



LETTER SENT BY E-MAIL ONLY

25 March 2024

2023/24-116

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 22 March, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

By way of background, I should state that my Freedom of Information request concerns the Northern Constabulary investigation into the murder of Shamsuddin Mahmood at the Mumutaz Indian Restaurant in Kirkwall on June 2, 1994, and a cold case review that was undertaken in 2006-7.

I'm aware of an FOI exemption regarding law enforcement activity, but since the case closed with the conviction of Michael Alexander Ross for the crime at the Glasgow High Court in 2008, I'm hoping the information I seek is available.

I am researching the case, as it is one about which concerns have been raised locally (in Orkney) and nationally for at least 20 years. Ross has always maintained his innocence and, for over ten years, the Justice 4 Michael Ross campaign group have been trying to prove their belief that the conviction is a miscarriage of justice.

In 2016, Orkney and Shetland's MP, Alistair Carmichael, said: "The verdict has been controversial within the local community in Orkney and I have been approached by a number of constituents over the years who have been concerned about it."

He added: "It is easy to be critical with hindsight, but I suspect that, given the opportunity to do things again, some aspects of the police investigation might be done differently."

In 2018, human right lawyer, Aamer Anwar, told The Scotsman: "I took on this case because after meeting Michael and examining the papers it became clear there were significant concerns with regards to the murder investigation as well as over his conviction."

By way of the Freedom of Information (Scotland) Act 2002, I would prefer, if the cost exemption would allow, to ask for copies of all records held by the Scottish Policing Authority concerning the murder of Shamsuddin Mahmood.

However, if that request is deemed too large, can I ask that a breakdown be provided of the information you hold (i.e. number of productions, witness statements, investigation review reports, etc).

Can I also ask specifically for copies of any identikit E-FIT images made during the course of this investigation, as well as a brief description of the sighting the likeness refers to.

Response

Your request for information has been considered and the Scottish Police Authority is able to provide the following.

The Scottish Police Authority does not hold the information requested.¹

The Scottish Police Authority provides governance and oversight of policing in Scotland and does not hold information on operational policing matters.

Information may be available by contacting Police Scotland at foi@scotland.police.uk

Right to Review

If you are dissatisfied with the outcome, you can ask us to review our response. If you want us to carry out a review, please let us know within 40 working days. You must specify the reason for your dissatisfaction and submit your request to foi@spa.police.uk or by letter to Scottish Police Authority, 1 Pacific Quay, Glasgow, G51 1DZ.

If you remain dissatisfied after review, you can appeal to the Scottish Information Commissioner within six months. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

¹ This represents a notice in terms of Section 17 of the Freedom of Information (Scotland) Act 2002 - Information not held.

Should you wish to appeal against the Commissioner's decision, you can appeal to the Court of Session, only if you think the law has not been applied correctly.

This response will be posted to our [Disclosure Log](#) after seven days.

Yours faithfully

SPA Corporate Management