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# REVEALED: Chief magistrate in Assange case received financial benefits from secretive partner organisations of the UK Foreign Office



By Matt Kennard and Mark Curtis • 21 February 2020



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**The senior judge overseeing the extradition proceedings of WikiLeaks publisher Julian Assange received financial benefits from two partner organisations of the British Foreign Office before her appointment, it can be revealed.**

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It can further be revealed that Lady Emma Arbuthnot was appointed Chief Magistrate in Westminster on the advice of a Conservative government minister with whom she had

attended a secretive meeting organised by one of these Foreign organisations two years before.

Liz Truss, then Justice Secretary, “advised” the Queen to **appoint** her in October 2016. Two years before, Truss — who is now Trade Secretary — and Lord Arbuthnot both attended an off-the-record two-day meeting in London.

The **expenses** were covered by an organisation called *Tertulias*, Lord Arbuthnot’s husband — Lord Arbuthnot of Edrom, a former Conservative MP — with **extensive links** to the British military and intelligence community, including WikiLeaks.

*Tertulias*, an annual forum held for political and corporate leaders, is **regarded** by the UK Foreign Office as one of its “partnerships”. It was **attended** by David Lidington, the Minister for Europe, who **paid** the past **funded** Lord Arbuthnot’s attendance at the forum.

The Foreign Office has long taken a strong anti-Assange position, **rejecting** UN findings in his favour, refusing to **recognise** the political asylum given to him by Ecuador, and even **labelling** Assange a “miserable little worm”.

Lady Arbuthnot also **benefited** financially from another trip with her husband in 2014, this time to Istanbul for the British-Turkish *Tatlidil*, a forum established by the UK and Turkish governments for “high level” individuals involved in politics and business.

Both *Tertulias* and *Tatlidil* are secretive gatherings about which little is known and are not obviously connected — but Declassified has discovered that the UK address of the two organisations has been the same.

Lady Arbuthnot personally presided over Assange’s case as judge from late 2017 until mid-2019, delivering two controversial rulings. Although she is no longer personally hearing the Assange extradition proceedings, she remains **responsible** for supporting and guiding the junior judges in her jurisdiction. Lady Arbuthnot has refused to declare any conflicts of interest in the case.

The new revelations follow previous investigations by Declassified **showing** that Lady Arbuthnot received gifts and hospitality in relation to her husband from a military and cybersecurity company exposed by WikiLeaks. Declassified also **revealed** that the Arbuthnots’ son is linked to an anti-data leak company created by the UK intelligence establishment and staffed by officials recruited from US intelligence agencies behind that country’s prosecution of the WikiLeaks founder.

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📷 Lady and Lord Arbuthnot attend the Queen's garden party at Buckingham Palace in May 2017. Lady Arbuthnot was appointed Chief Magistrate in Westminster by the Queen eight months before, in September 2016, on the advice of Liz Truss, who had attended the 2014 Tertulias event with Lady Arbuthnot. (Photo: Instagram)

### **The Arbuthnots and Liz Truss**

*Tertulias'* annual meetings between the UK and Spain have been held since 1989 but the organisation has no public presence and provides no record of events. Declassified found that its current president is **Jose de Areilza**, a Spanish law professor who is also a board member of the Spanish Ministry of Defence.

Lord Arbuthnot **records** that he became the unpaid chair of *Tertulias* in 2012, at which time he was also chair of parliament's Defence Committee. Arbuthnot was then also a **member** of the Joint Committee on National Security Strategy and **chair** of Conservative Friends of Israel.

In October 2014, Liz Truss, who was then Secretary of State for Environment, Food and Rural Affairs (DEFRA), attended the *Tertulias* meeting in Bilbao, alongside the Arbuthnots, Lidington and at least four other **British MPs**.

Lord and Lady Arbuthnot spent two days at the event and received **expenses** worth £1,488.20 from *Tertulias*. Although having attended the annual event regularly since 2000, this was the first time Lord Arbuthnot recorded in his parliamentary register of interests the attendance of his wife.

At the time Lady Arbuthnot was deputy senior district judge. The reason for her attending a meeting **described** by Lord Arbuthnot as "bringing MPs, business people, academics and artists together to discuss topical issues" is not clear.

Liz Truss was in Bilbao for three days and accrued **expenses** of £1,235.48 paid by *Tertulias*. Her flight cost £825.48, suggesting she was flown first class. By contrast, Nick Boles MP **charged** £178.98 for his flight. The funders of *Tertulias* and *Tatlidil* are not known.

The trip to Bilbao was one of only **three** Truss has accepted from third parties since becoming an MP in 2010. She also joined a group of Conservative MPs on a trip to Berlin in 2011 and attended in 2019 the annual forum of the American Enterprise Institute (AEI), a highly secretive meeting organised by the most influential neoconservative think tank in Washington populated by senior US military and intelligence officials.

