



MONDAY DECEMBER 14 1964

RIVONIA TRIAL

Sir,—In various press reports of proceedings last April in the course of the Rivonia Sabotage Trial at Pretoria it was stated that Mr. Walter Sisulu, one of the persons with whom I myself was originally accused, had said in evidence that he regarded me as a traitor.

I have since had a personal letter from Mr. Sisulu in which he informs me that his remarks, which were made under the pressure of cross-examination, were upon the hypothesis that certain prosecution evidence as to my conduct was true, evidence which he would, in fact, require to be checked before so branding a colleague. He also states: "I sincerely very much regret the publicity given to my evidence by the press on this matter and the inconvenience which must have been caused by this affair. It certainly did not reflect my views about you."

I would add that I am satisfied in my own conscience that I have at no time betrayed those with whom I was jointly accused in the Rivonia Trial or, indeed, any of those with whom I was associated in the anti-apartheid cause and that I have always acted with propriety and integrity towards them.

I am, Sir, yours faithfully,

B. A. HEPPLE
89 Borough High Street, London Bridge,
S.E.1.

Admitted - Dr. - ... - ...
Dec 1963

STATEMENT BY MR. B. A. HEPPLE

I was arrested on July 11th at the farm of Arthur Goldreich in the Johannesburg suburb of Rivonia, and then detained in solitary confinement, without trial, for 90 days.

Together with Nelson Mandela, Walter Sisulu and eight others I was charged with sabotage and certain other political offences on October 8th.

These charges were withdrawn three weeks later and I was released.

The Deputy Attorney-General announced that he intended to call me as a witness for the prosecution. Had I been forced into the witness box I would have felt obliged to refuse to answer questions. This would inevitably have resulted in my being once again charged with the other accused or of being re-detained indefinitely without trial. Rather than adopt this course I chose to leave South Africa.

My reason for not wanting to testify for the State in a political prosecution of this kind ~~was~~ is because of my hatred of the apartheid system. The real "offence" of the accused is that they have fought against this system.

My own experiences since my arrest as well as other evidence which I have been able to scrutinise has more than ever confirmed me in the conviction that those who enforce the immoral laws of white supremacy have themselves lost all sense of moral responsibility.

The "90-day" Act provides that a detainee must be released when he has replied "satisfactorily" to questions put by the police. Despite this I was kept in detention for two months after explaining the reason for my presence at the Goldreich farm, the only justification offered being that I had not told the police anything "valuable". Moreover, the Deputy Attorney-General himself was disposed to use me as a State witness when, in his own words, he "could do without my evidence", thus indicating that his only purpose was to use me as a political tool against the accused.

The evidence is overwhelming that the "90-day" detention law provides a cover for protracted mental and physical torture.

I ~~personally~~ ^{personally} eye-witnessed the horrifying effects of such detention on a particular detainee: One night during September or October I was awakened in Pretoria prison by screams emanating from the African section. These continued all night. The next morning I heard the screaming man being pushed along the corridor into the ~~next~~ hospital yard. Looking out of my cell window I saw an African man, Z, a 90-day detainee, being held by two warders, his arms twisted behind his back. He was frothing at the mouth and his eyes had the wide, vacant stare of the berserk. A few weeks later he was still in the hospital yard wearing a straight jacket - his screams by then had degenerated into whimpers, which were met by blows from the warder in charge of him.

Where actual mental disorder is not produced, the ^{de}intention is calculated to make the detainee lose his self-confidence and become over-credulous towards the threats and promises made by his interrogators.

In a number of cases African detainees have been subjected to brutal assaults and electric shock treatment.

I saw a witness in the Rivonia trial who is being held in custody still limping three months after he had been assaulted in order to force a statement from him. One of the Rivonia accused still bears deep bruise marks from an assault on him by the police during August. Electric shock treatment was also applied to the sensitive parts of his body.

Those who are inside the South African gaols were tremendously heartened by the United Nations resolution calling for the release of political prisoners and for an end to the Sabotage Trial. They place ~~xxxx~~ tremendous hope on the effect of world wide pressure on the Verwoerd government

