

VICTORY FOR DEMOCRACY

By Sheila Flynn

FOR two decades, Michael Meegan had been a poster boy for charity work – good-looking and energetic, charismatic and committed, articulate with media and loved equally by everyone from tribesmen to socialite donors.

He made friends in high places all over the globe, and racked up international awards for his work with ICROSS. A former student of Terenure College and one-time trainee Jesuit, he was featured on award-winning documentaries and published articles in world-renowned journals.

It appeared that Meegan had the Midas touch when it came to

Maverick charity campaigner

fundraising and aid work, that he was bringing hope and promise to the sick and poor of Kenya.

Elton John, Anjelica Huston, Rosanna Davison and Caroline Corr were among those who supported ICROSS's campaign.

It's not unusual for Meegan to be seen driving in his blue Ford 4x4 to lunch with members of the Japanese government's grant commission and the local judiciary.

When he works out at the exclusive gym in the Karen Country Club, he mixes with the well-heeled. It is his toned physique and boyish good looks that have helped to

With celebrity friends, he was the poster boy for Irish overseas aid

make him a favourite with the media. RTÉ featured his work with terminally ill Aids victims in an award-winning documentary called *When You Say 4,000 Good-byes*, presented by the station's western correspondent, Jim Fahy.

When it aired in May 2005, the programme, which featured Meegan cradling dying children in his arms, led to more than €1million in donations to ICross from members

of the Irish public. In the same year, the BBC's prestigious *Hardtalk* show travelled to Kenya to record a half-hour interview special with Meegan.

The programme was recorded in the open-air overlooking the Rift Valley, and was a particular highlight for Meegan, sealing his status as a maverick but also a dedicated charity worker.

In the 30 years since he started



Help: Liz O'Donnell, Stephen Rea and Lorraine Keane

ICROSS, he has been the recipient of a number of accolades including the Rehab/ESB International Person of the Year.

In 1995, he was awarded the Lions Club Melvin Jones Fellowship award and in 2006, he was bestowed with an honorary doctorate in medicine from the National University Of Ireland, as well as a fellowship of the Royal Academy Of Medicine In Ireland.



Donor: Anjelica Huston gave her artwork to ICROSS

YESTERDAY was a great day for our sister title, the Irish Mail on Sunday, and for the freedom of the press. But, more importantly, it was a great day for Irish democracy.

That, of course, was not what Mike Meegan set out to achieve; but, thanks to the good sense of High Court judge Nicholas Kearns in rejecting outright Meegan's bid to gag the Irish Mail on Sunday, it is what he has done.

And we should all be profoundly grateful – us journalists, obviously, but also every man, woman and child in this country who values honesty, integrity and the right to tell the truth. Because if Meegan had had his way, he would have made the 'gagging writ' the common currency of the rich, the influential and the powerful in this country – as it is, to the detriment of democracy, in so many other countries.

Make no mistake about it, this is not just about the vested interests of the Irish Mail on Sunday or of the newspaper industry.

Nor is it about Meegan and the extremely sordid allegations that have been made against him – important as those issues obviously are. It is about the fundamental health of our democracy.

If Meegan had been granted his injunction, a legal precedent would have been established which would, in effect, have allowed those, like him, with the money, the know-how and the connections to suppress any news stories about them that they wanted suppressed – simply by going into court and saying that what the media wanted to report was an invasion of their privacy and was untrue. I repeat, simply by saying so – not by proving so.

The right to privacy is, of course, enshrined – and rightly so – in the European Convention On Human Rights and Article 40.3.1 of Bunreacht na hEireann.

There is also an equal right, under both the Convention and Article 40.6.1 of the Constitution, to freedom of expression. That second right is qualified somewhat – and, again, quite rightly so – by the law of defamation.

If an Irish citizen feels that his privacy has been invaded, or that he has been defamed by a newspaper article, then he can go to court and seek compensation. That is only right and proper. If the newspaper cannot justify itself to the satisfaction of a judge or jury, then the complainant will be awarded damages. That also is right and proper.

But what Meegan wanted to do was different; it was nothing less than a sinister and an insidious attempt to pre-empt this legitimate and time-proven right of redress and, in so doing, to overturn a newspaper's own, equally legitimate, right to report what it believes to be true.

