

VERHO

ALLEGATION VERSUS REALITY

What happened before the entry onto private property?

Public analytical framework for the incident of 9 March 2026

No predetermined conclusion. A map of verifiable questions.
This English edition connects selected images, one sentence from the official report, the Austrian legal framework and the documented presence of defence counsel before the summonses were issued.

SERIES 01 | PUBLIC EDITION

Updated: 15 August 2026

Legal framework considered: 9 March 2026

Language: English

Asking the right questions without exceeding the evidence

VERHO separates what can be directly seen, what is alleged in a file, the provisional analytical assessment and what still requires proof from primary sources.

PUBLIC EVIDENCE LEVEL

What this edition is based on

One sentence from the LKA Oberwart report, four selected images, the documents concerning defence representation and links to official Austrian legal sources.

DELIBERATE LIMIT

This is not a complete evidence inventory

The document does not replace full access to the case file, a technical expert assessment or individual legal advice. Every conclusion remains subject to the electronic originals and the relevant system logs.

Working categories

Category	Meaning
DOCUMENTED FACT	Directly visible or readable in the identified source.
ALLEGATION	A description contained in an official or party source; the text alone does not establish its accuracy.
CONTRAST / SIGNAL	Two relevant traces are in tension and require clarification.
OPEN QUESTION	No reliable conclusion is possible without an additional primary source.

Principle: a photograph preserves a moment. It does not automatically document words, volume, intention, operational instructions, waiting time or legal authority.

One sentence on which the explanation for entry depends

The LKA Oberwart report of 10 March 2026 explains the entry onto the property with the following original sentence:

„Zu diesem Zweck wurde das Grundstück der Beschuldigten betreten, da auf ‚lautes Rufen‘ keine Rückmeldung erfolgte.“

Working translation
“For this purpose, the accused persons’ property was entered because there was no response to loud calling.”

Was anything actually said clearly and audibly before the entry?

OPEN QUESTION
A photograph cannot answer it
An image cannot establish the exact words, volume, number of calls, identification as police, communication of purpose or the time allowed for a response.

Level	Publicly supportable conclusion
Existence of the allegation	The report contains the phrase “lautes Rufen” and links the lack of response to the entry.
Accuracy of the allegation	The sentence and the photographs alone do not prove it; chronologically verifiable primary sources are required.

03 / IMAGE A

Presence at the gate

The image shows several people in the access area. It does not establish what words were spoken or what instructions they had received.



Public frame. The image contains no information about the words spoken, their volume, the number of calls or the waiting time.

VISIBLE

Several people at the gate

Elements of uniform or police markings are partially recognisable. A single frame does not determine the role of each person with certainty.

OPEN QUESTIONS

Direction, purpose and the decision to enter

Who directed the operation? Who decided to enter? Was the purpose communicated? Was there a request, an identification as police or merely a greeting? How much time was allowed for a response?

Analytical significance

If entry is justified by the absence of a response to loud calling, the sequence must be verifiable: call -> reasonable opportunity to respond -> no response -> decision to enter.

04 / IMAGE B

Movement towards the residence

Another image shows a person holding documents on the grass. Position and direction are visible; the order, function and legal authority are not.



The person is standing on the lawn and holding documents. The role, contents of the papers and reason for the route cannot be determined from the photograph.

VISIBLE

Person, documents and position

Movement within the property is visible. It remains open whether the purpose was only service, locating the recipient or another activity.

OPEN QUESTION

Scope of the operation

If the stated purpose was only to serve two summonses, what specific reason justified movement beyond the immediate access and service area?

Terminological discipline

Moving within private property does not automatically amount to a search of a dwelling. This public edition therefore describes entry and movement; it does not assert that a house search took place.

05 / IMAGES C AND D

The side area of the residence

Two images show persons in the side area. Faces have been made unrecognisable in this public edition; identity is not the subject of the graphic analysis.



Image C. Person in civilian or sports clothing. Clothing neither proves nor excludes public authority.



Image D. Uniformed person in a comparable area. Purpose and duration are not visible.

OPEN QUESTIONS

Purpose, identification and proportionality

Who were the persons and what tasks had they been assigned? How was any official role of the person in civilian clothing made recognisable? Why did movement continue towards the side area?

What the images do not prove

They do not prove	Reason
A search of the dwelling	They do not document entry into rooms or a systematic search.
Intention	Posture and direction of gaze do not reliably establish purpose.
Legality or illegality	The order, legal basis, necessity, purpose and operational records are required.

The defence was known before the summonses

The documentary line does not begin on 9 March. Defence counsel had already notified the Eisenstadt Public Prosecutor’s Office of the representation and requested digital access to the case file.

