| Police Scotland logo | Freedom of Information ResponseOur reference: FOI 24-3221Responded to: xx January 25 |
| --- | --- |

Your recent request for information is replicated below, together with our response.

## I would like to make a Freedom of Information request concerning 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.

## Police Scotland's Major Crime Review Guidance (attached) outlines a variety of different kinds of reviews that can be carried out into major investigations. This includes Peer Support reviews, Full Reviews, Thematic Reviews, Major Incident Advisory Group reviews, and Detected Case Debriefs.

## I appreciate that the names of the kinds of reviews undertaken during the course of the investigation into Mr Mahmood's murder might differ to those mentioned in this modern document (I did attempt to request the guidance documents for reviews from the relevant period in FOI 24-2368 but was told none existed).

## But, in the following request, I would like to seek information about reviews like those mentioned in the current document, and any other types of reviews carried out by Northern Constabulary/Police Scotland into this murder investigation.

**1. By way of the Freedom of Information Act (Scotland) 2002, please first tell me many reviews, of any kind, have been undertaken by Northern Constabulary/Police Scotland into the investigation.Then, for each of these individual reviews, please tell me:**

**2. The kind of review that was undertaken.**

**3. Which force or constabulary undertook the review.**

**4. The dates in which the review was undertaken.**

**Also, if a report was created for each review**

**5. When it is dated.**

**6. How many pages long it is.**

**6. How many suspects or potential suspects for the murder are mentioned in it.**

**7. How many "persons of interest" in the investigation are mentioned in it.**

**8. A list detailing any un-investigated leads that are highlighted**

I have considered the review processes described in the **‘**Police Scotland's Major Crime Review Guidance’ document you provided and would first highlight that the Major Crime Review guidance you reference was published in October 2020, twenty six years after the Orkney investigation took place.

I also note that significant research was undertaken at both a national and local level in respect of your previous request (24-2368) which did not identify any historic, legacy force guidance in this respect.

Notwithstanding, a keyword search has been undertaken across HOLMES and all electronic files available in order to capture any information held using the term ‘review’.

This has returned a Northern Constabulary report which includes the word ‘review’ within its title, but importantly does not have a common scope of reference to the various review objectives and processes described in the current guidance.

In terms of Section 16 of the Freedom of Information (Scotland) Act 2002 I am refusing to provide you with the information sought.

I can confirm that Police Scotland holds some of the information requested, albeit in the context described above.

The exemptions that I consider to be applicable to the information requested by you are as follows:

**Section 34(1) (a) (i) & (b) – Investigations by a Scottish public authority**

Information is considered exempt information if it has, at any time, been held by a Scottish public authority for the purposes of an investigation which may lead to a decision to report the circumstances to the Crown Office and Procurator Fiscal Service to enable a determination on whether criminal proceedings should be instigated and to determine whether a person should be prosecuted for an offence.

This is a non-absolute exemption and requires the application of the public interest test.

We acknowledge that it is in the public interest that an understanding exists as to the processes involved in police investigations and in their relative success. This is particularly true in homicide investigations, therefore, accountability and transparency relating to the actions of Police Scotland and its officers would favour disclosure of the information.

That said, when the Freedom of Information Bill was considered by the Scottish Parliament, the then Lord Advocate stated that the exemptions detailed in section 34(1) were essential for an effective justice system.

Section 34 of the Act has no harm test and information will be exempt from disclosure simply because it has, at some point, been held by an authority for any of these purposes listed.

If you require any further assistance please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by email or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by email or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.