Dev. as Salazar

Dec. 1963

1. I was a solicitor, notary public and conveyancer of the Supreme Court of South Africa from June 1958 until November 1961. For part of that time I was in practice in Johannesburg, but between 1959 and 1961 I was a full time lecturer in law at the University of the Witwatersrand. In November 1961 my name was removed, at my own request, from the roll of solicitors etc. and I was admitted as an Advocate of the Supreme Court of South Africa. I practised as such as a member of the Johannesburg Bar from that time until November 1963, when I came to this country. I am at present a student of Gray's Inn with a view to being called to the English Bar; I intend to read law at Cambridge for two years as from this October.
2. I was a member of the South African Congress of Democrats from 1953 until that organisation was declared unlawful by the South African Government in 1962. This organisation was closely allied to the African National Congress, generally regarded as the principal African political body in South Africa, and which was itself declared unlawful in 1960. I was also closely connected with the South African Congress of Trade Unions, mainly as an honorary adviser on legal and related matters. My father was the Parliamentary leader of the South African Labour Party.
3. During my period in legal practice I appeared as counsel in a number of "political" trials. Among those ^{for} whom I acted ~~in~~ were Walter Sisulu (on several occasions) Nelson Mandela, both of them banned leaders of the African National Congress, Ahmed Kathrada, banned leader of the S.A. Indian Congress, and L. Bernstein, banned leader of the S.A. Congress of Democrats. These persons are among those now on trial in the "Rivonia" case. These persons and a number of other African leaders were among my close personal friends.
4. On July 11th, 1963, I was arrested at the farm of Mr. Arthur Goldreich at Rivonia, near Johannesburg. I was in the company of Walter Sisulu, Govan Mbeki and Ahmed Kathrada, all at that time "wanted" by the police on charges of defying administrative orders placing them under house arrest, as well as L. Bernstein and R. Mhlaba. We were all detained for a period of ninety days (until October 8, 1963) in terms of section 17 of the General Law Amendment Act, 1963, without trial and for the purposes of "interrogation".
5. I was detained in solitary confinement during this period mainly at the Pretoria jail. I was denied all reading and writing material (other than the Bible) was not allowed to communicate with any other person, and was (usually, but ~~not~~ always) allowed out of my small cell only for two daily half-hour exercise periods. The conditions were harsh, and

and the sensory deprivation brought about by the conditions of detention, resulted in an impairment of judgment, and a considerable aggravation of worry and stress. I have described these factors, and the circumstances in which I came to make two statements to the police in a letter to Mr. Joel Joffe, solicitor to the Rivonia accused, which I enclose. I would merely add here that before agreeing to answer police questions, the persons whom I was illicitly able to consult were Bernstein and Goldberg. Bernstein, in particular, was fully in favour of my doing so.

6. I have never succeeded in obtaining copies of these statements from the Police, and I am unable to recollect them in detail. Inasmuch as I can remember them, the gist of each was as follows:

(a) August 5, 1963 : I said that I had been invited to go to Rivonia on July 11 by an unknown Indian man, who had brought me a message from Sisulu. I had gone there to discuss the question of the ninety day law detentions as well as an appeal pending by Sisulu against his conviction by a magistrate. I had arrived at Rivonia and had found the others there; ten minutes later the police arrived. I said I had never been to Rivonia previously.

(b) August 9, 1963 : (after intensive interrogation as set out in my letter to Joffe) I said that towards the end of 1962 I had been asked by Adv Slovo (outside South Africa when I made my statement) to receive certain correspondence for the unlawful A.N.C. and to pass it on to him. In about April 1963 he had taken me out to the Rivonia farm, introduced me to Mbeki, and asked me to deliver the correspondence to Mbeki in future. I did not know the contents of the letters I received. On certain of my visits to the farm I saw Sisulu, Kathrada, Bernstein and Goldberg there. I had on some occasions, at their request, discussed with them matters of a legal nature, for example, the latest legislation on house arrest, relations with the protectorates, etc. On July 11, I had gone there, at Sisulu's request to lead a discussion on what could be done about the ninety day law in the way of assisting detainees and their families, organising protests etc. Before these present could discuss the matter, the police arrived. I was also asked a great many questions about related matters. To most of these my replies were negative. As far as I can remember, I incriminated only certain individuals at that time no longer resident in South Africa. I denied any knowledge of sabotage, guerilla warfare or the like, and made it clear that my knowledge was restricted to what I knew from a few visits to the farm for the abovementioned purposes. I most certainly did not inform the police of the cottage owned by Mr & Mrs Kreed which had been in use by the A.N.C. (and which Lt. Swa *reped*

later alleged in evidence in the Rivonia trial I had led him to on September 5)

