

**Exhibición 29 - Sir Mark Lennox-Boyd Carta**



Foreign &  
Commonwealth  
Office

London SW1A 2AH

22 March 1993

Elliot Morley Esq MP  
House of Commons  
London SW1A 0AA

*From The Parliamentary Under Secretary of State*

*Dear Elliot,*

Thank you for your letter of 1 March to Douglas Hurd enclosing one from your constituent Mrs P A Fordham of 75 Mary Street, Scunthorpe, South Humberside, DN13 6LB, about Mr Gary Owens who is being detained in Spain in connection with the murder of a Norwegian businessman. I am replying as Minister responsible for consular matters.

While we can understand Mr Owens' distress at his predicament, the Foreign and Commonwealth Office cannot interfere in Spanish judicial procedures.

The British Consulate in Malaga have tried to keep up to date with Mr Owens' case but his lawyer has declined to release information to them since his transfer from Malaga prison. The Consulate were unaware that Mr Owens had changed his name. As the court and lawyer would not divulge Mr Owens' whereabouts for his personal safety they are unable to carry out routine consular visits.

However the lawyer has confirmed to the Consulate that bail has been set at 1 million pesetas (around £5,900). This figure may be amended by the State Prosecutor. The amount reflects the seriousness of the charge. The lawyer also said that he hopes that the charge will be reduced from homicide to one of receiving stolen goods. If this is so, then the bail may be reduced. However only the lawyer is authorised to intervene with the courts to request a reduction in bail or a more speedy conclusion of the case.

Mrs Fordham is correct in assuming that Mr Owens could be detained for at least 2 years before being brought to trial. The length of time a defendant in Spain may be kept in custody without trial is largely dictated by the gravity of the offence and the penalty attached to it. In cases where the crime would be punishable by a sentence of 6 years and 1 day or more a prisoner can be remanded in custody for up to 2 years. In exceptional cases the judge can extend the period of pre-trial detention to 4 years.

The lawyer dealing with the case will have passed this information to your constituent. Mr Owens should continue to be guided by his lawyer.

Yours

Mark

Mark Lennox-Boyd