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## Politically motivated crime in the light of current migration flows: Analysis of current research

# Occasional Paper 38/2018



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## 1. Introduction

The present report was drawn up in the course of the ISF-funded project "Politically motivated crime in the light of current migration flows (PoMigra)" coordinated by the German Federal Criminal Police Office. This research project starts from the assumption that the massive influx of migrants and asylum seekers that started in 2015, polarized the public opinion in the member states of the European Union and made tensions in society either visible or triggered them. The first issue addressed in this project is the possible link between the increased migration/asylum seekers influx and different phenomena of crimes with political/ideological bias - crimes committed by Salafists/Islamists, crimes committed against migrants/asylum seekers, inter-migrant crimes with political/ideological bias and confrontation crime between extremists of different political convictions. To analyse these phenomena, PoMigra took a closer look at the media discourse and party programs in several European states in a first step. The results concerning Austria were published in a separate Occasional Paper.<sup>1</sup>

In a second step, PoMigra analysed the recent national research on ideologically biased crimes and the state of research with regard to data collection methodologies of law enforcement authorities in the field of extremism and terrorism, as well as ideologically motivated crimes. This Occasional Paper presents an overview of the state of this research in Austria. The underlying mapping of scientific activities includes governmental reports, data gathered by the authorities and the particular areas of interest identified by the national security agencies. These documents serve as a basis for the analysis of present domestic research, which allows for the description of the main challenges identified by the literature, and for an overview of more in-depth threat assessments made by scholars. Where possible, issues of migration are taken into account at the end of each sub-chapter.

Methodologically, the authors chose to use the data officially gathered by the authorities as a starting point for the mapping of relevant research in Austria. This has proven to be a fruitful approach, as scientific studies on the topic of criminal extremists often use government statistics as empirical sources as well. Moreover, studies that are conducted in this field of research are frequently commissioned by governmental

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<sup>1</sup> Markus Möstl, Isabella Meier, Manuel Ammer, Yannik Philipp, Politically motivated crime in the light of current migration flows: Observations on the media discourse and party programs in Austria, ETC Occasional Paper No. 37, December 2017, available at: [www.etc-graz.at/typo3/index.php?id=74](http://www.etc-graz.at/typo3/index.php?id=74).

bodies (such as ministries, or municipalities) themselves, which links research activities even more closely to the interests and objectives identified by the authorities. To be able to provide a comprehensive overview of the research conducted in Austria, further sources, such as reports and databases by intergovernmental organization (IGO) and non-governmental organization (NGO) and their reception by the research community were taken into consideration as well. Additionally, one telephone interview with an Austrian terrorism/extremism expert was conducted to gain first-hand knowledge about the scientific processes in this particular field of scientific research. After the following introduction to the topic, the Occasional Paper is structured according to the intrinsic motivation of perpetrators and, where applicable, according to their affiliation to an ideological group.

## **1. Overview of recent Austrian research**

As the following chapters will show, the present state of research on extremist and terrorist crimes and threats in Austria is fragmented but far from inexistent. In its annual report, the Federal Office for the Protection of the Constitution and Counterterrorism (BVT) publishes official data on extremist crimes that have occurred in the prior year. The numbers provided in these reports form the statistical basis for virtually all research in the field of research on Salafist/Jihadi and xenophobic crimes in Austria. However, while these numbers form the backbone of further in-depth research, they have been enriched with predominantly qualitative studies carried out by criminologists and social and political scientists in the past few years. A main focus of research interest in Austria, obviously motivated by the present geopolitical and local threat scenarios, was religious radicalisation and fanaticism.

Research on right-wing extremism has a long-standing tradition in Austria due to ever-reoccurring activities of neo-Nazi groups since the end of World War II.<sup>2</sup> Since 2000/2001, no standalone report on right-wing extremism has been issued by the authorities; however, particular chapters that had been covered in this report before have since been incorporated in the Annual Reports of the BVT (*Verfassungsschutzbericht*).<sup>3</sup> In 2010, in-depth research on the topic of right-wing

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<sup>2</sup> In this context, extensive research is conducted at the Documentation Centre of the Austrian Resistance (*Dokumentationsarchiv des Österreichischen Widerstandes (DÖW)*).

<sup>3</sup> Hereinafter: BMI/BVT, BVT Report.

extremist/xenophobic crimes resulted from the so-called “National Right Wing Extremism Action Plan”.<sup>4</sup> Accordingly, it can be stated that xenophobic crimes and religious or political extremism are discussed and researched in close connection with and in awareness of the present official data gathered by the state authorities.

Crimes between different extremist groups are overall less researched, even though these problematics are known to governmental institutions and information on opposing groups occurs in the relevant, abovementioned reports. In the area of inter-migrant crimes with ideological bias, there are significant issues regarding data collection and interconnection. For all these topical areas, there are subchapters below providing further information. Where possible, this data is presented in the beginning of each subchapter of this report for the sake of context.

### 1.1. Salafist/Jihadi crimes

Salafist and/or Jihadi crimes are of paramount interest to the Austrian authorities in their most recent reports. The BVT Report 2016 provides a whole chapter dedicated to religious (Islamist) extremist criminal activity. The additional available scientific reports, while referring to the facts and figures presented in the BVT Report, focus on possibilities to prevent Islamist radicalisation and, in the end, to avert the crimes stemming from such extremist religious ideologies.

To illustrate the practise of Austrian courts and law enforcement and therefore the environment researchers work in, the present statistics regarding terrorist activities, as received in the relevant research conducted lately, are presented briefly in the following.

The relevant norms regulating the prosecution of terrorist offences of the Austrian Criminal Code (StGB), §§ 278b, 278c, 278e and 278f took effect in 2002. §278b StGB, as the main paragraph in the context of terrorism, determines that already the membership in a terrorism organization is a chargeable offence. As mentioned in a very recent report compiled by the Institute for the Sociology of Law and Criminology

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<sup>4</sup> In the form of: Krucsay, Rechtsextreme Straftaten im Kontext, Vienna, November 2010.

(Institut für Rechts- und Kriminalsoziologie, IRKS), the first prisoner charged with §278b StGB was Mohamed Mahmoud in August 2009, his wife being the second one.<sup>5</sup>

From 2009 to 2013, 16 individuals were remanded in custody, but in the end, only two of these persons got convicted in accordance with §278b StGB. Until the end of 2013, only four people were sentenced for violating §278b StGB. Beginning with 2014, the year of the greatest military achievements of the so-called “Islamic State” and the proclamation of the caliphate in Mosul, the number of people who were remanded in custody for suspicion of criminal acts in line with §278 StGB increased drastically: 28 in 2014, 43 in 2015 (including one adolescent) and 25 individuals from 1 January 2016 until 1 September 2016. The government replied to a parliamentary request from Member of Parliament Albert Steinhauser that in 2015, overall 64 people were in custody because of a jihadi background, 26 of them got discharged (20 of which were held on remand, 6 out of imprisonment). The increase of pending cases regarding §278b StGB starting by 2014 can also be seen in the numbers of investigation proceedings and indictments according to said paragraph.<sup>6</sup>

#### *Investigation proceedings and indictments regarding §278b StGB*

<b>§278b StGB</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Investigation proceedings	36	31	72	329	468
Indictments	6	1	9	49	65

The abovementioned detained or imprisoned persons under the suspicion of or convicted for terrorist activity motivated by Islamist ideologies are important sources for contemporary research on radicalisation and religious extremism with an emphasis on de-radicalisation and prevention in Austria, as the following examples will show.

<sup>5</sup> This case is prominently mentioned in Hartleb, *Extremismus in Österreich*, 279f, 281, in: Jesse/Thieme (Eds.), *Extremismus in den EU-Staaten*, 2011. 265-283. In his assessment of extremism in Austria, the author describes the formation of Mahmoud’s “youth organisation” *Islamic Youth of Austria* as well as his planning of terrorist attacks during the European Football Championship in Austria (2008). He then draws comparisons between Mahmoud and Franz Fuchs, a right-wing terrorist who, just like Mahmoud, acted on his own while pretending that his acts of terror originated from an extremist group.