7. The police expressed themselves satisfied with the explanations I had given them, and I expected, as a result, to be released from ~~my~~ ninety day detention. I must emphasise, at this point, that when I had discussed the matter with Bernstein before making a statement, our view was that it was vitally important for at least one of those arrested at Rivonia to induce the police to release him, so that the conditions under which we were being held could be made known, ~~and~~ Quite apart from a personal desire to be released, this was dominant in both our minds. However, the police failed to keep their promises and, instead, during September, after the appointment of Dr. Yutar as prosecutor against the Rivonia detainees, considerable and continuing pressure was put on me by the police and Dr. Yutar to repeat my statement of August 9 as a state witness. I shall not detail here the exact pressures which were exerted. I did however resist them all for two reasons: firstly, due to my long political, legal and personal association with the other detainees I was most reluctant to put myself in a position of being a witness against them in a political prosecution; secondly, although I believed that nothing I had said took the state case much further, there would always be a doubt in my mind, if I testified, whether I had contributed to their conviction. On the last day of my "90 days" Dr. Yutar faced me with an ultimatum: either I was to agree then and there to be a state witness, or I would be charged with the other accused. I chose the latter course so as to give me an opportunity to discuss the matter firstly, with the other detainees, and, secondly, with my family and legal advisers.
8. Consequently, on October 9th, 1963, I was charged with sabotage together with ten others. (I notice, from press reports, that the evidence against me - I am named in the indictment as a co-conspirator - is (a) my presence at Rivonia in a room in which a plan for guerilla warfare (the "cornerstone" of the state case) was discovered; (b) receipt by me of a journal claiming to be the organ of a sabotage organisation; (c) the allegation that I had led the police to the above cottage, in which, it is further alleged Goldreich and Wolpe hid after their escape from prison. I had not been interrogated about either (a) or (b) and (c) is a complete fabrication).
9. With considerable difficulty I managed to have a discussion on the matter with Mandela, Sisulu, Mbeki and Bernstein. They pointed out that if I testified for the state the public might believe that I had "changed sides" and politically that would be harmful. They did not believe that any blame attached to me for having made a statement

while a detainee. Although they had these doubts about my appearing as a state witness, they were all in favour of my attempting to induce the prosecutor to release me conditionally on my testifying, so as to enable me to flee the country.

I also discussed the matter with the Hon I.A. ~~Xix~~ Maisels Q.C., who appeared for the defence in the "treason trial" and was until recently a Judge in Southern Rhodesia. He urged me most strongly to accept the prosecution's offer to become a state witness as he was convinced that in the light of my statement and the prevailing atmosphere I would be sent to jail for a minimum of five years and probably longer if I remained on trial. My father supported this view.

10. Accordingly, I informed Dr. Yutar that I would testify for the state. Incidentally, he reassured me that my evidence would not "take the state case any further"; it seemed that he wanted me as a witness in order to create "atmosphere" against the other accused, and had to justify my lengthy detention after making a statement, which he could do if he now called me as a witness. On the other hand, if I remained as an accused it was, despite Maisel's warning, a little problematical whether I would be convicted. For my part I believed that the longer I remained in custody the more danger existed of the police either finding or fabricating evidence against me. On October 30, I was released and Dr. Yutar announced in open court that he intended calling me as a prosecution witness.
11. Upon my release I got into touch with the underground A.N.C. organisation and it was agreed that I should leave the country, together with my wife to avoid her being ~~suited~~ ^{held} as a hostage when I disappeared. Before leaving I fully informed a representative of the underground movement of my statement and my experiences in jail. Towards the end of November my wife and I left South Africa secretly, with the aid of the A.N.C.
12. On arrival in Dar es Salaam I made a public statement attacking the police in South Africa for the use of torture on suspects, disclosed threats made to me by the police and generally indicated my continuing support for the A.N.C. Meanwhile Dr Yutar falsely told the court that I had left because I had been "threatened" by the other accused. Later he alleged and Lt Swanepoel testified that I was a communist and that I had led the police to the Kreel's cottage. At various stages in the trial Dr Yutar has attempted to brand me as an "informant" and to get the accused to agree with him that I had "betrayed" them and the A.N.C.
13. During March or April I was shocked to read the pamphlet ~~xxxxxxxxx~~ anonymously issued in South Africa and reprinted in "Spotlight" organ of the ANC in Dar es Salaam. This resulted

in correspondence and discussions between myself and the ANC. I have now been informed that steps are being taken to have the pamphlet issued in South Africa corrected so as to indicate that I am not regarded as a " betrayer" and to repeat this correction in "Spotlight". (A copy is attached)

14. On April 24, the attached report appeared in "The Times". I found this most distressing and shocking, in all the circumstances, and wrote the attached letter to Sisulu's solicitor. I enclose his reply, and a personal letter received from Sisulu, both of which indicate:
 - (a-) that the "Times" report was not fair and accurate
 - (b) that the report neither indicates what was actually said, nor does it reflect the views of Sisulu.
15. Similar and in some cases even more exaggerated reports appeared in the South African press. I attach some of these which have come to hand. As I understand the position I would not be entitled, in South African law, to institute or prosecute an action in the South African courts as long as I am a "fugitive" (which I might be considered as I am named as a co-conspirator in the Rivonia case indictment, and as I left South Africa knowing that I was required as a witness).
16. I am anxious to have this most serious reflection on my integrity, contained in the "Times" report, rectified. At the same time, I would like you to consider all the possible repercussions of proceeding in a matter of this kind.