Declassified recently **revealed** how the AEI, which has a strongly **anti-Assange** position, has been courting British ministers for years.



📷 Liz Truss, then minister for DEFRA, speaks in the Guggenheim museum at the secretive *Tertulias* meeting in Bilbao, Spain, 18 October 2014. Standing to her right is *Tertulias*' chairman, Lord Arbuthnot. Foreign Office partner organisation *Tertulias* also paid for Lady Arbuthnot – Julian Assange's senior judge – to attend this event.

Declassified is now publishing a photo of Truss giving a speech at the 2014 *Tertulias* forum in the Guggenheim museum in Bilbao. Lord Arbuthnot can be seen standing next to her, likely having just introduced his fellow Conservative MP. It is not known if Lady Arbuthnot was present.

Truss's visit to *Tertulias* is secret enough for even the department she oversaw as minister at the time — DEFRA — to have no information on it. Responding to Declassified's Freedom of Information request for communications between the minister and *Tertulias* or an itinerary for the Bilbao meeting, DEFRA responded: "Following a search of our paper and electronic records, we have established that the information...you have requested is not held by DEFRA." It is unclear if Truss used a private email to organise the visit.

### **In Istanbul**

The month following the *Tertulias* forum, in November 2014, Lady Arbuthnot went on another trip with her husband, this time to Istanbul for the British-Turkish *Tatlidil*, which paid the Arbuthnots £2,426 for flights and expenses.

Lord Arbuthnot **described** the purpose of the visit as "to promote and further bilateral relations between Britain and Turkey at a high level". *Tatlidil*, which means "sweet talk" in Turkish, was established in 2011 by then prime minister David Cameron and his Turkish counterpart Recep Tayyip Erdoğan. It **describes** its objectives as "facilitating and strengthen [sic] relations between the Republic of Turkey and the United Kingdom at the level of government, diplomacy, business, academia and media".

The UK delegation to the 2014 meeting in Istanbul was led by Prince Andrew, who also hosted the *Tatlidil* in Edinburgh the previous year. Then foreign minister Tobias Ellwood spoke at the forum while former foreign secretary Jack Straw, who is a co-chair of *Tatlidil*, presided over one of the discussions. Erdoğan spoke at the meeting and reportedly called for the removal of Syrian leader Bashar al-Assad.

The sparse information available on the meeting, which largely comes from social media, suggests that Lady Arbuthnot may not have attended the discussions since there was a separate “spouses/partners programme” involving local visits.



Prince Andrew talks to Turkish president Recep Tayyip Erdoğan and other officials at the Foreign Office-linked off-the-record British-Turkish Tatlidil forum, 29 November 2014. Lord and Lady Arbuthnot were both paid by Tatlidil to attend that year's event.

### Same addresses

Declassified has discovered that the addresses given by Lord Arbuthnot and other parliamentarians for *Tertulias* and *Tatlidil* have been the same — despite no obvious connection between the two organisations other than the UK Foreign Office. All the addresses are residential with no clear reason why they would be official addresses of high-level Foreign Office-linked fora.

In 2012, Arbuthnot recorded in his parliamentary register of interests that the address of both organisations was a Grade II listed house in the village of Cowlinge, Suffolk, which has a population of just over 600 people. From 2013-16, the address changed to a house in Higham, a small village with 140 people, also in Suffolk.

The land registry states that the Higham address is part of the Dalham Estate in Newmarket, and is owned by **Arat Investments**, a vehicle incorporated in Guernsey with a PO Box address. There is little information publicly available about Arat, given Guernsey's secrecy laws. It has been reported that the estate is owned by Sheikh Mohammed al-Makhtoum, the ruler of Dubai, one of the United Arab Emirates.

In 2017, the address for *Tertulias* changed again to a house — which is divided into three flats — in Battersea, south London. In more recent entries to the register of interests, the address is given by MPs as simply “private”.

Declassified has discovered that both *Tertulias* and *Tatlidil* had been managed by the same person living at the addresses given by parliamentarians. She told Declassified that *Tertulias* is “independent” but “works closely” with the Foreign Office. When asked about

the organisation's funders or any personnel involved, including its current parliamentary chair, information was refused.





📷 The three residential properties which have been recorded by MPs in the parliamentary register of interests as the location of the Tertulias organisation, which funded Lady Arbuthnot's trip to Bilbao. In the latest entries, the organisation's address is listed only as "private". (Photo: Matt Kennard)

### **Tertulias and the Foreign Office**

Tatlidil was openly set up by the UK government, but *Tertulias* is also closely linked to the Foreign Office, which **describes** *Tertulias* as one of its "partnerships" and in 2013 **referred** to the forum as "our *Tertulias*". Britain's former ambassador to Spain, Simon Manley, **described** the annual event as "our #1 bilateral forum" between the UK and Spain.

