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Extract from:

Bob Hepple, *Notes of my Experiences 1960-63 (written in June 1964)*

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#### Release from Jail

As soon as we were charged it became possible for us to talk to one another and to receive books. We were each still kept in our solitary cells and saw one another only during the two daily exercise breaks of half hour each.

On the afternoon of the day we were taken to court we were all called into the Head Warder's office for a consultation with AF [Abram Fischer QC] and two other counsel. I told AF of my position and the proposal put to me ( which he knew already) about being a state witness. I said I would do whatever the movement told me to do and I wanted their directive. He said he would find out for me. I also told NM [Nelson Mandela] WS [Walter Sisulu] and others that I had made a statement and I said I wanted to have a proper discussion with them about whether I should agree to become a witness or not. It was not possible that afternoon to discuss anything because of lack of time and everyone was too elated at this first opportunity to talk to each other as human beings since the arrest on July 11<sup>th</sup>.

...AF advised me not to share attorneys and counsel with the other accused... It had been arranged [ by my father] for me to meet I.A.Maisels QC on Thursday 17<sup>th</sup> October and I was anxious to discuss the matter with the other accused before then. My means of communication with them was LB [Lionel 'Rusty' Bernstein], but he and DG [Dennis Goldberg] were nearly always in consultation with lawyers during the exercise period so I rarely saw them. LB said, however, that he could not see any objection to my actually testifying as long as I realised that whatever the other accused might think, the people outside might not understand that I had remained loyal and this would end my future politically. He felt, however, that no one could tell what effect ten years or so in jail might have on one, and as the alternative to testifying was a long period in jail, this itself might end my physically and mentally - and not just politically. He expressed no direct opposition to my actually testifying. I mentioned to him and DG the possibility of inducing Yutar [the Prosecutor] to release me and then skipping the country. They both thought this would be a good idea, but were sure I could not induce Yutar to let me out before testifying.

Another obstacle to meeting all the accused was the fact that the only place I could see them all was in the Chief Warder's office in which they consulted with their lawyers and which was certainly "bugged".

However, on the afternoon of Wednesday 16<sup>th</sup> October, AF found a pretext for inviting me to join a consultation. He told me that the movement's attitude was that I must "take a personal decision". That was all that was said, and I took it to mean that the movement attached no objection to my actually testifying, but that it was left to me to decide whether I wanted to face the possible political consequences of being misunderstood by ordinary people outside jail, as opposed to the alternatives of lengthy imprisonment or even a death sentence.

I then talked to NM who expressed to me his views and those of the other accused. They thought that if I testified ( and we were speaking then of my actually going into the witness box) this might be used politically as a divisive measure against the ANC, but that I must take a "personal decision". NM stressed that I could not be judged by this but rather by the future work I might do for the ANC if I were released.

I then asked NM what his attitude and that of the other accused was to my inducing Yutar to release me and then skipping the country. Neither NM or WS nor any of the others expressed opposition to this. One of them said: "That would be excellent."

The next day I met Maisels and my father both of whom took the view that I should testify. Maisels was particularly adamant that on legal grounds I had no alternative. In the hope that I might be released and could then skip the country before testifying I allowed Maisels to tell Yutar that I would testify. My firm intention was that if I was called into the witness box I would then make a political statement in favour of the accused, and refuse to testify against them, so giving them a publicity coup. But I hoped that by going along with Yutar I would keep the option open of being able to escape from the trial.

This opportunity arose soon after the trial started. There was a motion to quash the indictment and by the morning of October 30<sup>th</sup> it had become obvious that this motion was likely to succeed. The result would be that the accused would be rearrested and more weeks would pass before the matter came to trial. I sent a note to Yutar asking whether in the circumstances I could expect to be released. At the tea interval Yutar had me brought up to his office. He said that it had been decided to release me.

Soon after the hearing resumed the Judge asked me to address him on the indictment ( I was not represented by counsel). Yutar jumped up before I could speak and announced that he was withdrawing all charges against me. At a later stage I would be called to testify for the State. The Judge said "You may go" and I was released. As I left the box AM [Andrew Mlangeni], next to whom I was sitting, and other accused shook my hand and smiled. AM whispered that he was very pleased.

After nearly four months I went home to my family.

### Escape from South Africa

On my release I established contact with AF [Abram Fischer QC], who was the only surviving member of the underground central committee whom I knew.

I met AF secretly for a whole Saturday morning in a hotel suite in Rosebank. I told him everything that had happened from the time of my arrest onwards, including the full content of my statements to the police under interrogation.