Date	Documented event	Evidential value
29.01.2026	Attorney Dr. Ľubica Stelzer Páleníková informs the clients that she filed, via ERV, the notice of representation and the request for digital access to the case file.	Contemporaneous communication; the complete ERV protocol and attachments are required for full proof.
30.01.2026	The Eisenstadt Public Prosecutor’s Office approves access to the file in proceeding 8 St 101/24k and formally identifies Michaela Povalová’s representative.	Electronically signed official document; direct primary source.
09.03.2026	Two summonses are issued and personal service is attempted through the police.	The summonses and operational documentation.
16.03.2026	Counsel again informs the LKA that she represents both accused persons, encloses the powers of attorney and refers to the earlier communication of 29 January.	Two-page professional letter.

TIMELINE

39 days after notification of representation

There are 39 days between 29 January and 9 March 2026, and 38 days between approval of file access on 30 January and 9 March. This was therefore not information supplied only after the operation.

CENTRAL QUESTION

Why was defence counsel not involved?

If the representation was already recorded and processed by the prosecution service, it must be explained at what point in the information chain this fact was not considered when the summonses were prepared and served.

06A / PRIMARY DOCUMENT

Approval of access to the case file on 30 January 2026

The document of the Eisenstadt Public Prosecutor’s Office, no. 8 St 101/24k-1.25, records the representation and approves the request for file access submitted on the previous day.

[Bereitgestellt lt. 30.01.2026 15:47]

STAATSANWALTSCHAFT EISENSTADT

8 St 101/24k - 1.25
(Bitte in allen Eingaben aufführen)

Diesem Schreiben umfassen jedes Geschlecht gleichermaßen.

STRAFSACHE:

Gegen:

Beschuldigte/r
Michaela Povalova

vertreten durch
Dr. Lubica STELZER PALENIKOVA
Rechtsanwältin

ua

Wegen:

§ 15 StGB § 105 (1) StGB; §§ 297 (1) 2. Fall, 107c (1) StGB; §§ 107c (1) Z 1, 120 (2) StGB

Dieses Verfahren wird digital geführt.
Der Antrag auf Akteneinsicht vom 29.01.2026 wurde bewilligt.

Ein Download der Dokumente ist im Wege Ihrer Verrechnungsstelle möglich.

Staatsanwaltschaft Eisenstadt, Geschäftsabteilung 8
Eisenstadt, 30. Jänner 2026
Mag. Kerstin Zagler, Staatsanwältin

Elektronische Ausfertigung
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1 von 1

Publication-minimised facsimile. The authority, proceeding number, names necessary to verify representation, approval and electronic signature remain visible; addresses, telephone number and date of birth have been redacted.

DOCUMENTED FACT

The defence was not merely announced: it was processed by the authority
File access was approved and made available digitally to the representative. The prosecution service’s knowledge of Michaela Povalová’s representation is therefore directly documented.

EVIDENTIAL LIMIT

Pavol Pribela’s position requires the complete ERV trace
For Pavol Pribela, the chain is supported by the communication of 29 January and the letter of 16 March. To close it with equal evidential strength, the complete ERV filing of 29 January and both attached powers of attorney are required.

06B / DEFENCE RESPONSE

The letter to LKA Oberwart dated 16 March 2026

Counsel states that she represents both accused persons, encloses the powers of attorney and says she had already notified the representation in file 8 St 101/24k on 29 January 2026.

NAVIKAP
BRATISLAVA – WIEN

PER E-MAIL: LPD-B-LKAASST-Oberwart@polizei.gv.at

Burgenland LKAASST Oberwart
Prinz-Eugen-Straße 10
7400 Oberwart

Wien, am 16. März 2026

AT-PribelaP/StrV / LSP

**GZ: PAD/24/01892637/003/KRIM / Pavol Pribela und Michaela Povalová / § 15 StGB § 105 (1) StGB
§§ 297 (1) 2. Fall, §§ 107c (1) Z 1, 120 (2) StGB / Beschuldigtenvernehmung**

Sehr geehrte Damen und Herren,

In der oben bezeichneten Rechtssache zeige ich Ihnen an, dass ich Frau Michaela Povalová [REDACTED] und Herrn Pavol Pribela [REDACTED] rechtsfreundlich vertrete. Ich schließe die entsprechenden Vollmachten an.

Frau Michaela Povalová und Herr Pavol Pribela teilen mir mit, dass sie als Beschuldigte zur Polizeiinspektion Ratten am 23. März 2026 geladen sind.

Ich habe eine Vollmachtsbekanntgabe im bezughabenden Ermittlungsakt der Staatsanwaltschaft Eisenstadt zu AZ 8 St 101/24k bereits am 29. Jänner 2026 erstattet.