1st June 1964

SHIRLEY ROMA HEPPELE

A BRIEF OUTLINE OF MY POLITICAL ACTIVITIES IN
THE REPUBLIC OF SOUTH AFRICA

1. I joined the South African Congress of Democrats (allied to the South African National Congress) in 1952 as a foundation member. I later became Secretary of the Greenpark Branch of the organisation. I was thereafter actively associated with the Liberatory struggle of the Non-White people of South Africa.
2. In 1960 I married Bob Alexander Hepple.
3. At the beginning of 1963 I was notified that my name was to be placed on a list of members of the S.A.Congress of Democrats (which was declared an unlawful organisation in 1962) . Once my name appears on this list I will suffer various restrictions, such as having to notify all changes of address, reporting to the police etc. and may be banned from attending meetings, prohibited from communicating with others and will have other restrictions placed on me.
4. I left South Africa with my husband in November 1963, because of the great danger that I would be detained in terms of ~~SECTION~~ section 17 of the General Law Amendment Act, on the pretext that I have information as to how my husband escaped from South Africa. Were I to return to South Africa I would, at least, face the strong likelihood of detention under this law.

Dar es Salaam

3/12/63

.....

A BRIEF OUTLINE OF MY POLITICAL ACTIVITIES IN THE
REPUBLIC OF SOUTH AFRICA

1. My father, Alex Hepple, was the Parliamentary leader of the South African Labour Party and as such consistently upheld the interests of the Non-White people in the South African Parliament. He is at present Editor of Forward and Chairman of the South African Defence and Aid Fund.
2. In 1953, at the age of 18, I became associated with the struggle of the African people for liberation. In that year I joined the S.A. Congress of Democrats, which is allied to the South African National Congress. I later became Chairman of the Youth Section of that organisation and served on various Youth Committees of the liberatory movement. While a student at the University of the Witwatersrand, I was President of the Students' Representative Council, Chairman of the Law Students' Council, Chairman of the Students' Liberal Association and an executive member of the National Union of S.A. Students. I represented the latter body at an international student conference in 1954. All these student organisations were, in varying degrees, participating in the struggle against apartheid and white supremacy.
3. In about 1956, I was instructed by the leadership of the African National Congress to withdraw from public political activities in order to continue with political work for the liberation movement undetected by the South African Police. This I managed to do successfully until I was arrested at the farm of Arthur Goldreich in Johannesburg on July 11th, 1963 together with Walter Sisulu and 16 others. I was then detained for 90 days without trial in terms of section 17 of the General Law Amendment Act. On October 8th I was charged with sabotage and under the Suppression of Communism Act together with Nelson Mandela, Walter Sisulu, Ahmed Kathrada, Lionel Bernstein, Raymond Mahlaba, Govan Mbeki, Dennis Goldberg and three others. These charges were withdrawn by the Deputy Attorney General on October 30th. The Deputy Attorney General then announced that he intended calling me as a witness for the prosecution. Because of my loyalty to the liberation movement I felt that I could not allow myself to be used in this way, and I left South Africa before the trial against the other accused resumed. I have been named as a co-conspirator to 199 acts of sabotage and to planning an armed revolution against the South African Government in a fresh indictment served on the accused.
4. From 1958 until my arrest in 1963 I acted as legal consultant to the South African Congress of Trade Unions, which is allied to the South African National Congress. I served, in an advisory capacity on various committees of this Congress. I also edited the publication of this trade union body, Workers

EXTRACT FROM THE STATEMENT OF DAVID KITSON DELIVERED FROM
THE DOCK IN THE SUPREME COURT AT JOHANNESBURG, 18 DECEMBER 1964

" After Hepple had left the country, an issue of Freedom Fighter appeared in which he was branded as a traitor. I have never read a copy of Freedom Fighter, nor was Umkonto in any way involved in determining its editorial policy or ~~xxxx~~ participating in its distribution. Some of the other members of our committee, however, apparently had seen copies and Accused No.1 (Wilton Mkwayi) came to one meeting rather upset because he was of the opinion that the Freedom Fighter was wrong in its attitude towards Hepple. He did not regard Hepple as a traitor and said that he was reflecting the general African opinion on this. It was thought that Hepple's name had been put in only to give a multi-racial flavour to a list which otherwise would have been all black."

.....

DRAFT STATEMENT (for action against
Times Newspapers © 1964)

The plaintiff is an Advocate of the Supreme Court of South Africa, and practised at the Johannesburg bar until November 1963 when he came to Britain. He was and is an active opponent of the South African Nationalist Government, was a member of the South African Congress of Democrats, ~~which was~~ ^{a body} closely allied to the African National Congress, acted as honorary legal adviser to the South African Congress of Trade Unions and as Counsel in political trials for a number of African leaders including Mr. Mandela and Mr. Simela.

