

Exhibición 14 - Ministerio de Exteriores y de la Commonwealth Sir Mark Lennox-Boyd

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Tony Favell Esq MP
House of Commons
LONDON
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From The Parliamentary Under Secretary of State

Dear Tony

Thank you for your letter of 27 January to Tristan Garel-Jones about your constituent, Mrs Phyllis Owens of 17 Elgol Close, Davenport, Stockport, Cheshire SK3 8UP, whose son, Gary, is being detained in Spain.

I realise how worried Mrs Owens must be about her son. It cannot help that the Spanish judicial system is different from ours: it is undoubtedly confusing for those who have no previous experience of its workings.

Mr Owens was arrested in Puerto de la Cruz, Tenerife, on 2 April 1991. A warrant for his arrest in connection with the disappearance and possible murder of a Norwegian businessman had been issued by police in Marbella. On 4 April Mr Owens was taken to Marbella where he was remanded in custody by a judge who ordered a full investigation into the alleged crime. On 24 April he was moved to Malaga prison but was transferred to Granada prison on 1 May. He remained there until he was transferred to Malaga's new prison, Alhaurin de la Torre, on 27 December. The missing Norwegian national has still not been found.

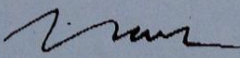
Staff from our Consulate in Malaga visit Mr Owens periodically to check on his health and general welfare. I understand that although he had twice suffered a bout of gastroenteritis he was fully recovered and was in good spirits when a consular official visited him on 25 September. He was also in good health when next visited on 14 November but, naturally enough, was becoming concerned about the time it was taking for the investigation to be concluded.

Under the Spanish judicial system a suspect in a criminal case is not formally charged with the offence on which he will stand trial until completion of the examining magistrate's investigation. Both the prosecution and the

defence may examine the case file and request that particular lines of enquiry be followed. It is the magistrate's responsibility to ensure that all relevant evidence, both for and against a prosecution, is collected and assessed. The magistrate then prepares a summary of evidence after which the case papers are sent to the appropriate criminal court and from there to the Public Prosecutor. Unless the Prosecutor asks for the investigation to be re-opened, the case then moves into its final stages. Unless it is decided not to proceed with a prosecution, the suspect is formally notified of the charge or charges on which he is to stand trial. The case papers are sent to his lawyer for preparation of his defence submission.

That is a very basic outline of the complex judicial procedures to which Mr Owens is subject under Spanish law, but which may now be approaching their climax. The Court in Malaga has recently told our Consulate that it is about to send the case file to the Public Prosecutor. It therefore looks as though Mr Owens may soon know whether or when and on what charges he is to stand trial. Should the case be dismissed it would be open to him to apply through his lawyer for damages.

I do hope this explanation of Gary Owen's position will help relieve his mother's anxiety about him. Please reassure Mrs Owens that our Consulate in Malaga will continue to monitor developments, visit her son periodically, and give him whatever consular assistance they properly and reasonably can.

John, Owen


Mark Lennox-Boyd

my mum and her friend pepi
in tortamolino, 
pepi helps my mum when she
comes over to see me.