

STATEMENT TO POLICE : note

The attached statement was received by me from Garth Bennymore of Liliesleaf Trust on 4 October 2004, the first time I had seen it since 1963. I was told that this was among papers in the possession of Dr Percy Yutar (prosecutor), which he had kept after the trial.

The statement is not signed by me and is undated, although someone appears to have written 'Summary of evidence 11.9.63' at the end, and there is an illegible signature possibly of Lt van Wyk who took my statement.

See: Bob Hepple, *Young Man with a Red Tie: a memoir of Mandela and the failed revolution 1960-63* (Jacana, 2013) pp. 131-2; and see Kenneth S. Broun, *Saving Nelson Mandela* (Oxford UP, 2012) p. 157.

235
260

I am an Adult European Male residing at 43 Dalebrook Crescent, Victory Park, Johannesburg. I am a practising Advocate of the Supreme Court, having been a member of the Johannesburg Bar since January, 1962. Before this I was an Attorney, Notary and Conveyancer and a full-time lecturer in law at the University of the Witwatersrand.

I have been informed of the allegations against me of sabotage and of furthering the objects of a banned organisation. I am making this statement freely and voluntarily while in my sound and sober senses without being unduly influenced thereto subject, however to the promise and assurance which has been given to me that this statement will not be used against me either directly or indirectly in any proceedings, but that I will be used as a state witness. I understand that provided I give my evidence satisfactorily I will receive an indemnity against prosecution.

(1) I was recruited as a member of the South African Communist Party in or about 1954 by Advocate Joe Slovo. I allowed my membership of this organisation to lapse at one stage but at the time of my arrest on the 11th July, 1963, I was still a member of the organisation. From about 1958 onwards almost all my political activity was concentrated on the trade union movement. However, I refrained from open political activity and believed that my activities were not well-known by the Police.

(2) In about October, 1962, Adv. Slovo, asked me whether I was prepared to receive correspondence at my office address. I cannot now remember his exact words but they were to the effect that the "movement" (which I understood to mean the Communist Party and/or the African National Congress) was experiencing difficulty in communications because of the spate of house arrests and bannings. He thought that I was relatively unknown to the police and accordingly my address was not likely to be under surveillance but would provide a "respectable" channel for receiving letters. I agreed to do this and from that time on I received something like one or two letters on the average each week, postmarked from Durban, Port Elizabeth and Capetown.

These letters were addressed to me. I would open them and normally found inside a sealed envelope marked "For Cedric". Sometimes the inside envelope was not marked. Occasionally there was no inside envelope at all. On such occasions I glanced at the letter which was addressed to "Dear Cedric" and appeared to be signed "Natalie". The contents were meaningless to me as they were either cryptic or consisted of a series of numbers. I paid no particular notice to them. When there was a sealed inside envelope I did not open it.

At first I handed these letters to Slovo. Later, in about April 1963, Slovo told me that it was inconvenient for him to take the letters from me and he enquired whether I would mind taking them to a certain place which would entail a rather long journey, but which I could do on my way to or from work. I told him that I was agreeable provided that I could make my own times for going there.

Slovo then took me out to the Lilyleaf Farm, Rivonia. I think it was the same afternoon ~~am~~ after working hours. I had never been there before and I don't think I would have been able to find it without his assistance. I did not know whose house it was or who lived in it. When we arrived we went directly to an outhouse with a thatched roof. We found Mbeki alone there. I was introduced to him by Slovo. I had previously heard of Mbeki as the Port Elizabeth correspondent of "New Age" newspaper. I never at any time was told expressly what his connection was with any of the unlawful organisations. Slovo merely said "You can give the letters to Govan". We talked to Mbeki for a little while, and I learnt that he had been served with a house arrest order confining him to his home in Port Elizabeth, but that he was living at the Farm. I noticed one or two beds in the room.

After this I went out to the Farm in my own car, on my own, approximately once each week. The times of my visits varied but they were always during the day, usually in the late afternoon, on my way home from work. On the first few occasions the visits were of short duration. I merely handed the letters to Mbeki, exchanged a few words, and left.

68275 225
262

A few weeks later, either in April or May, Slone asked me if I was free that afternoon to drive Kathrada out to the Farm. I have known Kathrada for about ten years. When I first met him I knew him as an official of the Indian Youth Congress. In subsequent years I did not learn what precise political work he was doing. Slone told me that Kathrada was likely to be arrested under the "50 Day Detention" Act which had just come into force and that accordingly Kathrada was going to break his house arrest order and live underground. I picked up Kathrada at a spot in Boonahurst and drove him out to the Farm the same afternoon. Subsequently when I visited the Farm Kathrada was usually there. I am not sure whether he was living there all the time. The day I took him out he had a small type of attack case with him. I noticed that he grew a mustache and dyed his hair during the time I was in there.