In an even more sinister twist, he had applied to the High Court not only for an injunction to stop publication of the allega-

WHY THIS CASE WAS SO VITAL FOR DEMOCRACY IN THIS COUNTRY



COMMENTARY
by Paul Drury

tions, but for a prohibition on any reportage of the fact that he had even secured such an injunction, or in legal parlance, a 'super-injunction'.

The Irish Mail on Sunday had been investigating this man and his activities for several months. Reporters Michael O'Farrell and Barbara Jones had meticulously garnered a wealth of evidence, from a wide range of witnesses, to back up the very serious allegations that were being made against Meegan – allegations that Meegan, from the outset, had vehemently denied.

From an early stage, Meegan had employed the services of lawyers who insisted that these allegations were both untrue and an invasion of the charity worker's privacy.

The Irish Mail on Sunday, for its part, believed that the allegations were so serious, and of such overwhelming public interest, that they should be put into the public domain.

In order to do so, the newspaper was prepared to run the risk of being sued for defamation or breach of privacy, or indeed both. That, I should explain, is not a decision that any newspaper makes lightly.

Litigation of this kind can eat up hundreds of thousands of euros very quickly – with no ultimate guarantee of success, no matter

how sure you are of your case. But the Irish Mail On Sunday held firm: over the years, other newspapers have also looked into these allegations but all backed down in the face of Meegan's legal threats.

THE newspaper also, again quite rightly, refused to countenance Meegan's argument that any reportage of his sexuality was, de facto, an invasion of his privacy.

While a person's sexuality is not in itself a matter of public interest, it is a different matter altogether if sexual relations with a staff member are involved – or, for that matter, sexual practices that are illegal.

Homosexual relations are illegal in Kenya. There is an added legitimate public interest if the sexual relationship is skewed by the fact that one of those involved is a person of both wealth and power in a country, like Kenya, where most people have very little money and no power.

But privacy is, as one media commentator remarked recently, 'the new libel' – in other words, it is the weapon of choice deployed by people like Meegan when they want to keep

deeply embarrassing allegations out of the press. And, nowadays, even a suggestion of a sexual dimension to a news story is enough to spark a privacy complaint.

The trouble is that sexual high-jinks can often be linked to other misdemeanours, as indeed is alleged in the Meegan case.

If the sexual allegations are hushed up on the spurious grounds that there is no public interest, then the wider misdemeanours may never be properly investigated.

France, for example – a country which professes to defend the principles of liberty, equality and fraternity – has some of the most restrictive privacy laws in Europe.

And as a result, during his lifetime, no newspaper reported that for years, the late president Francois Mitterrand kept a mistress, by whom he had a daughter.

Nobody's business except their own, some might say. But the problem is that those same French newspapers which ignored Mr Mitterrand's sexual adventures were equally slow to condemn him for the sleazy and sometimes criminal friends with whom he surrounded himself.

Across much of continental Europe, political and financial corruption is rampant because, all too often, sleazy politicians and businessmen are allowed to hide behind their right to privacy.

Inevitably, it is the rich and powerful who have the most to fear from nosy journalists – and, therefore, the most to gain from twisting the law to their advantage.

In Ireland, to our eternal credit, the media has in recent years, repeatedly done what our politicians, gardai, judiciary and financial watchdogs all singularly failed to do – expose corrupt practices in high places.

It was journalists, and journalists alone, who first exposed the planning corruption scandals, the Garda corruption scandal, the beef industry scandal and the original scandals at National Irish Bank and AIB.

Does anybody seriously think that if the wrongdoers in all these cases had been able to hide behind a gagging writ, such as that sought by Meegan, that they would not have done so? Does anybody seriously think that, if they had thought they would get away with it, Ray Burke or the late Charles Haughey or the late Liam Lawlor, would not have rushed to court?

Does anybody, for that matter, believe that Bertie Ahern would not have tried it on? Or, in the recent past, Seán FitzPatrick or Michael Fingleton?

One of Meegan's most alarming legal claims yesterday was that new defamation legislation, which came into force only a few months ago, actually made it easier to secure the sort of injunction he sought. This argument too was shot down by Judge Kearns. We should all thank God for that.

As Thomas Jefferson put it: 'Our liberty cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it.'