

# The Telegraph

## Exclusive: The photo that ‘clears Prince Andrew’ over bath sex

Maxwell lawyers claim ‘frolicking’ with Duke of York could not happen because there was not enough room

By [Robert Mendick](#), CHIEF REPORTER and [Victoria Ward](#), ROYAL EDITOR. 27 January 2023 • 9:35pm

Ghislaine Maxwell’s brother Ian says the photo shows ‘conclusively that the bath is too small for any sort of sex frolicking’

A photograph that the family of Ghislaine Maxwell believes discredits the Duke of York’s accuser has been made public. The image [shows the bath](#) in which the Duke is alleged to have engaged in sexual activity with a teenage girl.

Two of Maxwell’s acquaintances are sitting in the bath, fully clothed, wearing makeshift masks depicting the Duke and Virginia Giuffre.

They posed for the image in an effort to prove that the bath was too small for the kind of behaviour alleged by Ms Giuffre, and planned to use it as part of her defence during her sex trafficking trial.

Two of Maxwell’s acquaintances are sitting in the bath, fully clothed, wearing makeshift masks depicting the Duke and Virginia Giuffre.

They posed for the image in an effort to prove that the bath was too small for the kind of behaviour alleged by Ms Giuffre, and planned to use it as part of her defence during her sex trafficking trial.

The photograph was released after it emerged that the Duke hopes to overturn the multi-million pound settlement he struck with Ms Giuffre last February.

Ian Maxwell, 66, an elder brother of the shamed British socialite, said he was happy for the Duke to use the image if it helped his case.

Ms Giuffre accused the Duke of raping and sexually abusing her three times in 2001,

when she was 17.

She has provided several accounts of the first incident, alleged to have taken place at Maxwell's mews house in Belgravia, central London, after she was trafficked from the US by Jeffrey Epstein, the convicted sex offender who later took his own life while awaiting trial on further charges.



The mews house in Belgravia, central London CREDIT: APhifer

In a 2011 interview, she claimed she and the Duke got into the bath where “he started licking my toes, between my toes, the arches of my feet” before they went into the bedroom and had sex.

In Dec 2019, she told BBC Panorama: “There was a bath and it started there and then led into the bedroom.”

And in her unpublished memoir, the *The Billionaire’s Playboy Club*, which was released in a batch of court records related to her lawsuit against Maxwell – which was settled in 2017.

And in her unpublished memoir, the *The Billionaire’s Playboy Club*, which was released in a batch of court records related to her lawsuit against Maxwell – which was settled in May 2017 – she wrote: “It was a beige marble tiled floor with a porcelain Victorian-style bathtub in the middle of the room.”

Mr Maxwell told *The Telegraph*: “I am releasing my photographs now because the truth needs to come out.

“They show conclusively that the bath is too small for any sort of sex frolicking. There is no ‘Victorian bath’, as Giuffre has claimed, which is proved both by the attached plan of the bathroom and the photos themselves.”

The Duke paid Ms Giuffre an estimated £12 million last year to settle her civil claim against him, while admitting no liability.

He is now understood to be consulting lawyers after Ms Giuffre dropped a separate sexual abuse claim against the US lawyer Alan Dershowitz, admitting that she “may have made a mistake” in claiming he had abused her as a teenager.

And in her unpublished memoir, the *The Billionaire’s Playboy Club*, which was released in a batch of court records related to her lawsuit against Maxwell – which was settled in May 2017 – she wrote: “It was a beige marble tiled floor with a porcelain Victorian-style bathtub in the middle of the room.”

Mr Maxwell told *The Telegraph*: “I am releasing my photographs now because the truth needs to come out.

“They show conclusively that the bath is too small for any sort of sex frolicking. There is no ‘Victorian bath’, as Giuffre has claimed, which is proved both by the attached plan of the bathroom and the photos themselves.”

The Duke paid Ms Giuffre an estimated £12 million last year to settle he civil claim against him, while admitting no liability.

He is now understood to be consulting lawyers after Ms Giuffre dropped a separate sexual abuse claim against the US lawyer Alan Dershowitz, admitting that she “may have made a mistake” in claiming he had abused her as a teenager.

The Duke is said to believe that the “extraordinary” development, following an eight-year legal battle, [prompted serious questions over Ms Giuffre’s credibility](#).



A screengrab issued by Talk TV from an interview with Chisline Maxwell earlier this month CREDIT: Talk TV/PA

Maxwell sought to defend her “dear friend” the Duke in a series of interviews from a Florida jail, where she is serving 20 years for child sex trafficking after procuring girls for Epstein to abuse.

She said she had no memory of him meeting Ms Giuffre at her home and insisted that a separate - and now notorious - photograph taken of the pair that evening must be [a fake](#)

Ms Giuffre has given multiple accounts of the night in question, including a visit to Tramp nightclub where she claims the Duke was sweating “profusely”.

But it is her specific descriptions of the bathroom and the bathtub that proved the focus of legal interest as Maxwell’s team attempted to discredit her evidence by staging the picture, taken in the summer of 2021.

The team wanted to show that the bathtub was too small for the pair to have fitted into and even begun engaging in sexual activity.

Mr Maxwell said: “The whole of Virginia Giuffre’s case pivots upon a photograph taken more than 20 years ago at my sister’s former house in Kinnerton Street, in Belgravia.

“It proves nothing. Prince Andrew and my sister think it’s a fake but I take the view that it’s irrelevant. It just shows that Prince Andrew had his arms around a girl who wanted a photograph, as she has said herself, ‘to show to her mother’.”



Ian Maxwell says the famous picture of the Duke of York with Virginia Giuffre 'proves nothing' CREDIT: AFP via Getty Images

Mr Maxwell explained that the bath picture was taken prior to his sister's trial in winter 2021 as preparation for her defence.

"Ghislaine was in custody, and shortly after the picture was taken, the mews house was sold," he said.

"Her [Ms Giuffre's] story relating to having had sex in the bath dates back many years, and the obvious time to put it to her that the bath is too small and makes sex impossible was at the trial. But Virginia Giuffre was never called to give evidence, and the photo never came to light.

"But her admission that her claim of having sex with [Alan Dershowitz](#) may be mistaken and therefore untrue, and given Prince Andrew is considering appealing the settlement, it seemed in the context of that the correct moment to release the images."

Mr Maxwell insists he has not had any personal dealings with the Duke of York or his legal team but was willing to help in any way he could. He said the masks were used to hide the identities of the people involved.

"There is no interaction between us and Prince Andrew or his people," he added.

"Prince Andrew has been completely cancelled on the basis of the allegations," he said, adding that they "have completely knocked him out".

Mr Maxwell insists he has not had any personal dealings with the Duke of York or his legal team but was willing to help in any way he could. He said the masks were used to hide the identities of the people involved.

"There is no interaction between us and Prince Andrew or his people," he added.

"Prince Andrew has been completely cancelled on the basis of the allegations," he said, adding that they "have completely knocked him out".

Mr Maxwell said: "The truth really does need to come out. If this photo is helpful in achieving that, then that is what this is all about."