

## Austria Briefing: June 2022

### Operation Luxor

Graz Higher Regional Court removes Heiko Heinisch and Nina Scholz as experts for the Operation Luxor case after objections from survivors

- Heiko Heinisch and Nina Scholz were both [appointed by controversial Graz state prosecutor Winkelhofer](#) to write a study which laid the ideological grounds used to justify the Operation Luxor raids in 2021.
- Now the [Graz Higher Regional Court has removed both of them as experts from Operation Luxor](#). This decision came after many of the survivors lodged objections against Heinisch and Scholz's "expert" work.
- The [Graz Higher Regional Court decision was based on](#) a complaint submitted by a survivor of the raids about a 2017 television programme that dealt with Islamic kindergartens featuring Heinisch.

The complaint argued that his contribution to the program could have given the false impression that a named individual was a member of the Muslim Brotherhood, with ties to terrorist organisations

- From the court's point of view, it was argued that his [appearance in the programme could raise doubts](#) as to whether Heinisch was "actually completely neutral" towards the accused. Heinisch's colleague Scholz is also included in the decision.

This is especially important given that in the later report on Operation Luxor, the position of the accused individual "is used as a key indicator for designating the respective institution as an offshoot of the Muslim Brotherhood or as part of its network".

- The court decision vindicates the demands of Austrian rights group [ACT-P, CAGE and others to remove](#) both Scholz and Heinisch as experts from Operation Luxor.

Both individuals have been criticised for their lack of relevant scientific expertise. Additionally both individuals [have strong ties to Islamophobic networks](#).

Both Heinisch and Scholz are involved with nefarious Documentation Centre for Political Islam and have been involved with the Austrian Integration Fond (ÖIF) which



plays a role in supporting the governing ÖVP's anti-Muslim policies. The Islamophobic '[Islam Map](#)' was supported by studies from Heinisch, song others.

## Graz Higher Regional Court declares the surveillance and account opening of "Liga Kultur" association in Operation Luxor as illegal

- The investigations into alleged Muslim Brotherhood affiliates have degenerated into a farce, as another ruling from the Graz Higher Regional Court declared both the [account investigation and the observation of the "Liga Kultur" association as illegal](#).
- As a result the audio and visual surveillance of the association and its members must be completely destroyed. [The Higher Regional Court finally states that](#) "according to the file situation, however, no results were obtained". There is no further right of appeal against the decision of the court.
- This is significant in that every attempt by the public prosecutor's office in Graz to turn the investigation towards equating membership of the Muslim Brotherhood with membership of a terrorist organisation was struck down by the court.

[The reason](#) given was that the Muslim Brotherhood is one of the largest political currents in Islam, and that to describe them or members as terrorists would be inadmissible.

- This means that the central thesis of Operation Luxor as laid out by the now ousted experts Nina Scholz and Heiko Heinisch - namely, that being part of the Muslim Brotherhood equates to being part of a terrorist organisation - has been legally debunked.

This further highlights the unlawful and oppressive nature of the Operation Luxor raids as an attempt to criminalise and silence Muslim activists and organisations.

## National Developments

### Ruling ÖVP investigation over money fraud stymies attempt at 'clean break' of new party leadership

- The Court of Auditors report of 2019 might reveal a great corruption scandal by the ruling ÖVP and its chancellor. [The party must now grant full access and inspection of](#)

[the test documents](#). For the first time, an auditor has been sent to the party headquarters.

- [Certain campaign costs may have been concealed, and allegedly inadmissible donations were not properly reported](#). "The documents cast doubt on the information that the upper limit for election campaign costs was adhered to," said the Court of Auditors in an unusually frank statement.
- The issue implicates Chancellor Karl Nehammer, who was responsible for the election campaign - placing him at the centre of one of the ÖVP's many scandals again.
- This news is significant, as it [cast major doubts](#) on current Chancellor Nehammer's ability to portray his leadership of the ÖVP as a break from the direction of his successor Sebastian Kurz, who had to resign amidst major corruption scandals.

## Islamophobia in Austria

### Muslim Youth of Austria beat false allegations in court

- In two cases, the [Muslim Youth Austria \(MJÖ\) was able to successfully defend itself](#) against credit-damaging and libelous allegations.
- An injunction was issued against university professor Dr. Ednan Aslan, from the Institute for Islamic Theological Studies at the University of Vienna. The 'Islamologist' Dr. Amir Zaidan was confirmed in the preliminary injunction already issued by the Vienna Commercial Court.
- [Aslan had falsely claimed](#) in an online video discussion in "Der Standard", an Austrian newspaper, that the MJÖ and its chairman were engaged in "agitation" and made "active contributions to violence in society" and "spread false information."

The Vienna Higher Regional Court made a statement in its decision that the right to freedom of expression cannot justify disparaging political opponents through factually untrue allegations.

- Meanwhile in an interview with the online platform "Exxpress", [Zaidan had alleged](#) that the MJÖ was linked to the Muslim Brotherhood on a personal and non-material level and that it was being influenced by them.

In doing so, he had made use of unfounded allegations which the MJÖ had successfully taken legal action against in the past.



- Zaidan's false allegations and incriminating statements were judged by the court to be credit-damaging and libellous.