

Garda investigation of Leo Varadkar

By Michael Smith

first reported in *Village* that Leo Varadkar had improperly passed a draft contract to a friend Maitiú O Tuathail. The article was published on 31 October 2020.

The story was headlined “Leo always delivers”, the cover was ‘Leo Law Breaker’. The cover of the following edition was ‘It’s a Crime’.

Under cover of Dáil privilege Varadkar said he’d received advice the first *Village* article was defamatory, accused *Village* of being “fringe” and said it had no resources so he’d been advised suing would be “like suing Twitter”. It would not.

He also swiftly issued a long and badly conceived statement saying he had not broken the law. There was a furore.

I wanted at all times to frame the issue as one of breaking the law. Few enough of the TDs, who debated the issue with much heat on two occasions as an issue essentially of impropriety, or the media, saw it thus.

After that I drove an initiative to have the matter investigated by the Garda. On 13 November 2020, I wrote to the Detective Chief Superintendent in charge of the Garda National Economic Crime Bureau on behalf of myself and Chay Bowes, who had informed the entire Law Breaker story and who, unlike me, had direct evidence. He and I separately met detectives from the National Bureau of Criminal Investigation soon after. I have met them several times since, the last time in January 2022.

The position of a journalist or editor making a criminal complaint is invidious and I have tried to balance the proprieties – for example my obligation to the truth with my concern for justice. I’m also a lawyer by training.

All this has led I believe to extreme circumspection on my part and considerable circumspection on the part of the magazine in commenting on the ongoing investigation.

I have never predicted the outcome of the detectives’ work, never given details of, or described the nature of, the evidence I have given, never commented on whether Mr Varadkar should be prejudiced in his advancement if the investigation remains unresolved, or indeed on whether he should resign. I have not given interviews or replied to his disparagements including that some of those behind the complaints (and there are



only two of us) support another political party in competition with his own. Whatever anyone says the document leaked was a draft contract, a “confidential” ‘Terms of Agreement’ between the Irish Medical Organisation, the HSE and the Department of Health

I do, however, reserve the right to clarify the basic record. I have a right to say I have at all times facilitated the inquiry and reacted

quickly to requests for meetings. I don’t believe there have been any attempts to frustrate the Garda’s work, which they seem to be carrying out carefully and effectively.

Some basic errors have become received wisdom in media reports.

I also think it is appropriate to put the document above into the public demesne as it clarifies the rudiments of the complaint. 