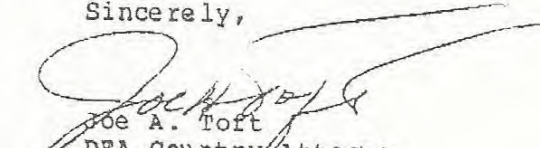
Dear Mr. Ospina,

In January 1993 you were advised by my office you were precluded from obtaining a VISA for the United States because of a criminal indictment brought by DEA in the United States. Further research by DEA Headquarters indicated that you were not indicted in any DEA case. In addition, DEA does not now have any record in our files of any outstanding warrant of arrest for you.

I will make a copy of this letter available to the Consular Officers in Bogota and Madrid with a request that you be granted a VISA to confer with other members of your family that are in the United States at the request of the Colombian Attorney General and DEA.

Hopefully this will clear up the misinformation provided to you in January of this year.

Sincerely,

  
Joe A. Toft  
DEA Country Attache  
Bogota, Colombia

1973



1993

Celebrating 20 Years of Service