<sup>6</sup> See Schmidinger/Hofinger, *Deradikalisierung im Gefängnis – Endbericht zur Begleitforschung*, Vienna, 2017, 8.

### 1.1.1. Status of research

The Austrian Islamism/Jihadism research community consists of a small number of central figures. For example, Thomas Schmidinger, political scientist and particularly productive Austrian researcher of Islamist/Jihadi extremism, has been working in the field for several years now. In 2015, he published the monography “Jihadism: Ideology, Prevention and De-radicalisation”<sup>7</sup> dealing with the historical and ideological factors that have led to the establishment of the so-called “Islamic State” and young Europeans’ Jihadist radicalisation. In the following years, Schmidinger continued his research on practical strategies to counter Islamist/Jihadi extremism: In 2016, the terrorism and (de-)radicalization expert published the article “Strategies against Jihadi fanaticism: actors and various accesses in Austria” which is presented in more detail below (2.1.1.). Veronika Hofinger (IRKS) and Schmidinger further extended their research on Islamist extremism and terrorism from the perspective of de-radicalisation and prevention of Jihadi terrorism and in January 2017, the IRKS published a research paper titled “De-radicalisation in Imprisonment” that deals with Jihadi crimes in Austria and possible counter-strategies to Islamist radicalisation.<sup>8</sup> In addition to the data mentioned above (2.1.), the researchers conducted over 100 interviews to attain a firm empirical basis for their analysis. Interviewees included, *inter alia*, persons suspected of terrorist activities held in custody, officials working in prisons (e.g., heads of prisons),<sup>9</sup> officers of the BVT and psycho-social prison staff.<sup>10</sup> To draw conclusions on the feasibility of anti-radicalisation programmes, the scientists, *inter alia*, undertook the task to define which types of intrinsic motivation they were dealing with in their study. This typology of Islamist perpetrators takes into account the individual biographies of the respective interviewees and refers to them as, for instance, “marginalized youths” (group 4) or “veterans and traumatized persons” (group 6).

In their 2017 publication on “Islamist Radicalisation”, theologians Ednan Aslan and Evrim Ersan Akkilic (Institute for Islamic Studies, University of Vienna) undertook the task to provide insights into the biographies of religiously radicalised persons. By their own definition, their findings should serve as inspirations for decision-makers,

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<sup>7</sup> Schmidinger, Jihadismus: Ideologie, Prävention und Deradikalisierung, Vienna, 2015.

<sup>8</sup> Schmidinger/Hofinger, Deradikalisierung im Gefängnis – Endbericht zur Begleitforschung.

<sup>9</sup> See *ibid.*, 12.

<sup>10</sup> See *ibid.*, 13.

researchers, professionals dealing with the phenomenon of radicalisation in their daily work and the interested public.<sup>11</sup> To acquire knowledge on radicalisation biographies and the role of religion therein, 29 interviews were conducted, two thirds of which with persons from Chechnya.<sup>12</sup> To provide context for these biographies, the study discusses the terms of radicalisation and extremism, political Islam as such and the history of Salafist movements in Austria.<sup>13</sup> In January 2018, Aslan published another study based on quantitative questionnaires titled “Religious and Ethical Orientations of Muslim Refugees in Graz” commissioned by the city of Graz, that seeks to shed light on the interviewees’ worldviews applying the fundamentalist/pluralist dichotomy.<sup>14</sup> However, the latter study does not allow for any conclusions regarding a *de facto* radicalisation that could lead to terrorist activities.

Research conducted in this context in Austria at the moment, however, is not confined to the immediate threats of terrorism inside the state’s own territory and perpetrators and suspects momentarily in Austrian custody. Scientists also choose a more theoretical approach to profiling terrorists: In June 2017, the Austrian Institute for International Affairs (oiip) published the working paper “How New is the New Terrorism? The Strategical Logic Behind the Individual Participation in IS Terrorism” that deals with the profiles of IS terrorists. The oiip’s report sheds light on the general motivation of individuals to join terrorist groups/commit terrorist crimes, but without a specific connection to such acts on Austrian territory: In contrast to previous scientific assessments, the researchers conclude that there is indeed a general profile all terrorists share. According to the oiip experts, the process of radicalization itself has never changed and should be understood as “a choice of employment” (a concept coined by Daniela PISOIU, terrorism expert in oiip). The underlying proposition of the paper is that terrorists are “normal” people who – with the background of expected (im-)material advantages – are making the decision to join the IS according to their preferences. The paper considers the (suspected) terrorists’ psychological and socio-economic background and associates them with the psychological concept of self-efficacy.<sup>15</sup> In order to do so, the researchers examined 47 IS terrorist profiles by the

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<sup>11</sup> See Aslan/Akkilic, *Islamistische Radikalisierung*, Vienna, 2017, 11.

<sup>12</sup> See *ibid.*, 15.

<sup>13</sup> See *ibid.*, 21ff, 39ff, 72ff.

<sup>14</sup> Aslan, *Religiöse und ethische Orientierungen von muslimischen Flüchtlingen in Graz*, 2018.

<sup>15</sup> PISOIU/Fomenko/Lippe, *Wie neu ist der „neue“ Terrorismus? Die strategische Logik hinter der individuellen Beteiligung am IS Terrorismus*, 3.

following criteria: 1. educational profile, 2. Profession, 3. criminal record, 4. mental state, 5. place of residence, 6. departure to the area which is controlled by the IS, 7. radicalization-mechanism, 8. observation by the authority, 9. imminent expulsion, and 10. transfer of skills attained in previous jobs.<sup>16</sup> The samples of the observed terrorist, according to the researchers, on average show low socio-economic status, a petty criminal background and signs of mental disorder.<sup>17</sup>

The research community in Austria, accordingly, does not only analyze the domestic status quo of Islamist/Jihadi motivation to commit crimes, but goes beyond the national borders and conducts fundamental research in this area. However, the focus rests on research that deals with the specific situation in Austria. The challenges identified in this context are described in the following section.

#### 1.1.2. Main challenges identified by the literature

Thomas Schmidinger's work on the topic of Jihadism and its prevention identifies the current challenges representatively: In his 2016 article "Strategies Against Jihadi Fanaticism: Actors and Different Approaches in Austria", he argues that – until recently – there were no official programmes for prevention and de-radicalisation for individuals prone to fanaticism (Jihadism) in Austria. In 2014, Schmidinger and other experts founded a de-radicalisation NGO in Austria (*Netzwerk Sozialer Zusammenhalt*) to seek conversations not only with family and friends of radicalized persons, but also with these persons themselves. The NGO's approach included a qualified theological base to deconstruct the Jihadist ideology. Because of lacking financial support by the government, the NGO had to dissolve in January 2016.

Since December 2014, the Ministry for Family Affairs funds an advisory centre for persons who sympathise holding extremist (not only jihadism) ideologies and their relatives and friends. However, Schmidinger criticizes the lack or even non-existence of Jihadism-experts within this centre's staff that solely consists of youth workers and psychologists. Schmidinger therefore recommends a guidance centre, which is

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<sup>16</sup> Ibid., 6.

<sup>17</sup> Ibid., 15.

separated from government and police, and names the German *Zentrum Demokratische Kultur* (ZDK) as a best practice example.<sup>18</sup>

The Austrian authorities' lack of feasible counter-extremist approaches to tackle the issues raised by Jihadist extremism and extremism as such reoccurs in Schmidinger's and Hofinger's 2017 IRKS report. The IRKS found the length of pre-trial detention of persons suspected of terrorist crimes (8 months on average until the first-instance judgement of a §278b StGB suspect) to endanger the de-radicalisation of the detainees, as during this time, they are susceptible to further radicalization. In their interviews conducted for their study, the experts found that long detention periods lead to isolation, inertia, experience of discrimination, martyrdom, anger at the state and increased turning to [radical] ideology.<sup>19</sup> This is due to the fact that for the purpose of unaffected investigation proceedings, no communication with external individuals, even with experts and pastoral care, is allowed for the suspects. The researchers found national security to be comprehensible reason to limit the suspects' possibilities to communicate; however, they suggested the following measures to minimize negative consequences of pre-trial detention:

1. The mentioned restrictions should only last until the arraignment and not until the first-instance judgement.
2. The constraints should not apply in general for every suspect, just for the ones who are rated with a higher risk potential.
3. De-radicalisation experts encourage the suspects to cooperate with the police prosecuting authorities.
4. To accelerate the proceedings, and thus shorten the length in pre-trial detention.