At a later date, I cannot remember exactly when, I saw Walter Binah at the Farm. His appearance was somewhat changed from normal as he had shaved his beard and had grown a small mustache and darkened his hair making him look more like a coloured than an African. I have known Binah for about ten years. I first met him when I was a member of the Youth branch of the S.A.C. (South African Congress) and he was then Secretary-General of the African National Congress. I heard his address public meetings at which he was introduced as such. In later years I retained social contact with him, and after I went to the Johannesburg bar, I acted for him in a professional capacity on various occasions. At the time I first saw him at the Farm I had heard that he had absconded from a 24-hour house arrest order. Thereafter I saw him on a few occasions at the Farm. He was not there as regularly as Kicki and Kathrada, and I am unable to say whether he was actually living there.

It was after I had seen Binah there, that I was asked by either him or Kicki whether I could give him an analysis of the 1963 General Law Amendment Act, particularly as it affected the questions of house arrest and burnings.

00274 234
263

I arranged to come to the Farm a few days later in the afternoon to do this. When I arrived on that occasion to present the analysis I found Sisulu, Kathrada, Mbeki and Bernstein at the Farm. I have known Bernstein for many years. When I was in the S.A. Congress of Democrats he was an executive member of the organisation. I have always been on friendly social terms, as well, with him and his family. We met ~~in the outhouse and I presented an analysis of~~ the main effects of the Act, after which I was questioned about it. The discussion lasted an hour or two.

see memo

Shortly before I went away for two weeks' holiday in mid-May Sisulu spoke to me at the Farm about the defence of persons accused of political offences. He told me that he was disturbed at the fact that although the Defence and Aid Fund assisted persons charged with some political offences in finding counsel, no organisation existed to help people charged with sabotage as the Defence and Aid Fund was not prepared to help in the latter cases. This was about the time that some Indian men had been charged with sabotage in the Rand Supreme Court and I was led to understand that there had been some difficulties in arranging defence for these men. He asked me whether I could investigate the position and tell him about it. I arranged to meet him a few days later at the Farm. ~~When I went there a few days later I was taken into the main house at the Farm into the lounge. I went in through a kitchen and didn't see either Mr or Mrs Goldreich, but only a female servant in the kitchen. As far as I remember those present were Slowo, Sisulu, Mbeki and Kathrada. I presented a report and made some suggestions as to how legal assistance could be arranged in sabotage cases and the like, where there were no existing arrangements. Nothing was finalised about this in my presence. After about an hour I left the premises, leaving the others still in the~~

Some time during June Mbeki, I think, asked me if I could go into the legal position of foreign Africans in the Republic after July 1st, and the new laws and regulations affecting entry to and from South Africa from the Protectorates. I arranged a time and date with him. When I came to the Farm I found Mbeki, Sisulu and Wilton Mwayi there. This was the first

time I had seen Mkwayi there. I had previously seen Mkwayi a few years earlier when he was an accused in the Treason Trial. I did not know him very well. I met them in the outhouse with the thatched roof. In my report, besides dealing with the legal position I mentioned the border posts and camps for prohibited immigrants. I was questioned and there was some discussion. I then left the premises. I had also prepared a short typewritten memorandum on certain aspects of the position of foreign Africans which I left with them.

During the first week of July I took a letter out to the premises. Mbeki, Sisulu and Kathrada were there. When I arrived there was a Volkswagen Kombi van parked near the outhouses. I saw a bearded and bespectacled European man, whom I did not recognise, standing next to the van talking to Kathrada. I walked past them, they took no notice of me. I went into the outhouse with the thatched roof and after a little while Kathrada came in saying something about the European man referring to him as "Williams". The European got into the Kombi van and drove away. The next time I saw this man was after my arrest on the 11th July. While we were being transported together to the Fort, he introduced himself to me as Dennis Goldberg. I had heard of him before and may have met him in Capetown a few years previously, but I cannot now remember this.

The same day that I saw "Williams" (Goldberg) one of the persons there (I cannot remember precisely whom) asked me about the conditions of 90-Day detainees. Sisulu also mentioned that he was interested in discussing his appeal against a conviction in the Regional Court with me. After a bit of discussion I arranged to come back at 3 p.m. on 11th July to discuss these matters. I made this arrangement provisional upon my not being engaged in court on that day.

I thereafter made a number of enquiries about the conditions of 90 day detainees and went into the legal position. I was not able to go into the question of Sisulu's appeal.

