



LETTER SENT BY E-MAIL ONLY

26 August 2024

2024/25-045

Freedom of Information (Scotland) Act 2002

Request

Please find below our response to your correspondence dated 17 July, in which you made the following request under the Freedom of Information (Scotland) Act 2002.

"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.

During the course of the investigation, ballistic tests were carried out comparing the 9mm bullet and casing recovered from the scene of the crime with bullets and casings from other 9mm firearms recovered by police.

The casings were sent to the ballistics unit at Strathclyde Police Forensic Science Laboratory for examination. During this initial examination, the casings appear to have been sent to the laboratory in the first days of July, 1994.

By way of the Freedom of Information (Scotland) Act 2002, I would like to request the following information regarding the ballistic testing:

1. please explain the results of the examinations for each firearm which had sample bullets and casings that were compared with the bullet and casing from the crime scene (I understand samples from 11 separate firearms were compared with the murder bullet and casing).
2. please provide any reports, correspondence, and memos regarding the ballistic testing of the above mentioned 9mm bullets and casings.

In mid-October, 1994, the 9mm pistols were test fired again by police, and sent to the Strathclyde laboratory for further examination against the casing and bullet recovered from the scene of the crime. This time, a

9mm pistol, which supposedly couldn't fire, was also submitted for examination.

As above, by way of the FOI act, I would like to request the following information about these October tests:

3. please explain the results of the examinations for each firearm which had sample bullets and casings that were compared with the bullet and casing from the crime scene.
4. please provide any reports, correspondence, and memos concerning the ballistic testing of these 9mm casings
5. please explain the kinds of examinations that were undertaken regarding the 9mm pistol as well as the results of this.
6. please provide any reports, correspondence, and memos concerning the ballistic testing of the 9mm pistol.

Lastly, the 9mm pistol referred to above was examined a second time, at some point between December 6 and December 22, 1994. By way of the FOI act, I would like to request the following information regarding this examination:

6. please explain the kinds of examinations that were undertaken regarding the 9mm pistol and the results of this.
7. please provide any reports, correspondence, and memos concerning this examination."

Response

Firstly, please accept our apologies for the delay in responding within the statutory timescale. Some of the information for review was held offsite and this took longer than anticipated to retrieve and review.

Regarding your request, the Scottish Police Authority does not hold information.¹

A search of both Strathclyde and Aberdeen laboratory legacy force systems provided a nil return for firearms work.

Examination of hard copy legacy casefiles for both Strathclyde and Aberdeen laboratory, retrieved from offsite archive, also provided a nil return for firearms work.

Therefore, Forensic Services can confirm no records are held in relation to firearms examinations or analysis for this case.

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

Right to Review

If you are dissatisfied with the outcome of your request you can ask for a review within 40 working days. You must specify the reason for your dissatisfaction and submit your request by email 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@foi.scot or by letter to Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

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