Another problem identified in the IRKS report, indeed closely linked with the issues described above, is a tension between (public) safety and de-radicalisation: On the one hand, persons in custody underlie a very strict security regime inside Austrian

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<sup>18</sup> See Schmidinger, Strategien gegen dschihadistischen Fanatismus: Akteure und unterschiedliche Zugänge in Österreich in: Rupp, Der (Alb)traum vom Kalifat Ursachen und Wirkung von Radikalisierung im politischen Islam, Vienna, 2016, 322f.

<sup>19</sup> See Schmidinger/Hofinger, Deradikalisierung im Gefängnis - Endbericht zur Begleitforschung, Vienna, 2017, 145.

prisons, on the other hand for the de-radicalisation process integration into the daily routine at the detention facility is the best strategy to treat radicalised persons in detention. The inmates, having to remain in the pre-trial status for a long time, are often practically held in solitary confinement and not allowed to work in different work places inside the prison. Based on the results of their interviews, IRKS experts recommend that a foundation for safety and normalisation of persons suspected of terrorist crimes could be created by integration into the daily routine at the places of detention to minimise the risk of further radicalisation propelled by isolation and inactivity. Additionally, the researchers indicate that inmates should not be imprisoned with persons suspected of similar crimes from the same country of origin and then “left to themselves”, because this could also promote radicalisation.

Another aspect dealt with in the report is the relation between reintegration and legal consequences for perpetrators of terrorist crimes according to alien and asylum law, as a conviction in line with §278b StGB triggers substantive legal sanctions. Most commonly, such a conviction leads to the loss of asylum status, thus the deprivation of access to the labour market and social contributions. As for asylum seekers, there are similar impacts prescribed by law. The violation of §278b StGB could be rated as an exclusion criterion from the right to be granted asylum status. However, the researchers stress that when asylum seekers come from war zones, the government is effectively not allowed to force them to depart. Accordingly, the experts warn that because of the perpetrators’ lack of perspective under these circumstances, the probability of radicalisation is much higher.<sup>20</sup>

### 1.1.3. Threat assessments

While the reports above provide background information on the intrinsic motivation of Islamist and Jihadist perpetrators, they do not contain threat assessments *per se*. However, in an interview conducted for this mapping of research, Thomas Schmidinger indicated that on the basis of the IRKS study quoted above and the contacts that the experts have established throughout their research, further assessments would be possible in principle.<sup>21</sup>

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<sup>20</sup> See Schmidinger/Hofinger, *Deradikalisierung im Gefängnis - Endbericht zur Begleitforschung*, Vienna, 2017, 137-142.

<sup>21</sup> Telephone interview with Thomas Schmidinger, 06.01.2018.

Also, the IRKS was contracted by the Austrian Ministry of Justice to produce another study in 2017 called “Paths to Radicalisation”<sup>22</sup> which has not been published until the date of the delivery of this occasional paper. For the sake of completeness, this research project still has to be mentioned here, as it could allow for conclusions about the momentary possibilities of radicalization and the resulting threat scenarios.

Austrian authorities, however, provide threat assessments regarding Islamist/Jihadi crimes themselves: According to the *Verfassungsschutzbericht 2016* by the BVT, the threat of terrorism/Jihadi crimes endangers Europe, thus Austria and should not be underestimated. It is stated in the report that the terrorist attacks in Paris and Brussels indicate the existence of a Jihadi network, which trains individuals for the planning and implementation of terrorist acts. According to the BVT, there is also the danger of terror attacks executed by individuals – so-called “lone actors” as the one in Nizza. Another possible scenario is the danger of radicalised lone actors to get motivated by appeals made through social media. According to the report, the trend of decreasing numbers of returnees also continued in 2016, but despite this fact, returning individuals still pose a danger to the public. The report stresses that the Jihadi ideology remained attractive and especially appealing to young people. The BVT also reports that Jihadism is particularly problematic due to its power to divide societies. According to the BVT, there were 296 people who actively participate, participated or wanted to participate in the “Islamic State” at the end 2016. 45 people probably died in the region of Syria and Iraq, 90 came back and 51 faced inhibition of leaving Austria.

The report stresses that the geographic proximity to the Western Balkans leads to a safety risk in Austria, too. The report mentions existing Sunni/Islam(ist) networks in Bosnia-Herzegovina, Serbia, Albania and Kosovo, which recruit and radicalise people for the Jihad. Reasons for the susceptibility of persons for Islamist and Jihadist ideologies identified by the BVT are bad economic situations, the populations’ discontent, unfinished processes of nation-building in the Western Balkans and the missing formation of a national identity relating thereto.

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<sup>22</sup> Full German title: “Wege in die Radikalisierung - Wie Jugendliche zu IS-Sympathisanten werden (und welche Rolle die Justiz dabei spielt)“. This project is mentioned on the IRKS homepage with a lifespan from March to October 2017. See: <https://www.irks.at/forschung/social-inclusion/wege-in-die-radikalisierung.html> [accessed 1 February 2018)].

Austrian authorities cooperate with the research community as will be demonstrated in further detail below (3.). This also includes the participation of government officials in scientific events: At the symposium “Terrorism and Criminal Law”, the head of the BVT’s counter-terrorism department, Josef Tischhart, stated in April 2016 that there was a higher abstract threat emanating from religiously motivated (Islamic) extremism and terrorism in Austria. Tischhart explained that in March 2016, 265 individuals wanted to or were leaving for Syria to take part in the Jihad. Approximately 40 were prevented from leaving Austria and 80 returned back to Austria. Two thirds of these persons, according to Tischhart, were under the age of 25. He also added that returnees potentially pose a higher risk as, according to him, was obvious from the terror attacks which took place in France and Belgium.<sup>23</sup>

Apart from individuals who were imminent to take part in terrorist activities and related crimes, there is also research on the organizational foundations in the context of which radicalization takes place in Austria. According to Lorenzo Vidino, an expert on extremism who published his report “The Muslim Brotherhood in Austria” in August 2017, the Muslim Brotherhood (MB) raises an ideal breeding ground for radicalization by accomplishing a perceived victimhood of its followers and, subsequently, a justification of violence. Vidino states that especially in Austria, the MB has deliberately overstated anti-Islam occurrences and attitudes (which doubtlessly exist) to facilitate a perception of the Western World as the enemy of Islam within the local Muslim communities. Meanwhile, they consider violence as a legitimate means when Muslims are under threat. In Egypt, the United Arab Emirates and some other Middle Eastern countries, the MB is classified as a terrorist organization, whereas in the European Union and Austria, this is not the case. However, Vidino also states that even if the ideology of Salafism and Jihadism overlaps, it would be an analytical mistake to lump them together with the MB.<sup>24</sup> Many Muslim organizations have ties with the Brotherhood, even the *Islamische Glaubensgemeinschaft in Österreich* (Islamic faith community in Austria, IGGÖ), which is seen as the official representative of the Muslims in Austria by the national government. The IGGÖ founded the *Islamische Religionspädagogische Akademie* (IRPA) to train future Islamic religion teachers who

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<sup>23</sup> Landesgruppe Österreich der Internationalen Strafrechtsgesellschaft (Ed.), Symposium Protocol Terrorismus und Strafrecht, 15.04.2016, 44f.