He was arrested on July 11th, 1963 at Kwa-Ndaba near Johannesburg in the company of Mr. Simela and others and was then detained, without trial, for a period of ninety days in terms of the General Law Amendment Act, 1963. During this time he was interrogated by the police and made a statement explaining that he had been assisting individual leaders of the African National Congress in two ways: by receiving ^{sealed} correspondence and delivering it to them at their hide-out in Kwa-Ndaba; and by visiting Kwa-Ndaba on certain occasions to enlighten ~~them~~ ^{them} on ^{the} ~~the~~ latest political legislation and the conditions of persons detained under the "90 day" law. He denied any knowledge of the individual connection of Simela and his colleagues ^{with} ~~in~~ acts of sabotage or of the workings of any unlawful organisation. Before making this statement he was promised that, in return, ~~for~~ ~~including~~ his presence at Kwa-Ndaba, he would be released from detention, that he would not be prosecuted and that he would not be compelled to act as a state witness.

However, none of these promises was kept, despite the fact that individual police officers expressed themselves satisfied with his

explanation. Instead, towards the end of his
 "90-day" period pressure was put on him to repeat
 his statement as a witness for the prosecution, ~~in the~~
~~trial which was being prepared against~~ the resisted these
 pressures for two reasons: firstly, due to his long
 political, personal and professional association with
 the other persons detained at Kwanza he was
 reluctant to place himself in the position of being
 a witness against them in a prosecution of a
 purely political nature under laws which he
 regards as obnoxious; secondly, although he had
 been assured by Dr. Yutar, the prosecuting Counsel,
 that nothing he could say would "take the state
 case much further" ^{there would always have been}
 a doubt in his mind ^{whether that} ~~that~~ he testified, ~~whether~~ his
 evidence of the physical presence and association
 of the accused at Kwanza might ~~be~~ ^{be} ~~paraded~~
 the state with circumstantial evidence of conspiracy
 which ~~might~~ ^{could} ~~lead~~ ^{contribute even in a small way} ~~to their conviction.~~ ^{of the accused}

The plaintiff was faced with an ultimatum
 by prosecuting Counsel: either he was to agree
 to become a state witness or he would be charged
 with the other accused. In addition the police
 stated time and again that if he did not become
 a witness he would never be released from jail,
 whatever the verdict of the court - a threat which
 he had ~~at that stage, however, the plaintiff~~ every
 reason to believe ^{that} could and would be carried out

~~at that stage, however, the plaintiff~~
~~chose~~ ~~declined~~ ~~to~~ ~~give~~ ~~a~~ ~~positive~~ ~~answer~~ ~~to~~ ~~the~~
~~prosecution.~~ ~~Consequently,~~ ~~on~~ ~~October~~ ~~10,~~ ~~1963,~~
~~he~~ ~~was~~ ~~charged~~ ~~as~~ ~~a~~ ~~co-~~ ~~defendant~~ ~~in~~ ~~what~~
~~came~~ ~~to~~ ~~be~~ ~~known~~ ~~as~~ ~~the~~ ~~"Kwanza~~ ~~Sabotage~~
~~trial."~~

after his departure, various allegations concerning the plaintiff were made by prosecuting Counsel and by the police in an apparent attempt to smear and discredit the plaintiff. These allegations ~~off~~ seemed to take on a particular vehemence after the plaintiff had made a public statement in Soweto disclosing threats and pressures made to him the use of ^{verbal and physical} torture by the South African police against ~~some~~ political suspects. As plaintiff could not be represented at the trial he was unable to answer these allegations there. However he has categorically denied these allegations, in particular one that he led the police to a cottage in ^{the suburbs of} Maitland near Johannesburg, which the prosecution alleges was used by certain conspirators. The plaintiff gave no information to the police incriminating any person in South Africa engaged in political activities

against the Natal Government, apart from the ~~unsubstantiated~~ explanation of his trips to Durban. The prosecution's allegations were malicious and were calculated to bring the plaintiff into hatred and contempt among his former associates and among the considerable body of persons throughout the world who sympathized with those opponents those South Africans opposed to the policies of the Natal Government. To ~~some~~ extent the prosecution has

It is against this background that prosecuting Counsel's cross-examination of Mr. Walter Simler in reference to the plaintiff, has ~~been~~ ^{been} reviewed and the report of ~~an~~ ^{an} ~~editor~~ ^{editor} that cross-examination which appeared in The Times of April 24, 1964, had to be ~~was~~ ^{was} judged.

The ~~first~~ ^{first} paragraph of the report in question stated

— quote —

When the plaintiff's attention was drawn to this report he wrote to Mr. Simulu's solicitor in South Africa. In reply he was informed that the report was misleading and was not a fair reflection of what had been said at the trial. The plaintiff also received a personal letter from Mr. Simulu in which the latter stated: inter alia:

— "quote" 2nd paragraph.