I then proposed to him that I should leave South Africa before I could be compelled to give evidence in the Rivonia trial. I said that there were three alternatives: (1) I could give evidence along the lines of my statements to the police and cross-examination could be used to assist the case for the accused and their political aims; (2) I could go into the witness box and refuse to testify, giving them a publicity coup ; or (3) I could attempt to flee the country before being called on to testify. There were disadvantages in all three courses. The disadvantage of (1) was that I could never be sure whether in some small way my testimony would corroborate the state case of conspiracy - that would be hard on my conscience, although there was no doubt that even without my evidence the accused would be convicted. The disadvantage of the second course was that it could mean indefinite detention and torture without trial or life imprisonment or even a death sentence for me. The third course would mean cutting myself off from effective political work, breaking up my family, losing my professional practice and going into the wilderness.

I told AF that I would leave the decision to the movement as to which of these courses I should follow.

A few days later I met AF for an evening in another hotel suite. These meetings were extremely difficult and dangerous for both of us. On this occasion I told him that it was my view and that of Shirley [my wife] that I must flee the country. He told me that this was also the view of the new underground leadership and of the accused in the Rivonia trial. He said they had spent more time discussing what I should do than in preparing their defence. He and I then arranged that I should leave the country secretly eight days' later with the assistance of the underground colleagues. We agreed that Shirley would have to leave with me because she would certainly be arrested and held hostage if I left her behind.

My final meeting with AF was in a small vacant flat in Braamfontein two days before my departure. Here we made the final arrangement. He felt that by fleeing the country I was being "saved" for the benefit of the movement for whom he wanted me to continue to work in Dar es Salaam or elsewhere. I discussed with him the contents of the statement I proposed to issue and the timing of it, and we agreed upon the terms. I asked him what the movement's reaction would be to the smear campaign which the prosecution was bound to start following my departure. He assured me that I would have the movement's

backing and reaffirmed his view that by my departure and the issuing of a statement attacking the government I would be doing the accused and the movement a great service.

On Saturday November 25<sup>th</sup> - as the news of Kennedy's assassination broke - Shirley and I left our children (aged two and one years of age) in the care of our parents, and with the assistance of two comrades, clandestinely climbed over the fence into Bechuanaland and a life of exile. But that is another story for another day.

## Aftermath of release: notes

(e) Dar es Salaam

From Bechuanaland we made our way by charter plane to Mpeya, Tanganyika, and from there to Dar es Salaam.

We were welcomed there by TM on behalf of the ANC and I was interviewed by a host of reporters. The next morning I met all the ANC + Party leaders who were in Dar at the time — <sup>Talang Kwana</sup> MTS, DN, TN, MWS, JMat, JMod; and others. They were all warm in their reception and, after I had given a short explanation, expressed their satisfaction. I experienced some reserve on the part of Talang Kwana but even he said "we are glad to have you. It will take a bit of getting used to, but we know you are still the old G.B. we used to know." We were on warm friendly terms with all the co-workers in the ANC office. JMa. —

~~The~~ There was one rather sharp occurrence a day or so after our arrival. (K) Kardian in Dar, Talang Kwana + DN, left. I discovered later that they had gone to a special meeting of the CC abroad. As a member of the CC (I had never been specially expelled or removed from that body) I was, of course, entitled to be present. But I was not told about the meeting, at which I learnt later the whole Kwana affair was discussed. I would very much have liked to have presented an "outside" view of what happened, and my assessment of the position, to the CC. But there were by that time sinister forces at work within the Party to exclude me.

JMat., in Dar, suggested that I might be sent to Prague to work on the PPS editorial Board for the Party.

(f) London

On arrival in London I was met by MB, of the ANC. I then contacted UP and I took steps to contact the Party, through UP. JS post saw me and told me that there had been a letter from home saying I was "all right". They felt at home that some disciplinary action was necessary in view of my making a statement to the police. They proposed I be suspended for a year and be then "helped" back into the Party. I was rather shocked by this and told JS so. He said that they had been asked to discuss the matter in London and to make a report home on their views. I said I could not see any point in a further "investigation" in London, as I had reported fully in at home and although I considered their proposed action rather on the street side I would <sup>have to</sup> accept it.

The next day I met MH, JS+UP and reported on certain CC matters they wanted to know about. MH then started to deliver me a lecture about my conduct not having been that of a good communist and what was expected of a communist. I lost my temper with him and told him that he was in no position to tell anyone how to behave in view of his own shocking record. I said the blame for Kwan's revolt fairly & squarely on his shoulders & those of the others in the 5th CC.

Some days later I met UP and JS and they requested me to make a written report of all that had happened. I said as I did not trust their security I was not prepared to make a written report. However Nor did I think that any further investigation or report was called for, in view of the fact that

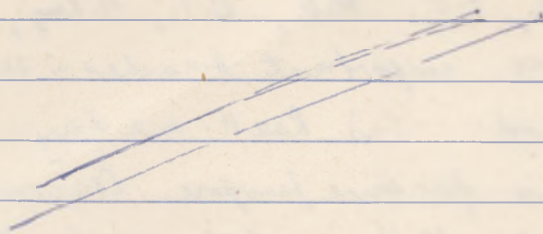
I had reported exhaustively in S.A. However, under protest, I gave them a full report of all that had happened. At the end of the report I told them that it was clear that they had lost confidence in me. I for my part had lost all my confidence in the leadership of the Party, whose errors had led to Rwanda. It was clear from their attitude from time that those errors persisted and would be repeated time and again. Until they showed that they had sincerely recognised their mistakes, and until there was a degree of confidence in me, and not a kind of duplicity which this investigation revealed on their part, I could not remain a member of the Party. I therefore tendered my resignation. They said that "constitutionally" there was no provision for resignation. This was shortly before Xmas, 1963.

