IN AUSTRIA
CRIMINAL LAW

Our main focus is the state and development of criminal proceedings in Austria from the point of view of white collar crime and criminal negligence laws in conjunction with the technical causes of failure.

Our particular concern in this area applies firstly to the interaction between the media; the public; and also, under some circumstances, the political sphere, which in Austria is particularly strong in comparative terms and secondly to the criminal procedures affected by this, which in turn affect the public.

Such an interrelation cannot be denied and manifests itself in various ways. In a criminal action which has only “simple public resonance,” up to 10 years may sometimes pass from the time of the alleged occurrence to the time the lawsuit is filed, as current examples show.

On the other hand, in another criminal action with far more complex circumstances, the outcome was an overly rushed dismissal of the charges within a few months. This was only because the defendant was widely unpopular with the public, the criminal procedure also had political resonance, and nationwide elections were about to occur.

The intensity of the investigative procedures carried out by the police and public prosecutor’s office also depends on the “prominence” of the case and the level of reporting about it. How else can one explain that popular with the public, the criminal procedure also had political resonance, circumstances, the outcome was an overly rushed dismissal of the charges.

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The equilibrium between the courts, the public prosecutor’s office, and the public officials and the judges and/or the public prosecutors lack a conscious sense of injustice. This will also result in a decline in public respect for the Austrian judicial system. As a survey done in July 2011 shows, almost 8 percent of the population have vested their unconditional trust in the Austrian judiciary system, while 21 percent have indicated that they have “practically no” or “absolutely no” trust in it.

The overwhelming demonstrated personal integrity of the persons operating on behalf of the Austrian judicial system is not sufficient to restore this trust. Legislative indicators on the one hand and transparency on the other hand are urgently required. There must be a uniform line performance report, particularly in cases which have a certain amount of public prominence.

“A1 in all, the Austrian criminal court system cannot be given a good performance report, particularly in cases which have a certain amount of public prominence.”