It appears from a verbatim transcript of the relevant parts of the cross-examination that ~~the~~ prosecuting Counsel had asked him whether he regarded a Mr "X" who had given evidence for the State, as a traitor, and what would be done to him. Mr. Simulu had replied that he did regard him as a traitor and that he would be tried when the time came. The next day the following cross-examination took place

"Arrete"

It is abundantly clear that

It is abundantly clear from this transcript that Mr. Simulu had been most diffident about expressing any view concerning the plaintiff, and that he had only agreed to include the plaintiff as a traitor on the basis that the allegation made by the prosecution that plaintiff had "disclosed Mauritain Views" was correct. This is completely different ~~from~~ from an outright condemnation of the plaintiff as "a traitor" which is ~~the~~ what the impression conveyed by the Times Report

The defendants acknowledge that the report: The Times quoted Mr. Simulu out of context and ~~was~~ neither a fair nor an accurate account of the evidence in reference to the plaintiff and ~~was~~ grossly defamatory to him. The defendants

express their profound and sincere apologies to the plaintiff for the demerit the inconvenience and damage caused by this report.

It is clear from the facts as stated by the plaintiff that so far from ~~betraying a traitor~~, he has, ~~betraying~~ any trust he has at all times acted with perfect propriety and integrity towards those with whom he ~~has been~~ ^{was} associated. ~~nevertheless~~ rather than ~~be considered~~ ^{offer to be} a "traitor", he had in fact chosen to sacrifice his honor and practice in South Africa, so as not to be associated with ~~the~~ ^{the} prosecution against Apartheid.

→ To such an extent is this so that rather than even offer to be a "traitor", he chose by ^{going into the witness box} ~~apparently~~ ~~and state~~ ~~admission~~, he chose, instead, to sacrifice his honor and practice in South Africa.

~~intelligence I came to realize myself that a handwritten
statement of fact made to the police could release me for~~

The police made no serious attempt at
interrogating me for the first three weeks. I wrote
(with the leave of the jail authorities) letter after letter to
the Minister, the Commissioner of Police and the Head of Sub Security
Police, demanding my release and telling them that
the failure to interrogate me indicated that I was being
held for some purpose other than ~~basic~~ basic interrogation.
Of course, they were seriously interested in interrogating me
but these weeks were designed to 'soften' me up. The
effect on me was to make my mental attitude one of
which I ~~soon~~ started the process of convincing myself that
a handwritten statement of fact made to the police, subject
to a guarantee by them that within I would be released,
was probably might be correct.

During these 3 weeks the police bombarded me with
uncertainty: in response to a letter to the Minister they would
call to say 'not long to wait now before they just had a few questions
and I would be released; another day they came to 'serve' me
with details of the 'truckloads' of documents found at
Rwanda, or with the news that I had been ~~identified~~
~~costly~~ ~~wanted~~ ~~Rwanda~~ ~~a~~ ~~more~~ ~~than~~ ~~one~~ ~~occasion~~.
Some of those credited and 'told them everything', then
again they would come to say they didn't think I was
seriously involved, how long they were for me; and the
very next morning came to take my baggage with
the message that I was to be charged 'within 48 hrs' ^{- so much of paper} 'only' ^{about -}
for me to discover 48 hours later that there was
no prospect of a trial.

Then started the serious questioning. This
was done over a period of ^{half} days in which I was
bombarded by 2 police officers with ever-changing

also attempted to talk freely and make the exercise period a little 'relaxed' were soon removed from their position and transferred to deal with 'ordinary criminals'.

After the exercise break I would read some chapters in the Bible (I managed - 90 days bread both Old and Testaments time) but had concentration increasingly difficult as

and then at about 11:30 get lunch of rice with vegetables and hard porridge (nuts)

the days went on. I followed this with more walking and exercise and then sat, in contemplation, awaiting the afternoon break (if there was one) which was normally between 12:30 pm and 3 pm. After this break we would get

'supper' consisting of soup, bread and black coffee.

These rations were supplemented, after a while, by food we were allowed to receive from outside, ~~such as~~ I

described various ways of amusing myself - a draughts set of snittballs, a ^{smuggled} pencil cabinet, a cricket scoreboard and

I got my books and the book of memoirs and early marks of my childhood.

which I played a game of cricket imaginary cricket, and a smuggled pen from which I kept a diary on ^{indivisible} time paper.

There were, unfortunately, discovered - a source of great anger to the force and prison officers. As darkness ~~fell~~

crept into the cell I exercised, walked up and down and then tried again to sleep...