Ich gebe erneut bekannt, dass zur Einvernahme der beiden Beschuldigten die Beiziehung eines allgemein beeideten und gerichtlich zertifizierten Dolmetschers für die slowakische Sprache erforderlich ist.

Ferner ersuche ich Sie höflich darum, dass die Einvernahme der Beschuldigten durch die Polizeiinspektion Großpetersdorf erfolgt. Die Polizeiinspektion Großpetersdorf hat die beiden Beschuldigten bereits

am 11. April 2024 einvernommen, sodass der Fall der Polizeiinspektion Großpetersdorf bereits bekannt

Redacted excerpt from the professional letter of 16.03.2026. Unnecessary personal data have been obscured; the receiving authority, proceeding, representation and reference to the earlier notification remain visible.

DOCUMENTED FACT

The LKA was directly informed no later than 16 March

From that date, the LKA had the renewed notice of representation and the attached powers of attorney. For the operation on 9 March, it remains necessary to clarify which information was available to the LKA before the intervention.

Why the letter matters

It does not by itself prove what the LKA knew on 9 March. It does show that counsel promptly challenged the method of service, referred to an earlier notification and requested access to the police file.

07 / DEFENCE AND SERVICE

“Personal attendance” is not the same as “service only in person”

The accused person’s obligation to attend questioning must be distinguished from the rule identifying the formal recipient of service.

Provision / source	Working rule	Relevance
Section 83(4) StPO	Where formally notified representation exists, service must in principle be made on defence counsel or the representative, subject to the personal-service exceptions in the provision.	Service only on the accused persons creates a prima facie contrast requiring verification.
Section 153(2) StPO	A written summons may require personal attendance.	This does not answer who must formally receive the document.
Section 164(2) StPO	The accused has the right to consult defence counsel during questioning.	Timely preparation and coordination with counsel are practically relevant.
Sections 98 and 101 StPO	Police-prosecution cooperation and prosecutorial direction of the investigation.	The point at which the defence information was lost or disregarded must be identified.

PRIMA FACIE CONTRAST

Defence recognised in the file but not involved in service

The documents currently available indicate a possible error in service or in the information chain.

Without the system logs, it is not possible to determine whether the prosecution service failed to transmit the information, whether the LKA did not consult it, or whether a legally disputable method was deliberately selected.

No shortcut to the legal consequence

The contrast does not automatically invalidate the entire proceeding. The type of service, any actual receipt by counsel, possible cure, concrete prejudice and the correct procedural remedy must all be examined.

08 / LEGAL MAP I

Summons, service and documentation

The provisions do not by themselves produce a final answer. They define which documents and conditions must be checked. The links point to the RIS version applicable on 9 March 2026.

Provision	Working rule	Question
Section 5 StPO	Every interference requires a legal basis, necessity and proportionality.	Was the scope of the operation appropriate to the sole purpose of service?
Section 82(3) StPO	The criminal police should be requested to serve a document only where this is absolutely necessary in the interests of criminal justice.	Who established and recorded that necessity?
Section 83(4) StPO	Rule on the recipient where formally notified representation exists.	Why was counsel already known to the file not involved?
Section 95 StPO	The essential substance of an official act must be recorded in a verifiable manner.	Who perceived "lautes Rufen", and on which primary source was the phrase based?
Sections 13, 17 and 26 ZustG	Personal delivery, formal deposit and service without proof must be distinguished.	Which method was ordered and how was it documented?

KEY DOCUMENT

The service order or instruction

Without the original order, it is not possible to determine reliably why the criminal police were used, which method of service was prescribed, who the formal recipient was and what operational scope had been authorised.

Entry, movement and identification

The analysis must distinguish ordinary movement, entry onto non-public property, a targeted search and a formal search of premises.

Provision	Scope	Open question
Section 117 no. 2 StPO	Definition of a search of non-public property, premises, vehicles or containers.	Only a route for service, or a targeted search?
Section 119 StPO	Factual grounds for a search.	What concrete facts would have justified one?
Section 120 StPO	Authorisation and execution of different forms of search.	Did an order, consent, authorisation or urgent situation exist?
Section 39 SPG	Entry under security-police law in situations defined by statute.	A public-security ground, or only criminal-procedure service?
Section 30 SPG / section 9 RLV	Information and disclosure of the service number where the statutory conditions apply.	Were identity, reason and purpose communicated or requested?

ESSENTIAL DISTINCTION
Clothing does not itself create a legal consequence
A cap, dark glasses and civilian clothing are not prohibited as such. The relevant question is whether an official role was recognisable while powers were exercised or properly demonstrated when requested.