<sup>24</sup> Vidino, The Muslim Brotherhood in Austria, August 2017, 3.

are allowed to teach in public schools. Alarming, according to the report, also the director of the IRPA is linked to the MB. Furthermore, the interests of the MB are mostly diametrically opposed to those of the government. For a better understanding of the Austrian MB's intentions, Vidino recommends an internal inspection by the Austrian government like the review conducted in the United Kingdom in 2014.<sup>25</sup>

#### 1.1.4. Links to the issue of migration

The BVT Report 2016 contains a section comprised of expert contributions. One of these, called "Flashpoints around Europe and their Impact on the Austrian Domestic Security" suggests that there are numerous indications available to the BVT that there are sympathisers and members of the IS and other terrorism suspects among the refugees and migrants from of the Near East. In some cases the suspicion substantiates, hence the accused persons remain in custody. The report suggests that the IS uses the refugee influx to infiltrate Europe. According to the unknown author of the article, the IS does this to demonstrate power and to make refugee immigration appear in a negative way, with the aim to produce a feeling of insecurity. It might be explicable by the nature of the BVT, an intelligence service, that its reports do not contain any references or footnotes – after all, the mentioned article refers to sensible information. However, this factor makes the report barely usable from a scientific point of view.<sup>26</sup>

#### 1.2. Xenophobic crimes

The official government data on xenophobic crimes in Austria is not gathered explicitly, but in the context of right-wing extremist activity. The definition of right-wing extremism used in this context by the Austrian state protection authorities is used as a collective term for political views and aspirations – from xenophobic/racist to National Socialist re-engagement – which reject the modern democratic constitutional state and fight it with means or legitimacy of violence. The term right-wing extremism derives from different social contexts of use and the corresponding interpretations thereof. The advocacy of a dictatorship, Islam- and xenophobia, anti-Semitism, chauvinism, social Darwinism, racism and the trivialization and relativization of National Socialism (revisionism) shape the worldview of right-wing ideologues and ideological

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<sup>25</sup> Ibid., 50.

<sup>26</sup> BMI/BVT, BVT Report 2016, 35.

groupings/movements, networks, scenes and milieus. In addition, defining features of right-wing extremism ideology are the glorification of 'ethnic nationalism' by means of German-nationalist or conservative-nationalist concepts. Central features of right-wing extremist ideologies are anti-democratic and anti-pluralist conceptions of society with a simultaneous rejection of the prevailing (i.e., democratic) political system. In its extreme form, right-wing extremism can aggravate and turn into right-wing terrorism in order to systematically attack political opponents, groups of victims of right-wing extremist ideologies, state institutions and their representatives.<sup>27</sup>

In the BVT Report 2016, a total of 1,313 criminal actions with right-wing extremist, xenophobic/racist, islamophobic, anti-Semitic and/or unspecified background are identified, which translate to 1,867 reported criminal offences. These numbers are broken down by the relevant criminal laws, such as the StGB, the National Socialism Prohibition Act (*Verbotsgesetz*, *VerbotsG*), and more precisely by the respective paragraphs of these laws.<sup>28</sup> While the statistics provided in the report, accordingly, allow for a year-to-year analysis of the committed offences in the context of right-wing extremism, the data does not provide indications regarding the intrinsic motivation of perpetrators. In other words, while the report mentions the underlying forms of extremist ideologies that lead to the respective crimes, it does not provide hard numbers for any of the identified groups of extremist world views that led to the recorded offences.

Also, Austrian authorities and civil society organisations report to the hate crime database of the OSCE, which rightfully points out in the additional information on the homepage: "There is no specific system in place for the police to record hate crimes by bias motivation. The information found in the criminal file may lead to the attribution of a bias motivation in the proceedings."<sup>29</sup> For the year 2016, there are 425 hate crimes recorded in the database, 356 cases motivated by racism/xenophobia, 41 by anti-Semitism, and 28 by bias against Muslims – a significant gap as compared to the figures in the Report on the Protection of the Constitution mentioned above (1,313 cases/1,867 offences). It is obvious already from this discrepancy that there is a lack

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<sup>27</sup> Ibid., 11.

<sup>28</sup> Ibid., 12.

<sup>29</sup> OSCE/ODHIR, Hate Crime Reporting Austria, <http://hatecrime.osce.org/austria> [accessed 10 January 2018].

of precision of the official Austrian statistics in this context. This is explained further in the context of methodological issues below (3.). As the following sub-chapters will show, researchers are aware of these problematics in terms of definitions and data acquisition.

#### 1.2.1. Status of research

Research on right-wing extremism is long-established in Austria. Willibald Holzer contributed significantly to establishing definitional and conceptual clarity regarding right-wing extremism.<sup>30</sup> His elaborated defining features of right-wing extremism have been received and applied by other researchers as well.<sup>31</sup> Also, the definition applied by the BVT nowadays strongly relies on Holzer's approach. In addition to this fundamental studies describing a specific Austrian right-wing extremism, research on crimes motivated by this ideology have a long-standing tradition in Austria.

The Documentation Centre of Austrian Resistance (*Dokumentationsarchiv des österreichischen Widerstandes*, DÖW) has looked into convictions with regard to, inter alia, the VerbotsG and incitement to hatred pursuant to §283 StGB already from 1990 to 1994. According to Heindl, since 1992 all neo-Nazis and xenophobic motivated violations are statistically recorded.<sup>32</sup>

Current research also mentions the most destructive right-wing extremist of the Second Austrian Republic: Terrorist Franz Fuchs, committing letter and pipe bomb attacks under the name "*Bajuwarische Befreiungsarmee*" (Bavarian Liberation Army) from 1994 until 1997. Fuchs referred to many of the ideological concepts mentioned above (2.2.) in his letters in which he claimed responsibility for his attacks, such as German nationalism, rejection of the Austrian Republic, its parliamentary institutions and its justice system. In his assessment of extremism in Austria, Florian Hartleb, draws psychological comparisons between Fuchs' terrorist acts and those of Islamist terrorist Mohamed Mahmoud: Both acted alone while claiming their attacks had been

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<sup>30</sup> Holzer, *Rechtsextremismus: Konturen, Definitionsmerkmale und Erklärungsansätze*, in *Dokumentationsarchiv des österreichischen Widerstands* (Ed.), *Handbuch des österreichischen Rechtsextremismus*, 1996, 17-96.

<sup>31</sup> Cf Schiedel, *Der Rechte Rand: Extremistische Gesinnungen in unserer Gesellschaft* (2007) 24-25.

<sup>32</sup> Heindl, *Positionen und Maßnahmen der Sicherheitsbehörden im Kampf gegen den Neonazismus*, in: *Dokumentationsarchiv des österreichischen Widerstands* (Hrsg.), *Handbuch des österreichischen Rechtsextremismus* (1996) 616.

committed by an organisation.<sup>33</sup> For more details on the Mohmoud case, see above (2.1., footnote 4).

Regarding contemporary criminal acts, the Austrian NGO ZARA records racist and xenophobic acts and issues an annually published report. In 2016, ZARA recorded 1,107 racist incidents.<sup>34</sup> 20% of all incidents took place in public space, whereas 31% of reported incidents refer to acts committed online (mainly incitement to hatred).<sup>35</sup>

Furthermore, the Mauthausen Committee Austria records reports of right-wing extremist incidents.<sup>36</sup>

Further research has been conducted in a regional context. As for Styria, the Anti-Discrimination Office tasked the ETC Graz to collect data in regard to racist and xenophobic crimes for the study "Hate Crime in Styria: A Survey of Crimes motivated by Racism and Xenophobia in Styria including Recommendations for Action".<sup>37</sup> Persons with a migrant background were asked to complete a questionnaire, answering how often and at which places they were affected by verbal or physical attacks in the past year. 1,112 persons throughout Styria answered the questionnaire, which was distributed through 23 institutions throughout Styria, from October 2016 to February 2017. 431 persons (39%) said they had been verbally abused, insulted or threatened at least once because of their skin colour, religion or origin in the last 12 months. Of these, 188 people (17%) were affected more than three times. 98 persons (9%) said they had been victims of physical abuse at least once in the last 12 months because of their skin colour, religion or origin. 31 people said they were attacked more than three times. Taking into account multiple answers, the study suggests that there were 2,500 - 3,500 verbal incidents and 400 - 600 physical attacks in Styria in the time period assessed by the researchers.

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<sup>33</sup> Hartleb, Extremismus in Österreich, 277f., in: Jesse/Thieme (Eds.), Extremismus in den EU-Staaten, 2011, 265-283.