In about March or April <sup>1964</sup>, I was told by JS that the "Lardar" CC members had recommended my expulsion from the Party, and that the CC at home had now advised them that I had been expelled. I told him that this was rather academic because as far as I was concerned I had resigned in December. He wanted to assure me that I was not looked upon as a traitor, but merely that I had been guilty of an error of judgment (in mitigating circumstances) (a) in making a statement and (b) in allowing Yuba to make a public announcement that I was to be a state witness - because this caused public concern.

So after just less than ten years' in the Party, the years of my young manhood, I was no longer a member. Ideologically I had been apart from the leadership of the Party for most of those years. Now my

practical exclusion had also been accomplished.  
Perhaps, after all, I had nothing to lose by this,  
but my chains.

MAY - JUNE 1964.



P.S. A Note on the Mountain View cottage

after I had fled the country Dr. Yulaw announced that I had "led" the police to a cottage in Mountain View, owned by Mr. Mrs. Kreeb, in which AG + HW had been in hiding after their escape from jail in August. I was supposed, according to evidence later given by Lt. Swansford, to have done this on September 5.

This was a gross and malicious slander obviously designed to protect the true sources of police information, ~~and~~ to split the liberation movement by creating suspicion, and to assassinate my "character" so as to convince that I could play no further role politically.

Before my arrest I knew the following about the Kreeb cottage: I knew that early in 1963 RS had approached the CC secretariat offering them the use of this cottage. It belonged to his brother-in-law (whose name I did not then know nor had I ever met him). The secretariat took the cottage - at first it was used by MH under an assumed name, and later JS took it upon himself without advising the secretariat to put



D.G. in the cottage, also under an assumed name.  
While there D.G. broke a security rule by keeping  
friendly with the answer, eating in their house etc.  
Later the secretariat decided to put AK there  
and he lived there, disguised as a Portuguese.

During this time at least two meetings of the  
D.C. were held in the cottage. Those present <sup>at these occasions</sup> were  
H.B. (Abramo), R.H., P.J., M.O., D.T., A. Kun, AK, and myself.

Three important breaches in security occurred  
in this period: (a) Rae H. one day ~~was~~ came to the  
main house for some purpose. She was well known  
and was possibly being followed by the police, as her  
husband had just fled the country.

(b) Sylvia N. visited AK there as  
a courier quite often.

(c) The servants saw us coming and  
going ~~at~~ <sup>to</sup> the meetings.

Apart from the 12 persons I have mentioned  
who know of the use of the cottage, AK, and <sup>some</sup> other  
members of the CC know of its use, although they may  
not all have known its precise location. I believe as  
well that P.M. (Mr "Z" who gave evidence in the  
Kovacic trial) also came to the cottage on at least  
one occasion to see D.G. R.S.'s wife also knows about  
it.

There may have been others who know  
of it before July 11<sup>th</sup>. In addition there were  
still others ~~who~~ <sup>who</sup> must have got to know it after  
July 11<sup>th</sup>. There may have been many other breaches  
of security <sup>before</sup> after July 11<sup>th</sup>, which could have  
resulted in its discovery.

What makes it absurd to suggest  
that I disclosed its existence is the fact that  
I know that the party archives including  
all letters, documents etc. and a quantity  
of literature was being kept there. If I had  
disclosed it I would have been, by my own act,

leading the police to the evidence which would certainly hang me. When I heard that the cottage had been discovered I was, in fact, most concerned<sup>and upset</sup>, but was relieved to learn, later, that all documents etc had been removed and all the police had found were the clothes, empty liquor bottles etc. of AG + MW. Seeing their fingerprints and so laying broad open to charges of harbouring escaped prisoners. (Many of the documents in the party archives must have borne my fingerprints or had other evidence of my use of them.)

I informed the CC of all this (through AF) before I left S.A. and they expressed their absolute satisfaction that I was not responsible. Not has anyone friend of mine been prepared to believe Yuter's slanders. Only after I had had my rancor with MH and then, later, tendered my resignation, and <sup>made my</sup> criticisms of the Party leadership, did some individuals say that they had to "suspend" judgment on this question, and that they were not "now" in a position to make up their minds." Some - like JH. <sup>change</sup> I actually said at that stage that they believed the police tales.

Obviously, political convenience is more important to some people than the truth. This incident, more than many others, betrays the dishonesty and fraud practised by the "leaders" of the so-called SACP.

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