| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-2477  Responded to: xx October 2024 |
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Your recent request for information is replicated below, together with our response.

## I should state that my Freedom of Information (FOI) 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 would like to request some information about the records from the murder investigations and recent efforts to review and categorise this material.

**1. Full details on the scope of the work undertaken this year to organise the records for the case. Please describe**

1. **all of the reasons for the work being undertaken,**
2. **who ordered that the work be undertaken (name and/or rank),**
3. **what tasks specifically the work entailed, and**
4. **what the outcomes of the work have been (i.e. has any other work been deemed necessary following the organisation of the files)**

For context I must first advise that work is ongoing across the organisation to review and document *all* historic files held in anyformat across the legacy divisions.

The work referred here was undertaken by staff in Police Scotland’s Homicide Governance Review team and authorised accordingly.

In this case all investigative material was collected from archives in N Division and an inventory was compiled providing a general overview of the combined material now held by Police Scotland for both the original casework and the subsequent cold case review.

Whilst the inventory lists material, it does not necessarily document individual items.  Some are grouped together by numbers attributed by HOLMES, for example D1 to D100.  To clarify, the inventory also does not specifically provide a description of the content contained within each item/document etc.

There are no plans to carry out any further work in this regard.

**2. Any and all reports, documentation, memoranda and correspondence (including attachments or appendixes to these) regarding the initial request to organise the case files, the work itself, and any outcomes from this work.**

Outwith any public reference to this work being undertaken (e.g. in response to an FOI request) I can confirm that initial checks have not returned any specific instructions being documented.

On that basis section 17 of the Act applies and I can confirm that the information sought is not held by Police Scotland.

To clarify, much of our business is conducted either by phone or face to face (team meetings etc) and there is no requirement to document every instruction or task.

I must also advise you were this information held, it would be subject to further consideration under the Act, e.g. Section 30(c) - Prejudice to Effective Conduct of Public Affairs**.**

**3. In respect of the original investigation of the murder, and**

**4. The cold case review - please indicate the number of:**

1. **witness statements held from the investigation,**
2. **police statements,**
3. **exhibits,**
4. **productions,**
5. **"other documents" held on HOLMES,**
6. **"actions" recorded on HOLMES,**
7. **"messages" recorded on HOLMES,**
8. **any other kinds of records or items from the investigation, broken down according to their type.**

To avoid duplication Q3 and Q4 have been combined and answered together.

You will note above that the inventory does not specifically provide the content contained within each item/document etc.

I must also advise you that due to the limitations of our recording systems I am unable to accurately provide the figures requested.  By way of explanation material has been recorded on HOLMES but given the passage of time and the non-recent nature of the investigation I am unable to confirm that all material related to the investigation has been recorded on that system.

Moreover, any general search of the HOLMES system provides an upper limit of 1000 in any specific category (i.e. the system will not provide an exact number over this threshold)

Initial checks confirm the following:

* There are in excess of 1000 statements recorded on HOLMES.  In addition, the category of statement does not allow for a quick search to differentiate between civilian witness and police statements unless they have been categorised when they were registered on the database.
* There are also in excess of 1000 in each category of ‘actions’ and ‘messages’ recorded on HOLMES.
* There are 489 ‘other documents’ recorded on HOLMES.
* I am unable to confirm that all exhibits/productions have been recorded on HOLMES but to be of assistance there are in excess of 240 exhibits/productions documented on HOLMES.

On this occasion it has been estimated that to provide an accurate response to the information requested at Q3 and Q4 above will exceed the £600 cost threshold defined in the Act.

I can confirm that the information requested is not held in a format which would allow us to easily extract the relevant data – i.e. the way in which statements have been categorised in this particular case on HOLMES does not allow for a specific search option which would provide the necessary statistical detail to accurately respond.

To provide an accurate figure, a review of all statements or other recorded items would require to be carried out, which experience tells us would far exceed the cost limits of the Act.

To be of some assistance, we are able to provide some limited information sourced from the HOLMES database:

* House to House – in excess of 1000
* Officer Report – 1
* PDF (Personal Descriptive Form) – in excess of 1000
* PNSI Statement – 1
* Questionnaire – in excess of 1000
* Transmission – 3

**5. I would also like to request some information on whether Police Scotland has any record of documents, exhibits, and/or any other material from the original murder investigation or the cold case review being absent (in the sense that it should exist but can't be found). As such, please indicate:**

1. **The number of the items that are absent in the case records, broken down by their type (i.e. witness statements, police statements, newspaper clippings, exhibits, productions etc).**
2. **In each instance, the reason(s) for the items being absent (i.e. lost, damaged, accidently destroyed, deliberately destroyed, not added to the production register to start with etc).**
3. **In each instance, when Police Scotland believes this happened.**

I must again advise you that any exercise to accurately respond to this request for information would be cost exempt as it would take far in excess of 40 hours to complete.

To explain, we would have to manually cross refer all of the material recorded on Holmes with the most recent inventory and the stored material to determine what, if any, information we no longer hold.

I must also clarify that your right under the Act is to obtain information that is held by a public authority at the time the request is received and there is no obligation on any public authority to create new information.

Police Scotland collates information for policing purposes and in this instance, due to the volume of information held and complex nature of the investigation, it is simply not held in a format which would allow us to provide the requested information.

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](mailto:foi@scotland.police.uk) 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](mailto:enquiries@itspublicknowledge.info) 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.