<sup>34</sup> ZARA, Rassismus Report 2016: Einzelfall-Bericht über rassistische Übergriffe und Strukturen in Österreich, 12, available at: [https://www.zara.or.at/wp/wp-content/uploads/2017/03/ZARA\\_Rassismus\\_Report\\_2016\\_web\\_fin.pdf](https://www.zara.or.at/wp/wp-content/uploads/2017/03/ZARA_Rassismus_Report_2016_web_fin.pdf). [Accessed 8 February 2018]

<sup>35</sup> Ibid 14-26.

<sup>36</sup> Mauthausen Komitee Österreich, 'Rechtsextremismus melden', available at: <http://www.mkoe.at/rechtsextremismus-melden>. [accessed 9 February 2018]

<sup>37</sup> Antidiskriminierungsstelle Steiermark, Hate Crime in der Steiermark: Erhebung von rassistisch und fremdenfeindlich motivierten Straftaten in der Steiermark und Handlungsempfehlungen, 2017.

### 1.2.2. Main challenges identified by the literature

In the conclusions of its report “Right-Wing Extremist Crimes in Context” the IRKS stated that at the time (in 2009), there were many actions on a daily basis which aroused suspicion of being right-wing extremist, but in the end, these actions were not violating the applicable norms of the Austrian Criminal Code and related penal law. The IRKS experts further stressed that the law banning National Socialist activities (VerbotsG), which took effect after World War II, is not contemporary. According to the experts, the ways of behaviour and the threat scenarios are different than at the time the relevant law was passed. They criticise that the abovementioned law was only applied to extreme cases of right-wing extremism, but not to everyday racist statements. The report also recommends researching the different specific regional right-wing extremism scenes and how often they are confronted by the security authorities. Furthermore, it is recommended to identify the mitigating circumstances applied by courts in cases against perpetrators of racially motivated crimes and when charges against them are dropped or only lead to an administrative penalty. Also, it is recommended to identify the benefitting circumstances of an actual penal conviction – which are only passed in a small number of cases – applied by the courts in cases against perpetrators of racially motivated crimes and when proceedings were simply stopped or just had an administrative penalty as consequence.<sup>38</sup>

The IRKS also criticizes that BVT reports do not fulfil any academic criteria and pursue their own logic. According to the institute, the reports only provide a compact description about obvious developments in the extreme right-wing scene, the several players of the ideology, their different aims and goals and possible resulting threat scenarios. Additionally, official reports are partially contradictory in the assessment of the right-wing extremism scene and the context in which and why they act: Overall, the reports come to the result that the right-wing mind-set will disappear sooner or later, while the 2007 report mentions that the leading ideologists succeeded in passing the right-wing extremism philosophy on to the next generation. Also, as the experts point out, the definition of right-wing extremism the BVT uses is contradictory in itself. On the one hand, followers of the ideology relate to themselves as ethnical, cultural Germans but on the other hand, they also have a very strong Austrian patriotism.

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<sup>38</sup> See Krucsay, *Rechtsextreme Straftaten im Kontext*, IRKS, Vienna, November 2010, 135f.

Another attribute of the definition is that they are anti-socialism-oriented, but in reality, parts of them criticise capitalism, propagate a nationalistic socialism, which is similar to the criticism regarding globalization made by left parties. Furthermore, according to the IRKS, the BVT reports' structure leads to the impression of being able to portrait that there is no relation between the situation of right-wing extremism and the numbers of complaints to the police.

The IRKS researchers conclude that the available reports are fragmented and incomplete. The reasons for shortcomings, such as insufficient treatment of suspicious occurrences by the authorities could be, according to the IRKS, a lack of the authorities' responsibility, the irrelevance of the respective complaints, the lack of knowledge about right-wing crimes or because of strategic considerations.<sup>39</sup>

### 1.2.3. Threat assessments

According to the IRKS, right-wing extremist ideology is only successful through economic processes and social structures which benefit its cause and that are adopted and can be exploited by legitimated political parties. Thus, this ideology is able to reach various social classes. The threat scenario of right-wing extremist groups is small according to the researchers, but the possibility of an overall development of the political spectrum towards extreme right-wing positions exists. The report stresses that from time to time, contents which are close to the right-wing extremist ideology enter the official political discussion and were adopted by right populist parties. But in the annual BVT reports, there are no references to the daily political developments. The interaction between right-wing extremist views and groups and the political system, which adapts their vocabulary and contents, are not mentioned.<sup>40</sup>

### 1.2.4. Links to the issue of migration

The latest report of the BVT indicates that due to the influx of refugees in 2015, there has been a rise of anti-migrant agitation. Predominantly, perpetrators used the internet to spread anti-Islamic, racist and xenophobic content and to mobilise and recruit persons for their cause and for demonstrations.<sup>41</sup> The claim of an intensifying political

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<sup>39</sup> See *ibid.*, 56f.

<sup>40</sup> *Ibid.*, 136.

<sup>41</sup> BMI/BVT, BVT Report 2016, 13.

climate coincides with the findings of the ETC study "Politically motivated crime in the light of current migration flows" conducted, just like this mapping of research, in the context of the international research project "PoMigra". Via the analysis of the (social) media and party programs, the study found that in the contemporary Austrian political discourse negative connotations of refugees, Muslims and migrants in general were on the rise since 2015.<sup>42</sup>

### 1.3. Crimes between different groups of extremists

Crimes between different groups of extremists are scarcely considered as a field of research in Austria. One critical area that is mentioned in the latest report issued by the BVT are possible clashes on Austrian soil between Kurdish/Turkish supporters of the PKK (*Partiya Karkerên Kurdistanê*, Kurdistan Workers' Party) and the AKP (*Adalet ve Kalkınma Partisi*, Turkish Justice and Development Party), respectively, in the wake of political tensions, terrorist attacks and armed conflict in Turkey and Kurdistan.<sup>43</sup> Kurdish and Turkish populations in Austria could therefore export the threat of extremist crimes to Austria in the form of "violent proxy confrontations", the report finds.

Regarding other extremist groups (right- and left-wing extremists) mentioned in the BVT report, there are no particular indications as to whether these groups are likely to engage in extremist crimes against each other apart from one topical area: These groups are mentioned in the context of taking a stance for/against migrants and asylum seekers, respectively, and therefore engaging with each other in the public sphere by the means of (counter) demonstrations. In the context of these demonstrations, the report also mentions cases of violent crimes between these groups.<sup>44</sup> Research on this topic is not available in Austria at the moment. One explanation for this fact could be that important statistical data is inexistent or not feasibly searchable for scientists (see above, 2.2.).

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<sup>42</sup> Möstl/Meier/Ammer/Philipp, Politically motivated crime in the light of current migration flows: Observations on the media discourse and party programs in Austria, 2018, 9f.

<sup>43</sup> BMI/BVT, BVT Report 2016, 50.

<sup>44</sup> Ibid., 19, FN 6.

### 1.3.1. Status of research

Apart from the short assessment in an article in the latest BVT report, possible clashes between extremist groups such as PKK and AKP supporters or left-wing and right-wing extremists do not appear in the present Austrian research. However, there are recurrent reports about such clashes in the media, peaking at times of political upheaval in Turkey and/or Kurdish areas and political agitation in Austria, respectively. Still, there is no current research in Austria that focusses particularly on tensions between these groups or on the issue of crimes between extremist groups.

### 1.3.2. Main challenges identified by the literature

As no current research on the topic of crimes between different extremist groups could be found during this mapping, there are no challenges to be assessed in this context.

### 1.3.3. Threat assessments

Apart from the threat assessments of the BVT, there are no threats pointed out by scientists in this area.

### 1.3.4. Links to the issue of migration

The issue of migration appears in the BVT report in the context of left- and right-wing extremists' clashes in demonstrations that are pro-/anti-migrant and -asylum seekers which also include crimes between the two ideological groups. As already pointed out above, there is no in-depth research on this issue.