Multifarious premises of one kind or another were constantly being applied; abhorrent unexpected raids on the cell during which the contents of my cell were literally torn apart - the discovery of contraband pen or paper leading to days of harsh conduct on the part of the wardens; nights of complete darkness from 5:30 pm to 7 or thereabouts (there was water) ~~there was~~ I sat in total darkness because nothing was done to replace a broken pithy;

The night telling of all was the lengthy deprivation of social & other forms of contact with the outside world. During this period I ~~did~~ ^{could} not realize how as the weeks past my faculties had diminished, my power to reason had been corrupted. Still relying on my ordinary

24 (5)

attitudes and ~~stagnant~~ ^{questioning}. At one moment they sympathized deeply with me, commiserating my fate, offering me 'every help' in obtaining my early release; then threats that I would be detained for 90 times 90 days if I didn't ~~explain my~~ ~~point~~ at talk, or that they could 'make' enough evidence against me to keep me in jail 'forever', and that, if I did see my children again, they would be by then grown up, or that death sentences would be imposed on some of those arrested with me, that I might never be brought to trial but kept in solitary forever... that my wife might know the answers if I didn't (a clear implication that she would be arrested). Then, after a night's 'break' in the ^{isolation} ~~isolation~~ of my cell to consider these threats, a time in which the very walls seemed to be crushing in on me. I would be met the next morning with smiles, friendly hellos and promises... 'we will see that you are released' ('We will use no influence...') 'Your future will be ensured.' ('We can ensure that you are not persecuted...')

After days of this, the continuing deprivation of social and other forms of contact, ~~the~~ with the outside world started to decay ~~and~~ and deteriorate any previously-held attitudes and values to the point where my judgment, ~~and~~ was impaired. At the time, of course, I did not realize how my faculties had diminished or my reasoning had been corrupted. My attitude previously, conditioned in many political trials - which I had acted on the defence, ~~had~~ was 'don't place your trust in the police or their promises. Don't say anything to them, however innocent...'

But now I had set myself in the mental attitude of uncertainty about whether I should co-operate in the questioning at all, the hope of 'outfoxing' the police. ~~The~~ Uncertainty ~~is~~ ^{is} ~~then~~ ^{then} led me into trouble and to the stage where on the strength of further ^{advised} promises by the police

that in return for my statement I would not be prosecuted, and would also not be used as a witness in any proceedings, and would be released, I told them a 'little'.

I found this a tremendous relief and they police led me to believe that I would be out of jail in a few days. Of course that did not happen. Instead the pressure continued. There was no more interrogation but my hopes ^{and hopes} were raised and dashed from day to day. After making my statement I was transferred to a police cell, which was lovely but the food was better the atmosphere more 'relaxed'. Four days later the police came, they asked me to pack my belongings and I was overjoyed believing that I ~~was~~ ^{was}, at least, be released. Instead I was put into a car and driven back to Pretoria jail. Occasionally one of my interrogators visited me and continually enquired as how he couldn't understand why I was still in jail. The word should come any day, he would say. . . . after some weeks of this I came to realize its purpose: the suggestion was put, very tentatively, that perhaps, after all, the only 'way out' was to me to repeat my statement as a State witness. Fortunately, I was by that time able to regain my composure and to ~~decide~~ ^{decide} reject all these suggestions, until I had been released for 90 day detention and was then, as an awaiting-trial prisoner, ^{take the} ~~best~~ ^{best} advice. As is well known, ^{the other accused was excluded from} ~~the~~ ^{the} ~~charges~~ ^{charges} against me were withdrawn on October 30 and I was released. Rather than remain in South Africa and be forced into the witness box by subpoena, in which event I would, ~~have~~ ^{as a matter of conscience} have had to prepare to testify against the other accused and so earn myself indefinite imprisonment, I chose to flee across the border before the trial resumed into ~~the~~ ^{the} ~~detention~~ ^{detention} ~~camp~~ ^{camp} where I went to ~~be~~ ^{be} ~~sample~~ ^{sample} ~~the~~ ^{the} ~~UK~~ ^{UK}.

(c) that ^{in particular,} ~~be~~ ^{was} asked on the single occasion upon which he was asked by the police to give them information communicated to him in his professional capacity as an advocate, (namely ^{the substance of} his consultations with Mr. Nelson Mandela during the latter's trial on charges of incitement to strike and illegal departure for the Republic in November 1962) Mr. Hepple refused to answer, ^{other privileged} ~~to~~ ^{admit} ~~any~~ ^{information}.

(d) ~~that he informed the State prosecutor, after~~ ^{numerous} ~~interviews~~ ^{attempts} ~~threats and promises had been made to him~~ ^{by} ~~the police, that he would testify for the State~~

(d) that as far as he is concerned, he has at all times acted with propriety and integrity towards those with whom he was associated, and, as is well-known, he in fact voluntarily chose to sacrifice his name and practice in South Africa rather than testify for the prosecution ^{against leading African opponents of Apartheid} in ~~that~~ a ^{court} trial under laws which he regards as a negation of the rule of law.

1990
—
BOB HEPPLÉ

A Personal Statement concerning the Rivonia Trial 1963

I recently made a short visit to South Africa to give the keynote address on "The Role of Trade Unions in a Democratic Society" at the Labour Law Conference 1990, held at the University of Natal in Durban. I was warmly welcomed by many old friends and colleagues and received a prolonged and emotional ovation from a capacity audience, which included members of the ANC, COSATU and NACTU, as well as personnel managers of large corporations, labour law practitioners, judges and academics. I was lucky to be able to share the occasion with Shirley, 27 years after we had fled the country at the time of the Rivonia Trial. We had the opportunity to meet and pay tribute to the remarkable new generation who have helped to build trade unions and collective bargaining in recent years, so providing an organised mass base for the enormous, and now irreversible internal pressure for political democracy.

