



HMA

v

Michael Alexander Ross

17th October 2008

Today at Glasgow High Court Lord Hardie sentenced Michael Ross to life imprisonment after he was found guilty of the murder of Shamsuddin Mahmood in Kirkwall, Orkney on the 2nd June 1994. The punishment part of the sentence was fixed at 25 years.

On sentencing Lord Hardie made the following statement in court:

"If you were not already aware of the fact, I am sure that you would have been advised prior to the commencement of your trial that Parliament has stipulated that the sentence for murder is mandatory. At the conclusion of my remarks I shall impose the mandatory life sentence upon you. A life sentence means what it says. Whatever period you may serve in prison, you will be on licence for the rest of your life upon your release. If you breach the terms of your licence, you will be liable to be recalled to prison to serve the remainder of your life sentence. In imposing a life sentence I must specify the period that you must serve in custody before you may apply to the Parole Board to be considered for release on licence. That period is known as the punishment part of your sentence. In fixing that period I must disregard the question of future risk to society because the Parole Board will address that at the appropriate time. I also want to emphasise that the period fixed by me is a minimum period that you must serve before you may even apply for parole. Thereafter it is a matter for the Parole Board to decide when, if ever, you should be released.

Shamsuddin Mahmood was known as Shamol to his family and close friends. He was an intelligent young man who had graduated as a Bachelor of Arts from the National University of Bangladesh. He had a girlfriend who was studying medicine

in Bangladesh and he maintained contact with her even after he remained in the United Kingdom. It may have been his hope that they would marry at some future date. In the late 1980s or early 1990s he came to the United Kingdom to spend a holiday with his oldest brother who lived in England. Thereafter he lost interest in his studies and contrary to the wishes of his family he decided not to pursue his education any further. Despite the efforts of his oldest brother to persuade him to resume his education Shamsuddin Mahmood commenced working as a waiter in a restaurant in Southampton. It appears that Shamsuddin Mahmood came to Orkney to work as a waiter in the Mumutaz Restaurant not long after it opened in 1992 and he remained there for about a year when he returned to Southampton. Towards the end of 1993 or the beginning of 1994 he returned to Orkney as the manager of the Mumutaz Restaurant. Customers and staff described him as a quiet, friendly, jolly individual who always had a smile. He treated a younger member of staff like a young brother. On 2 June 1994 you murdered him in cold blood in a premeditated assassination. He is a great loss to his family, friends and people whom he served.

Whatever you and some of your friends may have thought about the Asian members of staff at the Mumutaz Restaurant, it is clear that they were providing a service to people in Kirkwall and considered themselves to be part of the island community. That is evident from photograph 47 of Crown production 47. That is a photograph of a cheque recording that a donation of £150 had been made by the staff at the Mumutaz Restaurant to the local branch of Macmillan Fund. The irony of that should not be lost on you because they were your mother's employers at that time and indirectly you may have benefited from the generosity of the small Asian community at that time in Orkney.

In the course of your trial there was evidence about your attitudes shortly before the murder and your life during the intervening 14 years. I wish to say something about each of these. Despite the suggestion by your counsel that times were different in 1994 and that comments that are undoubtedly racist today may not have been regarded as such then, it seems to me that it was never acceptable to say that a gun should be put to the head of blacks and they should be shot. In the event it may be that your comment to that effect may have heralded your intention to assassinate the deceased or one of his fellow Asians in the Mumutaz Restaurant. Even in 1994 such a remark was a racist comment and it did not and should not have needed politicians to explain that to anyone. The evidence disclosed that you held racist views and sympathy for Nazi Germany. These views were not only abhorrent but an

insult to the memory of those, including members of your distinguished regiment, who sacrificed their lives in opposition to them and in support of democratic principles. It was also said that since the date of the murder you had joined the army, had a successful career there, had perhaps even acted on occasion with bravery and had married with a family. The first observation that I would make is that by your assassination of him Shamsuddin Mahmood was deprived of the opportunity to marry and have a family or to further his career. The other observation is that your actions in murdering him were an act of cowardice and despite what was said about your army career it is clear from your actions after conviction that you are still a coward.

In considering the appropriate punishment in this case a number of aggravating factors seem to me to be relevant. First this was a vicious evil unprovoked murder of a defenceless man. Second the attack was a premeditated assassination. Third it involved the use of a firearm. Fourth it involved shooting him in the head at close range. Fifth it occurred in a public restaurant in front of members of the public including children who were traumatised by your actions. Sixth it was motivated by your extreme racist prejudice. In addition after the murder you attempted to pervert the course of justice by destroying evidence. I shall not impose a separate sentence for that offence but will take it into account in fixing the punishment part. Despite the fact that you are a first offender and were 15 at the date of your murder of Shamsuddin Mahmood, taking account of these aggravating factors I consider that the appropriate punishment period that you should serve before being eligible to apply for parole is 25 years. In all the circumstances I sentence you to life imprisonment backdated to 20 June 2008 and fix the punishment part at 25 years.”