## 1.4. Inter-migrant crimes with ideological bias

Inter-migrant crimes as such have been statistically collected in Austria. However, ideological bias is not recorded in any way by the authorities. Therefore, despite extensive data gathering, no conclusions can be drawn from the official statistics regarding the intrinsic motivation of perpetrators. However, to illustrate future possibilities for research, the main statistics are briefly presented in this chapter.

In Austria, a total of 537,792 cases were reported to police authorities in 2016. Of these, a total of 246,854 cases were resolved and 270,160 suspects were investigated. According to the countries of origin of the suspects, 60.9 percent are domestic and

39.1 percent are foreign suspects. Considering the residence status, the group of asylum seekers recorded the highest increase in 2016: the number increased within one year by 54.2 percent from 14,458 to 22,289 suspected asylum seekers in 2016. The largest group ranked by residence status in 2016 was that of foreigners without employment or irregular residents: 31,199 persons were reported in this group.<sup>45</sup> In the group of suspected asylum seekers in 2016, the leading nationality was Afghanistan (5,072 suspects), followed by Algeria (2,999), Morocco (2,219), Nigeria (2,137) and Syria (1,549). Of the 5,072 Afghan suspects, 1,622 were males between the ages of 14 and 17 and 1,208 males between the ages of 18 and 20, making them the two largest age groups. An analysis of victims of crimes committed by asylum seekers shows that in 2016, a total of 6,121 victims were registered, including 1,626 Austrian and 4,495 foreign nationals. Among the 4,495 foreign victims are 3,653 asylum seekers.<sup>46</sup>

The police crime statistics (PKS)<sup>47</sup> indicates that perpetrators and victims of a crime have the same nationality in most cases. The victim statistics (within the framework of the PKS) does not refer to all offences, but only to “violent crimes” in the areas of “offences against life and limb”, “offences against freedom” and “offences against sexual integrity and self-determination”. As for offences against property, only victims of robbery are reported. Thus, the victim statistics is actually a ‘victim of violence statistics’, in which the legal classification of offences as act of violence is in the foreground. Consequently, lifeworld classifications do not find any consideration.<sup>48</sup> That is to say that there is no data in regard to the intrinsic motivation of the perpetrators. In total, in two-thirds (65%) of all cases of violent crime, perpetrators and victims share the same citizenship.<sup>49</sup>

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<sup>45</sup> Bundeskriminalamt, Sicherheit 2016: Kriminalitätsentwicklung in Österreich, 44.

<sup>46</sup> Ibid., 45.

<sup>47</sup> Federal Ministry of the Interior, Kriminalitätsbericht 2016: Statistik und Analyse, available at: [http://www.bmi.gv.at/508/files/SIB\\_2016/03\\_SIB2016-Kriminalitaetsbericht\\_web.pdf](http://www.bmi.gv.at/508/files/SIB_2016/03_SIB2016-Kriminalitaetsbericht_web.pdf). [accessed in 9 February 2018].

<sup>48</sup> Cf also Pilgram/Fuchs/Leonhardmair, Welche Aussagen über Migranten- und Ausländerpopulation in Wien erlaubt die Kriminalitätsstatistik?, IRKS, 17.

<sup>49</sup> Ibid., 19.

#### 1.4.1. Status of research

As illustrated above, research on inter-migrant crimes having regard to ideological bias is scarce, which is at least partly due to missing data. For more details on issues of data gathering and usage of existing statistics, see below (3.).

The IRKS has conducted a study in 2012 titled “Which Statements about the Population of Migrants and Foreigners in Vienna do Crime Statistics Allow?” The study refers mainly to the PKS. As for Vienna in 2010, the PKS reports about 68,859 suspects, of which 17,202 (i.e., only about a quarter) are recorded in the victim statistics. These describe a direct and violent confrontation between perpetrators and victims. Based on the existing statistics for particularly sensitive areas (i.e., “violent crime”), also the “passive level of crime” (*passive Kriminalitätsbelastung*) of the population, the level of the so-called “victimization” can be represented. A first comparison of the distribution of perpetrators and victims according to their nationality shows that for violent offenders, on which the victim statistics is concentrated, foreigners appear less often than on average of all offences as “offenders”, namely 36% of registered cases (compared to 39% foreign offenders for all offences). Nonetheless, the proportion of non-Austrians among victims is even lower at 30% than among the perpetrators. There are fewer foreigners among crime victims than among the offenders. This is especially true for citizens of the Balkans and Turkey. It should be noted that both, the overrepresentation of certain nationalities among the perpetrators and the underrepresentation of the victims are determined not least by the victims' willingness to denounce somebody. Positive or negative expectations of conflict settlement with and without police/judicial assistance play a decisive role here. As for the registered victims of all nationalities, the perpetrators predominantly come from their own group.

However, any research based on the assessment of ideological bias is neither evident from the IRKS study nor the PKS. Even though the PKS has a broad range of data (i.e., offences, nationality, age, victim-offender-relationship), data in regard to certain offences with a high amount of ideological bias, such as forced marriage, “honour killing”, female genital mutilation, is not collected in Austria. That is to say that honour killing is classified as murder, whereas female genital mutilation is regarded as aggravated assault.

#### 1.4.2. Main challenges identified by the literature

Since the intrinsic motivation for a crime is not recorded, drawing any conclusions in regard to ideological bias is effectively impossible for researchers. For instance, female genital mutilation is regarded as aggravated assault – ideological biases are not considered whatsoever. Consequently, due to the sheer inexistence of any data in this regard, any premature conclusions are to be avoided. Obviously, further research is needed.

#### 1.4.3. Threat assessments

The threat assessments of the mentioned studies and reports do not mention inter-migrant crimes with an ideological bias. However, the lack of official records does not imply that this is a non-existent phenomenon. Information regarding inter-migrant crimes with an ideological bias is limited and consequently, drawing any conclusions in this regard is impossible.

Franz Lang, Director of the *Bundeskriminalamt*, stated in an interview that the reason for violent crimes within a community is mostly based on territorial behaviour. Without exception, these conflicts take place in cities and then again in territories where the offenders have their centre of life. Sometimes it is also about substance trading and street sales of drugs. Because these struggles are mostly carried out in front of the public, the subjective sense of security among the population suffers. In addition, media attention in this area is particularly large.<sup>50</sup>

In addition, Reinhard Kreissl, the former director of the IRKS, stated in an interview that young men with poor social living conditions - mostly unemployed, mostly without family, usually in precarious conditions - are the group with the highest risk in regard to crime. Furthermore, victims and perpetrators of everyday crime often come from the same milieu, which leads to “intra-class crime”.<sup>51</sup>

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<sup>50</sup> Cf Österreichischer Integrationsfond, Perspektiven Integration: Migration und Sicherheit, 13, available at: [https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Logos\\_Sujets/Allgemeine/1\\_Perspektiven\\_Migration\\_und\\_Sicherheit\\_web.pdf](https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Logos_Sujets/Allgemeine/1_Perspektiven_Migration_und_Sicherheit_web.pdf). [accessed 9 February 2018]

<sup>51</sup> Cf Österreichischer Integrationsfond, Perspektiven Integration: Migration und Sicherheit, 25, available at: [https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Logos\\_Sujets/Allgemeine/1\\_Perspektiven\\_Migration\\_und\\_Sicherheit\\_web.pdf](https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Logos_Sujets/Allgemeine/1_Perspektiven_Migration_und_Sicherheit_web.pdf). [accessed 9 February 2018]

#### 1.4.4. Links to the issue of migration

Since data with regards to perpetrators' ideological bias is not collected in Austria, links to the issue of migration cannot be established. Even though the group of asylum seekers recorded the highest increase in number of suspects, any conclusions regarding ideological biases cannot be drawn.

## 2. State of research with regard to data collection methodologies

This chapter presents the state of research with regard to data collection methodologies of law enforcement authorities in the field of political/religious/ideologically driven crime in Austria. It provides an overview on the research on the existing methodologies and practices of data collection of the Austrian law enforcement authorities on politically motivated crime. More specifically, this part of the research collects the state of research on available data, methodologies applied and obstacles and limitations.