Last October, Europe minister Christopher Pincher attended the forum in Edinburgh and **stated** that "the annual *Tertulias* dialogue illustrates the breadth and depth of the relationship between the United Kingdom and Spain". His predecessor Sir Alan Duncan **attended** the previous forum in Malaga.

Duncan, who has now left office, personally **insulted** Julian Assange in parliament in 2018 before adding: “It is of great regret that Julian Assange remains in the Ecuador embassy,” where he had been given political asylum by the Ecuadorian government.

Lord Arbuthnot **recorded** that the costs of his attending his first forum in 2000 were partly met by a “grant” from the Foreign Office. Labour minister Peter Mandelson **said** in 1998 that he attended the *Tertulias* forum “following official advice from the Foreign and Commonwealth Office.”

At the 2014 *Tertulias* attended by Truss and the Arbuthnots, a Spanish banker was **awarded** a CBE by the Queen on recommendation of the British government.

*Minister for Europe Sir Alan Duncan and Cabinet Minister David Liddington enjoy “warm encounter” with Spanish Foreign Minister Josep Borrell at 30th annual Tertulias in Malaga. [pic.twitter.com/a8EbIIToE5](https://pic.twitter.com/a8EbIIToE5)*

— GBC News (@GBCNewsroom) **October 27, 2018**

### **Lady Arbuthnot’s rulings**

Lady Arbuthnot’s husband is a **key figure** in the British military and intelligence establishment — a highly controversial issue given that Lady Arbuthnot has made rulings in the Assange case and continues to oversee it as chief magistrate.

Lord Arbuthnot was from 2016-17 a director of **SC Strategy**, a consultancy created by Sir John Scarlett, the former head of MI6 who had been behind the “dodgy dossier” used by Tony Blair to push for war with Iraq.

Arbuthnot is **currently** the chair of the advisory board of arms corporation Thales UK and board member of Montrose Associates, a “strategic intelligence” consultancy, whose president is former Foreign Secretary Douglas Hurd.

Lady Arbuthnot has **refused** to formally recuse herself from the Assange case. A judiciary spokesman has **said**, “There has been no bias demonstrated by the chief magistrate. The chief magistrate, however, is aware of the judicial conduct guidance that advises on avoiding the perception of bias and is not hearing the case”.

It is unclear what “perception of bias” Lady Arbuthnot accepts and on what basis she stepped aside from personally hearing the case.

The chief magistrate’s **role** includes “supporting and guiding district judge colleagues”, including Vanessa Baraitser, who ruled on the case in 2019. Lady Arbuthnot is also likely to have approved of Baraitser’s appointment to hear the Assange case.

Her previous rulings on Assange cannot be revisited by the defence when she fails to declare a conflict of interest.



📷 Nils Melzer, UN Special Rapporteur on Torture, at the European headquarters of the UN in Geneva, Switzerland, 1 March 2019. Melzer has said: 'Mr Assange's continued exposure to severe mental and emotional suffering which, in light of the circumstances, clearly amounts to psychological torture or other cruel, inhuman or degrading treatment or punishment.' Lady Arbuthnot dismissed the findings of the UN in her 2019 ruling. (Photo: EPA-EFE / Salvatore di Nolfi)

Lady Arbuthnot's first **ruling** on Assange was made in February 2018 while he was a political asylee in the Ecuadorian embassy in London. Assange's lawyers had applied to have his British arrest warrant withdrawn.

Assange had never been charged with a crime, and in May 2017 the Swedish proceedings had been discontinued along with the European Arrest Warrant. The warrant related to Assange skipping bail to claim asylum in the Ecuadorian embassy, where the Ecuadorian government agreed that he was at risk of political persecution in the United States.

Arbuthnot refused the request. Her **ruling** was irregular, dismissing Assange's fears of US extradition and the findings of the UN. "I accept that Mr Assange had expressed fears of being returned to the United States from a very early stage in the Swedish extradition proceedings but... I do not find that Mr Assange's fears were reasonable," she said.

"I give little weight to the views of the Working Group," she added, referring to the United Nations body which termed Assange's condition one of "arbitrary detention". "I do not find that Mr Assange's stay in the Embassy is inappropriate, unjust, unpredictable, unreasonable, unnecessary or disproportionate."

When he was grabbed from the Ecuadorian embassy by British police in April 2019, district judge Michael Snow **pilloried** Assange's claims that Lady Arbuthnot was conflicted: "His assertion that he has not had a fair hearing is laughable. And his behaviour is that of a narcissist who cannot get beyond his own selfish interests," Snow told the court.

Lady Arbuthnot made her most recent **ruling** on Assange in June 2019. District Judge Vanessa Baraitser — who is still overseen by Lady Arbuthnot — will rule on the extradition proceedings which begin on 25 February.

Liz Truss, Lady Arbuthnot, Lord Arbuthnot, and the Foreign Office, did not respond to requests for comment. **DM**

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