CAUTIOUS ASSESSMENT
The images show movement, not its legal authority
This public edition does not claim that a search of the dwelling occurred. It asks for the concrete reason and legal basis for the extent of movement during an operation described as service of documents.

10 / VERIFIABILITY MATRIX

What the photographs show and what they do not prove

A visible state must not be confused with the full course of events.

Issue	The photographs may show	The photographs do not prove by themselves
Presence	Number of visible persons, clothing and position.	Identity, official function and hierarchy.
Entry	Position at the gate and later within the property.	Order, legal authority and prior communication.
Communication	Gestures or facial orientation at one moment.	Words, volume, number of calls, identification or response.
Waiting time	Date and time of the individual frame.	Duration without a continuous, synchronised sequence.
Movement	Persons on the lawn or in the side area.	Intention, instruction or systematic search.
Service	Documents held in a person's hand.	Content, method, formal recipient, timing and legal effect.
Defence	Nothing, unless the relevant document is pictured.	That the authority was unaware of representation already on record.

CENTRAL TEST

The cause must precede the effect

If entry is explained by an unanswered call, the primary sources must make the sequence verifiable: call -> opportunity to respond -> no response -> decision to enter. The photographs do not by themselves establish this chain.

11 / QUESTIONS FOR THE CASE FILE

What must be clarified without speculation

Each answer should identify an original document, recording, log or person who directly perceived the event.

#	Open question
1	What exactly was said before the first entry?
2	Was it a greeting, a request, a loud call, identification as police, or a combination of these?
3	Who spoke, who personally heard the words and who described them as “lautes Rufen”?
4	How many times was a call made, and how much time was allowed for a response?
5	Who decided that there was no response and that entry was necessary?
6	Who ordered personal service through the police, and why was it absolutely necessary under section 82(3) StPO?
7	What tasks had been assigned to the individual persons, and why did they move towards the side area?
8	Which method of service under the ZustG had been ordered?
9	Why was defence counsel, already processed in the file on 30 January, not involved on 9 March?
10	In which system and at which point in the prosecution-LKA chain was the information on representation lost or not considered?

METHODOLOGICAL PRINCIPLE

Repetition does not turn one allegation into several pieces of evidence

If later documents merely repeat the original formula, the analysis must return to the first source and determine which direct perception or data supported it.

Primary sources instead of additional interpretation

The following material can clarify the open questions without attributing more to the photographs than they show.

#	Primary source to obtain
1	Written or electronic service order, including the reasons why use of the criminal police was considered necessary.
2	ERV filing of 29.01.2026, transmission protocol and powers of attorney attached for both accused persons.
3	Access, consultation and status-update logs for defence representation in prosecution and LKA systems.
4	Instruction identifying the formal recipient and the method of service for both summonses.
5	List of participants, offices, functions, operational direction and prosecution-LKA communications.
6	Electronic original of the report, author, creation time and version history.
7	Identity of the person who directly perceived “lautes Rufen” and served as the source for that wording.
8	Complete summonses with every page, warning and approval trace.
9	Operational logs and legal authority for entry and movement beyond the direct route of service.

PUBLIC ASSESSMENT
Two independent evidential cores require verification
First, “lautes Rufen” must be traced to a primary source and a verifiable timeline. Second, the representation already known to the file must be reconstructed throughout the information and service chain. Repetition of the same wording resolves neither issue.

13 / OFFICIAL SOURCES

Austrian legal framework - clickable links

Federal Legal Information System (RIS), consolidated text as applicable on 9 March 2026.

[Section 5 StPO - legality and proportionality](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 18 StPO - criminal police](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 82 StPO - service of documents](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 83 StPO - service where representation exists](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 95 StPO - official record](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 98 StPO - cooperation between police and prosecution](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 101 StPO - direction of investigations](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 102 StPO - instructions by the prosecution service](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 117 StPO - definition of a search](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 119 StPO - grounds for a search](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 120 StPO - authorisation and execution](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 153 StPO - summons and questioning](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 164 StPO - presence of defence counsel during questioning](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 13 ZustG - service on the recipient](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 17 ZustG - formal deposit](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 26 ZustG - service without proof of delivery](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 30 SPG - rights of the person concerned](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 39 SPG - entry and search](#)

RIS - consolidated federal law, version of 09.03.2026

[Section 9 RLV - disclosure of the service number](#)

RIS - consolidated federal law, version of 09.03.2026

NOTICE

Analytical framework, not legal advice

This document contains no final determination of fact or law and does not replace individual legal representation. The final assessment depends on the complete case file, the electronic originals and the appropriate procedural strategy.

VERHO - Verification | Evidence | Reconstruction | Hypotheses | Open questions