### 2.1. Data available

As illustrated above in the context of inter-migrant crimes (2.4.), the Austrian PKS in principle provide extensive and detailed information on criminal activities in Austria. Age and nationality, for example, are categories that are recorded in detail. However, the intrinsic motivation of perpetrators is not taken into account at all in official statistics. Accordingly, as confirmed by a statement of the responsible minister in the course of a parliamentary inquiry, this data, in the case of Jihadist crimes, is simply not gathered in any way: "The statistical registration of Islamist crimes [...] is not foreseen for in the police crime statistics [PKS]. Therefore, no further information can be provided in this context."<sup>52</sup> Inter-migrant crimes with ideological bias, *argumentum a maiore ad minus*, are therefore even less researchable on the basis of the PKS (see above 2.4.). Also, the abovementioned statistics on hate crime published on the OSCE website (see

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<sup>52</sup> *Antwort auf parlamentarische Anfrage* (Answer to a parliamentary inquiry), Nr. 7934/J-NR/2011, Steinhauser, Freundinnen und Freunde, 01.04.2016, available at: [http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB\\_07858/fnameorig\\_218871.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB_07858/fnameorig_218871.html) [accessed 1 February 2018].

above, 2.2.) lack important denominators and cannot be seen as a comprehensive analysis of the issue at the Austrian national level.

The only remaining official acknowledgements of extremist crimes in Austria are provided by the BVT. The BVT indeed collects data on acts right-wing extremism punishable under the relevant norms of the Austrian Criminal Code (StGB) prohibiting national socialist agitation, but also other crimes that are intrinsically motivated by right-wing extremism. Also, the BVT's reports contain data on persons suspected of terrorist activities and their (alleged) criminal activity (see above 2.1. and 2.2.). The latest BVT report even indicates the possibility of tensions between extremist Kurdish and Turkish groups; however, the BVT does not provide any further data or clarification on this matter.<sup>53</sup>

Present Austrian research on extremist crimes seeks to enrich the scarce data presently available with background studies of perpetrators' intrinsic motivation. However, with the challenges scientists face in this area, much of the contemporary efforts has to be seen as baseline research that must be further enhanced and enriched also by official statistical data. For example, it has been stressed in the past that in Austria, research on right-wing extremism in general lacks continuity, systematisation and sustained funding.<sup>54</sup> This is also true for research regarding crimes that occur in this context. More details on these problematics can be found in the following subchapters.

## 2.2. Methodology and concept of data collection of political motivated crime

Altogether, it must be stated that the discrepancies between the sets of data collected for different reports (the BVT report on right-wing extremism and the hate crime database of the OSCE, see above 2.2., but also the criminal statistics of the police – PKS) poses a challenge for researchers. These problematics seem to stem from a lack of clarity of the definitions the authorities work with when collecting data: According to the IRKS report "Right-Wing Extremist Crimes in Context" quoted above, many challenges and problems occurred during the research process that led to said report.

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<sup>53</sup> BMI/BVT, BVT Report 2016, 35.

<sup>54</sup> Science.orf.at, "Kaum institutionalisiert, nicht systematisch", 21.01.2015, available at: <http://sciencev2.orf.at/stories/1752456/index.html> [accessed 6 February 2018].

First of all, the main problem the researchers identified is that, due to Austria's historical background and the consequential legal provisions stemming from the need to prevent national socialist activities, only right-wing extremist crimes are documented. Xenophobic crimes *per se* are not recorded on their own. Additionally, right-wing extremism does not have a standardised definition. Thus, researchers have to work with the data on right-wing extremism, even though many of the relevant crimes have a xenophobic background. Another problem is that the different authority bodies do not use the same way of registration and documentation. In addition, personal data of the respective suspects is missing in the reports made to the police, so a reconstruction of the context in which crimes occur is impossible.<sup>55</sup> Overall, the problem can be summarized as a lack of data in combination with a lack of interconnectedness of the available information.<sup>56</sup>

In other areas of extremism, data collection regarding the intrinsic motivations of perpetrators seems to be easier: According to Thomas Schmidinger, data collection on the intrinsic motivations of Islamist/Jihadi criminals imprisoned in Austria in the form of qualitative interviews can be effectively carried out in cooperation with the authorities. Whilst in the case of the IRKS study on "De-radicalisation in Imprisonment", research questions are predetermined by the contracting Austrian authorities, the research process itself was free of the authorities' influence. Also, it was clarified to all persons that were taking part in the interview sessions that these conversations could not influence to the ongoing criminal proceedings against them. Due to the clear-cut circumstances under which the research was conducted, interviewees were keen to talk to Schmidinger, and as the interviews took place bilaterally between Schmidinger and the respective inmate without prison staff present, they could extensively talk about their motivations and ideological backgrounds. The longest interview for the study in question lasted for over five hours. Accordingly, Austrian authorities seem to be willing to ease even the strict conditions under which suspects of terrorist crimes are held in custody for the sake of research. Methodologically, Schmidinger stresses that in-depth knowledge of the perpetrators' home states and their ideological

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<sup>55</sup> Ibid., 13.

<sup>56</sup> Krucsay, *Rechtsextreme Straftaten im Kontext*, Vienna, November 2010.

backgrounds is of paramount importance for the quality of interviews conducted in case studies on radicalisation.<sup>57</sup>

While the centre of Schmidinger's research, the intrinsic motivation of perpetrators, is a valid starting point for detailed data gathering, the personal motivation of extremist criminals and therefore a division between different types of extremism seems to pre-determine the authorities' view and their interest in statistical data gathering. The existing clear-cut group definitions used in the BVT report, in the end, seem to blur the officials' view for the common denominators found in extremist biographies (see e.g. the oip report quoted above, 2.1.1., or the *Fuchs* and *Mahmoud* cases, 2.1.). Scientists have therefore suggested a more holistic approach in the conception of the term "extremism". A general problem stated by the OSCE evaluation report, which was compiled during the Austrian Chairmanship of the OSCE in 2017, is that the government does not distinguish between different forms of extremism although the individual reasons for getting an extremist mind-set are not. While right-wing extremism is seen under the prohibition of national-socialist activities, Jihadism is recognized as terrorism. The Austrian government focuses on de-radicalisation for Jihadism and observation and prosecution for right-wing extremism.<sup>58</sup>

### 2.3. Obstacles and limitations

Data collection in Austria does not cover all aspects which researchers would indeed need to shed light on when assessing the state of politically motivated and extremist crimes in Austria.

With regard to hate crime, main offences to consider are §283 StGB (incitement to hatred), §188 StGB (vilification of religious teachings) and § 33 para 1 Z 5 StGB (aggravating circumstances which are based on racist, xenophobic or other particularly reprehensible motives) in conjunction with the respective offence (e.g., homicide, physical violence, arson, vandalism, etc.). In addition, the VerbotsgG may be applicable in some circumstances. However, a search on the legal information system

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<sup>57</sup> Telephone interview with Thomas Schmidinger, 06.01.2018.

<sup>58</sup> See Möstl/Philipp/Heschl/Meier, Implementation of Selected OSCE Human Dimension Commitments in Austria Independent Evaluation Report on the Occasion of the Austrian OSCE Chairmanship 2017, ETC Graz, 60f.

(*Rechtsinformationssystem der Republik Österreich; RIS*) reveals that not all cases are available publically. The factual results in RIS do not correspond with additional research on the website of the parliament (including interpellations and associated replies), literature, media outlets (i.e. newspaper, etc.) and NGO reports.

In order to be able to analyse such cases, a request for information would have to be sent directly to the authorities. However, detailed information could not be provided by government officials: Entering certain keywords into a search tool of the internal court automation database (*Verfahrensautomation Justiz, VJ*) would not lead to any results, as it is impossible to search for keywords related to facts (such as e.g., ‘physical violence against or attack on asylum seeker/migrant’, ‘arson in refugee hostel’, etc.) in the VJ. The search therefore must be limited to the criminal offences (in this case, these would be the relevant §§ of the StGB and VerbotsgG mentioned above). The results of such a query would then have to be followed by a “manual” review of all cases in order to identify cases which might be relevant. In addition, the VJ does not indicate whether a judgment is already legally binding (i.e., this would also have to be done for each case individually and manually).

