

The Increasing Veil over Europe

by Michael Curtis

Catholic religious leaders have been making unusually strong statements about Islamist terrorists. Pope Francis, in a ceremony on September 14, 2016, honoring the priest Fr. Jacques Hamel who had been murdered by two Islamist terrorists in his church on July 26, 2016, told his congregation that killing in the name of God is “satanic.”

Equally dramatic is a pronouncement from a leading figure in the Church is Austrian Cardinal Christoph Schönborn, the 71 year-old Bohemian born Archbishop of Vienna, a conservative who was a student of former Pope Benedict XVI and said to be his “spiritual son.”

On September 11, 2016 the Cardinal spoke on what is evidently a symbolic moment, the 333rd anniversary of the Battle of Vienna in 1683. This was the historic battle in which Christian forces defeated the third attempt of the Ottoman Empire to capture Vienna. The Christian victory was a turning point in the long struggle between the Holy Roman and Ottoman Empires.

The Cardinal warned of an “Islamic conquest of Europe.” Many Muslims, he said, want this and say, “Europe is at its end.” He prayed for the European people who are in danger of forfeiting “our Christian heritage.” The danger to Europe, he urged, was being felt not only economically, but above all, in human and religious matters. Schönborn in a TY interview in April 2016 had already commented that Islam had not experienced the Enlightenment, as Christianity and Judaism had, and “had a lot of catching up to do.”

Cardinal Schönborn was reflecting on the general problems Europe was facing, the massive Muslim immigration, and the increase in Islamist terrorism. The general issues he is concerned with are present in his own country.

Austria, like all European countries, is troubled by the increasing immigration into the country. In 2015 the country admitted 90,000 migrants, of whom 11,000 were said to be possible suspects for crime. Between January and June 2016 there have been 24,000 applicants for asylum in Austria. Not surprisingly, Norbert Hofer, the far right Freedom Party presidential candidate has benefited from this in the spoiled and annulled election of May 2016 where he received 49.7 % of the vote compared to 50.3 % of his opponent. .

Like other European countries Austria has acted. In February 2015 the Parliament passed a law limiting funding for Muslim organizations and mosques, and requiring imams to be proficient in German. In 2016, another bill restricting the right of refugees to claim asylum in Austria was approved.

Yet, in spite of European efforts to control terrorism, a continuing problem is that terrorists have been able to take advantage of legal procedural rights and technicalities to benefit as a result of democratic procedures. This has been shown in some of decisions of the European Court of Human Rights (ECHR) in Strasbourg.

Its latest case, equivocal in some regard, concerning Islamist terror attacks in London raises the need for examination of judgments concerning the activities of terrorists, even while adhering to the vital principle of the rule of law.

This case dealt with aftermath of the events on July 7, 2005 when terrorists attacked the London transport system, murdering 52 people and injuring hundreds. Two weeks later, on July 21, other Islamist terrorists, all Somalis, detonated four bombs, containing hydrogen peroxide and shrapnel, on the

London transport system but they failed to explode. Three of the perpetrators were arrested and convicted.

The point at issue is that they were refused legal assistance while interviewed by the police who were attempting to protect life and property. The statements the terrorists made at that time were admitted at their trial at which they were convicted of conspiracy to murder, and sentenced to 40 years imprisonment. On appeal, ECHR in October 2008 ruled by 5-2 that the right of terrorists involved in July 21, 2005 to a fair trial had not been violated, though they had been questioned without legal advice. The Court held the urgent need to avert serious consequences for citizens was more critical than their right to legal advice.

This view was again upheld on December 14, 2014, but the case was referred to the Grand Chamber of 17 members of the ECHR.

Meanwhile, a fourth individual, a man named Ismail Abdurahman, a British subject born in Somalia, had been interviewed by the police. He was not suspected of having detonated a bomb but was viewed as a witness to the planned attacks. He incriminated himself by explaining his help to a fourth bomber, hiding him for three days.

Technically, he should have been cautioned and offered legal advice, but the police continued, taking a written statement. On that basis he was arrested and then offered legal advice. His written statement was admitted as evidence at his trial at which in February 2008 he was convicted of assisting the fourth bomber and not disclosing information about the bombings. He was sentenced to ten years imprisonment, later reduced to eight years.

The terrorists who had been convicted appealed to the ECHR complaining about two issues: their lack of access to legal representation; and the admission at their trial of statements they made to the police. On September 13, 2016 the Grand

Chamber upheld the conviction of the terrorists, and ruled that the temporary restrictions on them regarding legal advice were justified because of the need to avert further terrorist attacks. The London police in July 2005 were facing difficult conditions and were operating under enormous pressure.

But their decision on Abdurahman was different. The ECHR did not find he had been wrongly convicted. But it held by 11-6 held that in his case there were no compelling reasons to restrict his access to legal advice, or to fail to inform him of his right to remain silent. The presumption was that the proceedings in respect to him had been unfair. The overall fairness of his trial was prejudiced because of the police failure to caution him. The Grand Chamber thus ordered UK to pay him £13,600 (16,000 euros) for legal fees because his human rights were breached.

The rule of law was respected, but it is difficult to justify the decision to give compensation to an individual who had helped the terrorists planning to inflict mass murder on Londoners. The law ought to deal firmly with the barbarity that is threatening Western civilization. One wonders if Cardinal Schönborn sees the behavior of the terrorists in London as part of the Muslim attempt to conquer Europe, even if it was not the fourth attempt to conquer Vienna.