As I was not in court, I left my chambers at about 2.30 p.m. on the afternoon of the 11th July and drove out on my own to the Farm. When I arrived there I found Bernstein, Simulu, Katherada, Mbeki and another African male on the premises. They were not all in the outhouse with the thatched roof and were moving around. The last-mentioned African male I had seen and talking to others on walking around/the premises on a previous occasion, but I had not spoken to him then. On July 11th he introduced himself to me as what sounded like "Solaps". He said that an article about him had appeared in the "Sunday Express" and he sought my professional advice about that article.

After I had been on the premises for about 15 minutes (i.e. about 3.15 p.m.) but before the discussion on the 90 Day Act had commenced, the Police arrived and I was arrested. On the table in the room there was a book by Mao Tse-Tung and some documents. Bernstein appeared to be looking at these. I may have touched the documents while chatting to him and putting my overcoat on the table. I did not notice the contents of the documents except for one which appeared to be a letter. None of these documents was discussed with me or in my presence.

During my various visits to the Farm I had a few informal words with those there about current political events, but these discussions were not of any significance. No military or sabotage plans were ever discussed with me or in my presence. ~~Whenever~~ I was actively discouraged from enquiring about matters which did not concern me. I was never expressly told that the activities of underground organisations were being conducted from the premises, but I certainly gained the impression that this was the case, particularly after I had seen persons who had absconded from house arrest there on a number of occasions.

About the beginning of July, shortly after border controls with the protectorates had been instituted, Mbeki asked me when I was at the Farm whether I knew anyone who was able to go through the borders with a passport. I asked him why and he said he wanted to get a sum of money from Joe Matthews, who is an Attorney practising at Eszaru. I know that Matthews had before his banning been active in the A.S.C. I could not think of

of anyone off hand, but I suggested to him that he consider using an Indian by the name of Burtee who lives in Basutoland and whom I have met on holidays in Basutoland and whom I know to be connected with Basutoland politics. Mbeki said he thought it a good idea and he would let Matthews know. I never heard any more about this.

On one occasion when I brought a letter to the Farm, I found Slove and Mbeki together in the outhouse with the thatched roof. I think it was not long after the 90 day Act had come into force. There were a number of papers and books on the table. I asked Slove "Why aren't you at Chambers." And he said "I am not going to Chambers, I think I may be arrested under the 90 Day Act and I am busy working here on some very important plans." I said "What sort of plans,?" He replied "That's top secret right now." I left it at that.

On my various visits to the premises I occasionally bumped into Goldreich. Once only I saw his wife on the premises but did not speak to her. I ~~was~~ hardly knew Goldreich, and only after I had been there a few times did I learn that he stayed in the house. One day Goldreich saw me and said "Do you know there is a freedom radio coming on the air tomorrow night.?" He told me on what wavelength to tune in. I did so and heard "Radio Liberation" which was described as "The Voice of the ANC". The announcer, whose voice I cannot positively identify, but could have been Mbeki's, spoke about June 26th as Freedom Day and introduced Walter Sisulu. I then recognised the voice of Sisulu, who spoke about the continuation of "the struggle" despite bannings and arrests. I cannot remember the exact details of his talk any longer. I never saw a radio transmitter on the Farm premises or elsewhere.

The first time I saw Goldreich on the premises, I chatted to him for a while. He told me that he had ~~just~~ come back a little while before from Czechoslovakia. I asked him what he was doing there and he said that he had been there on some business for the Umkonto organization. That terminated our discussion about it, as I felt this was a matter which I was not entitled to know about

00278

~~238~~
264

- page 8 -

I have never seen any of the following persons at the Farm: Ruth First, Jack Hodgson, Marius Schoon, Mandela, Festenstein, Kantor, or Wolpe. (40)

I have never heard about or seen a house discovered by the police at Travallyn.

One day Kathrada asked me to give him a lift from the Farm into town. I dropped him outside some premises in Terrace Road, Mountain View. A week or two after this (towards the end of June) I again lifted Kathrada from the Farm to these premises. He invited me in for some coffee. We went into a garden cottage. Kathrada told me that the owners of the house did not know that he was an Indian and he said "I don't even know if they know that I am staying here." They think that Williams or (he then mentioned some other name which I think was Bronkhorst) is renting the place." I said "Is that the name you go under here,?" He replied: "No there is another European living here with me". After my arrest I came to connect Williams with Goldberg. I do not know who the owners of the house or cottage are or were. I have never heard of the Kreels.

Lenny ... 11.9.63 ...

Collection Number: A3393

Collection Name: Bob Hepple Papers

PUBLISHER:

Publisher: **Historical Papers Research Archive, University of the Witwatersrand**

Location: **Johannesburg**

©2015

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document forms part of a collection held at the Historical Papers Research Archive, University of the Witwatersrand, Johannesburg, South Africa.