### **3. Conclusions**

The overall situation of data collection and research in the context of politically motivated/extremist crimes in Austria is characterised by fragmentation and missing interconnectedness, but also by new, emerging routes towards a more thorough understanding of the issues at hand.

As the main official contributions to the analysis of challenges and threats in this area are made by an intelligence agency, the BVT, sources are often not revealed and involved researchers not named. This fact, as understandable as it is from the viewpoint of state security, does not provide for an open research environment and, in some cases, leaves more questions than answers for its readers. When the BVT, for instance, concludes that the so-called IS uses refugee movements to infiltrate Europe with its fighters and does not provide any reasons for this assumption other than “available indications”, this may certainly serve as a newspaper headline, but does not suffice any scientific standards.

However, data collection in the area of Islamist/Jihadi perpetrators carried out by researchers has led to highly in-depth perpetrator profiles and background information available to the authorities. This information can serve as a valuable basis for anti-extremist activities in Austria, for the state as well as civil society organisations. For right-wing extremist crimes such research would also be in line with the National Right Wing Extremism Action Plan which has not produced any further research activities since 2010.

As opposed to the success model of research on the motivation of Islamist/Jihadi perpetrators, there is presently no considerable research on the backgrounds of xenophobic and/or right-wing extremist criminals, inter-migrant crimes and crimes between different extremist groups. One reason for this might be that while Islamist/Jihadi crimes are easily outlined by convictions and/or accusations according to the anti-terrorism paragraphs of the Austrian Criminal Code, other offences are harder to link with extremism and demand a more thorough assessment. Centrifugal social forces do not only originate from Islamist/Jihadi perpetrators, but also from the groups of extremists not so well researched during the past few years in Austria.

Therefore, reformed official statistics (in the PKS/BVT reports) taking into account the intrinsic motivation of perpetrators would be necessary to enable a more thorough scientific analysis of the momentary situation with regards to extremist crimes in Austria. One starting point towards more in-depth data acquisition could be a feasibility study of the recording of this information by all relevant authorities. The ministries in question could rely on already well-established cooperation partners in this endeavour.

## 4. List of references

### 4.1. Monographs

- *Aslan, Ednan*, Religiöse und ethische Orientierungen von muslimischen Flüchtlingen in Graz, 2018.
- *Aslan, Ednan/Akkilic, Evrim*, Islamistische Radikalisierung, Vienna, 2017.
- *Hartleb, Florian*, Extremismus in Österreich in: Jesse/Thieme (Eds.), Extremismus in den EU-Staaten, Wiesbaden, 2011.
- *Heindl, Johann*, Positionen und Maßnahmen der Sicherheitsbehörden im Kampf gegen den Neonazismus, in: Dokumentationsarchiv des österreichischen Widerstands (Hrsg.), Handbuch des österreichischen Rechtsextremismus, 1996.
- *Holzer, Willibald*, Rechtsextremismus: Konturen, Definitionsmerkmale und Erklärungsansätze, in *Dokumentationsarchiv des österreichischen Widerstands (Ed.)*, Handbuch des österreichischen Rechtsextremismus, 1996.
- *Krucsay, Brita*, Rechtsextreme Straftaten im Kontext, Vienna, 2010.
- *Möstl, Markus/Meier, Isabella/Ammer, Manuel/Philipp, Yannik*, Politically motivated crime in the light of current migration flows: Observations on the media discourse and party programs in Austria, 2018.
- *Möstl, Markus/Philipp, Simone/Heschl, Lisa/Meier, Isabella*, Implementation of Selected OSCE Human Dimension Commitments in Austria Independent Evaluation Report on the Occasion of the Austrian OSCE Chairmanship 2017, ETC Graz, 2017.
- *Pilgram, Arno/Fuchs, Walter/Leonhardmair, Norbert*, Welche Aussagen über Migranten- und Ausländerpopulation in Wien erlaubt die Kriminalitätsstatistik?, IRKS, 2012.
- *Pisoiu, Daniela/Fomenko, Alexandra/Lippe, Felix*, Wie neu ist der „neue“ Terrorismus? Die strategische Logik hinter der individuellen Beteiligung am IS Terrorismus, 2017.
- *Schiedel, Heribert*, Der Rechte Rand: Extremistische Gesinnungen in unserer Gesellschaft, Vienna, 2007.
- *Schmidinger, Thomas*, Jihadismus: Ideologie, Prävention und Deradikalisierung, Vienna, 2015.

- *Schmidinger, Thomas/Hofinger, Veronika*, Deradikalisierung im Gefängnis – Endbericht zur Begleitforschung, Vienna, 2017.
- *Vidino, Lorenzo*, The Muslim Brotherhood in Austria, 2017.

#### 4.2. Reports and conference protocols

- *Antidiskriminierungsstelle Steiermark*, Hate Crime in der Steiermark: Erhebung von rassistisch und fremdenfeindlich motivierten Straftaten in der Steiermark und Handlungsempfehlungen, 2017.
- *BMI/BVT*, Annual Report of the Federal Office for the Protection of the Constitution and Counterterrorism (BVT) 2016 (*Verfassungsschutzbericht*), 2017.
- *Bundeskriminalamt*, Sicherheit 2016: Kriminalitätsentwicklung in Österreich, 2017.
- *Landesgruppe Österreich der Internationalen Strafrechtsgesellschaft (Ed.)*, Symposium Protocol Terrorismus und Strafrecht, 15.04.2016.

#### 4.3. Online sources

- Antwort auf parlamentarische Anfrage (Answer to a parliamentary inquiry), Nr. 7934/J-NR/2011, Steinhauser, Freundinnen und Freunde, 01.04.2016, available at:  
[http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB\\_07858/fnameorig\\_21887\\_1.html](http://www.parlament.gv.at/PAKT/VHG/XXIV/AB/AB_07858/fnameorig_21887_1.html) [accessed 1 February 2018].
- *Federal Ministry of the Interior*, Kriminalitätsbericht 2016: Statistik und Analyse, available at: [http://www.bmi.gv.at/508/files/SIB\\_2016/03\\_SIB2016-Kriminalitaetsbericht\\_web.pdf](http://www.bmi.gv.at/508/files/SIB_2016/03_SIB2016-Kriminalitaetsbericht_web.pdf) [accessed 9 February 2018].
- IRKS project homepage on “Wege in die Radikalisierung - Wie Jugendliche zu IS-Sympathisanten werden (und welche Rolle die Justiz dabei spielt)“, available at: <https://www.irks.at/forschung/social-inclusion/wege-in-die-radikalisierung.html> [accessed 1 February 2018].
- *Mauthausen Komitee Österreich*, Rechtsextremismus melden, available at: <http://www.mkoe.at/rechtsextremismus-melden> [accessed 9 February 2018].
- *OSCE/ODHIR*, Hate Crime Reporting Austria, <http://hatecrime.osce.org/austria> [accessed 10 January 2018].

- *Österreichischer Integrationsfond*, Perspektiven Integration: Migration und Sicherheit, 13, available at: [https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Logos\\_Sujets/Allgemeine/1\\_Perspektiven\\_Migration\\_und\\_Sicherheit\\_web.pdf](https://www.integrationsfonds.at/fileadmin/content/AT/Fotos/Logos_Sujets/Allgemeine/1_Perspektiven_Migration_und_Sicherheit_web.pdf) [accessed 9 February 2018].
- *Science.orf.at*, "Kaum institutionalisiert, nicht systematisch", 21.01.2015, available at: <http://sciencev2.orf.at/stories/1752456/index.html> [accessed 06 February 2018].
- ZARA, Rassismus Report 2016: Einzelfall-Bericht über rassistische Übergriffe und Strukturen in Österreich, available at: [https://www.zara.or.at/wp/wp-content/uploads/2017/03/ZARA\\_Rassismus\\_Report\\_2016\\_web\\_fin.pdf](https://www.zara.or.at/wp/wp-content/uploads/2017/03/ZARA_Rassismus_Report_2016_web_fin.pdf) [accessed 8 February 2018].

#### 4.4. Other Sources

- Telephone interview with Thomas Schmidinger, 06.01.2018.