

## Austria Briefing: November 2022

*Reporting period: 8th November - 9th December*

### Operation Luxor

#### Survivor of Operation Luxor rejects prosecutor, accusing bias

- One of the survivors of the Operation Luxor raids has [rejected the prosecutor](#) leading the investigation, accusing them of bias.

This was based on a phone call conducted between the survivor's lawyer and the public prosecutor.

The application submitted on behalf of the survivor states that the public prosecutor made unfavourable remarks about the judges of the Graz Higher Regional Court, who had declared - against the government - that the house searches were illegal.

- It is now incumbent on the prosecution to examine internally if the telephone call went as described in the application and decide on appropriate actions accordingly - up to and including a change in prosecutor.

#### New expert advisor on the Operation Luxor case appointed, unlikely to offer any difference from government stance on Muslims

- In June this year the controversial academics Heiko Heinisch and Nina Scholz were removed as expert advisors from the Operation Luxor case by [Graz Higher Regional Court](#).

This decision came after many of the survivors lodged objections against Heinisch and Scholz's "expert" work.

- Now, [Graz Criminal Court has ordered Guido Steinberg](#) to replace Heinisch and Scholz as an expert advisor on the case.

The public prosecutor's office has the right to appeal this decision.

- Steinberg is a German academic on Islam and a terrorism expert, who has been acting as an [expert and testified on a plethora of so called “Islamist trials”](#) in Germany, Czech Republic and the United States.

In Austria Steinberg testified and acted as an expert for the case against an individual convicted of aiding [the 2020 Vienna attacker](#), as well as controversial and potentially Islamophobic cases pertaining to the [Furkan mosque in Graz](#).

- In a statement written for [the German Bundestag](#) (Parliament), Steinberg argues that “political Islamism” and “militant Islamism” are the same phenomenon, and that attempting to separate them “does not reflect reality” - effectively collapsing an ideological position with violence.
- Therefore it is not expected that Steinberg’s stances will differ drastically from Heinisch and Scholz, and are likely to reinforce the Austrian government’s preconceived ideas about Muslims and Islam.

## National Security & Counter-terrorism

Austria adopts new act to Combat Terrorism Content online, following in footsteps of EU

- The Council of Ministers passed a [new law to combat ‘terrorist’ content online](#), announced by the Media Minister Susanne Raab (ÖVP: Austrian People’s Party). The “Terrorism Content Act” is currently being assessed.
- This new act [allows the general public to report any online content they believe constitutes “terrorist content” to KommAustria](#) (communication authority Austria), initiating the following process:
  - KommAustria is permitted 72 hours to check whether “terrorist content” is being published or not.
  - If confirmed, KommAustria has the authority to demand the deletion of such content within one hour.
  - If platforms refuse to comply, heavy penalties are set to be implemented as sanctions.  
Fines can go as high as 4 percent of the platforming company's turnover.
  - Every report made to KommAustria is sent to the police regardless of whether it has been declared as actual “terrorist content” or not, meaning there is a high chance of innocent people being put on police data list, without understanding the ramification of such an act.

- This law, which is based on the [EU regulation to prevent the dissemination of terrorist online content](#), is supposed to aid the police and the Directorate for State Security and Intelligence (DSN). Therefore, every report made to KommAustria regardless of its validity, is [passed on to the police](#).
- This act, along with the corresponding EU statute and policy like Britain's Online Safety Bill, form part of a larger move by governments to assert greater control over the online space and grant them greater powers to manage 'unacceptable content'.

Given existing Islamophobic sentiment fanned by the Austrian government, and without clearly defining what constitutes "terrorist content", this act incorporates the Austrian public into monitoring and surveilling Muslims and Muslim content online, and could therefore lead to high self/censorship of Muslims online.

## Young man sentenced to two years in prison for involvement in a terrorist militia in Syria

- A man [was sentenced to two years in prison](#) on the charge of 'involvement in a terrorist militia in Syria'.

The 21 year old is said to have participated from August 2019 to autumn 2021 in military training and served as a guard in training camps for an organisation specified only as a successor organisation to the Al-Nusra Front.

His case was built based on posts on Instagram, which apparently show the accused man as an armed soldier.

- While the young man, who has fled the war in Syria, admitted to his involvement in the aforementioned organisation, he argued that this was not done voluntarily.

Rather he stated that: "I fled the war in Syria and wanted to seek protection here. What happened in the past put me under a lot of pressure" adding that "I did things I didn't want to do. We had to wear weapons and a military suit. The photos are not positive. [The organisation] forced us to take photos."

- The jury at the Salzburg Regional Court found the accused [guilty of terrorist association, training for terrorist purposes and a criminal organisation](#). The man waived his right to appeal.
- As the public prosecutor has not made any statement on the verdict yet, it is not yet considered final. This is not the first case of its kind in Austria, where cases have not only been built largely on social media content, but have resulted in convictions.