The speech was made possible (not without delay on the part of the authorities in granting us entry permits) by the lifting of restrictions on me (and 162 others) under the Internal Security Act in February 1990, following the release of Nelson Mandela and the other Rivonia prisoners. While I was there, I was able to observe, as Elias Motsoaledi had mentioned in a personal letter to me on his release, how those ex-prisoners had immediately joined "in the mainstream of the struggle." I was excited by the opportunity to renew my own small contribution to the democratic cause in the country of my birth.

Unfortunately, my visit was marred to some extent by a report in the Natal Daily News (13 July 1990) that there "was some controversy concerning Professor Hepple's visit to South Africa, as his return was vetoed by certain African National Congress members, due to certain events that allegedly took place while he was in detention." I learnt from one of the organisers of the Conference that, in fact, only one person, who happens to be a white member of the ANC, had put pressure on them not to invite me, but that they had contacted Walter Sisulu who had welcomed my return to speak at the Conference. I have no reason to believe that it is ANC policy to prevent me from speaking and, indeed, I was grateful for the warm encouragement and advice given me by other ANC members and supporters both in London and South Africa.

Subsequently, my attention was drawn to a book by Helen Joseph entitled Side by Side, which contains vile, false and defamatory statements accusing me of treachery at the time of the Rivonia Trial. I was particularly hurt by these statements not only because they were made by Helen Joseph, whose courageous endurance during the Treason trial and house arrest I have always admired, but also because she appears to have taken no steps whatsoever to learn my side of the story.

An important part of the falsehoods is a quotation attributed as evidence given by Walter Sisulu during the Trial. In fact, an examination of the transcript shows that she has given an entirely unfair and distorted account of that evidence. In 1964, when The Times and other newspapers reported that Walter Sisulu had said in evidence that he regarded me as a traitor, I instituted legal proceedings against the publishers and the action was settled by the publication of a statement by me in The Times 14 December 1964. In view of Helen Joseph's repetition of this libel, and without prejudice to the legal proceedings which I am considering against the publishers of her book, I feel obliged to set out the relevant parts of that statement:

"I have...had a personal letter from Mr.Sisulu in which he informs me that his remarks, which were made under the pressure of cross-examination, were upon the hypothesis that certain prosecution evidence as to my conduct was true, evidence which he would in fact require to be checked before so branding a colleague. He also states: " I sincerely very much regret the publicity given to my evidence by the press on this matter and the inconvenience which must have been caused by this affair. It certainly did not reflect my views about you."

" I would add that I am satisfied in my own conscience that I have at no time betrayed those with whom I was jointly accused in the Rivonia Trial, or,indeed, any of those with whom I was associated in the anti-apartheid cause and that I have always acted with propriety and integrity towards them."

I should explain that the cross-examination was based on police evidence that,during my detention, I had disclosed a particular hideout to them. This is a complete fabrication. Many years later the existence of a police smear campaign against me in this regard was admitted by the ex-spy Gordon Winter in his book,Inside Boss,p.347. The statement which I made to the police, under the pressure of solitary confinement and continuous interrogation , did not result in the arrest or conviction of any person. Indeed, it is significant that although I was named as a "co-conspirator" with the accused, so rendering my statement admissible in evidence against them, no attempt was made by the prosecution to use that statement during the trial. The State Prosecutor had ,in fact, admitted to me that my statement "took the state case no further" .

Another falsehood is Helen Joseph's statement that "no one knows whether, had he not been freed, he would have become a state witness and faced his friends in the dock." In fact, the circumstances in which I made a statement to the security police, and was subsequently released were well-known to my fellow-accused and their legal advisers. Both during my detention and after my release, I co-operated fully with them . They were never left in any doubt that I had no intention whatsoever of testifying for the State. The only options which we discussed were either that when called to the witness box I

should refuse to testify, or that (if released from custody) I should flee the country. It was only when the first indictment was quashed that I was released and the State Prosecutor announced that he intended to call me as a witness. I immediately contacted the underground ANC and with their aid Shirley and I escaped from the country.

I have always acknowledged that I committed serious political errors of judgment (while in a state of shock and sensory deprivation) (a) in making a statement to the police, and (b) in allowing the public prosecutor to make a public announcement that I was to be called as a state witness. The announcement clearly upset Helen Joseph and others, and for the harm that did to our movement I have the deepest regret. However, I must utterly reject the outrageous claim that I was guilty of treachery. I am grateful to all those friends who over the years have judged me as they know me rather than upon hearsay and suspicion. Shortly before my release I was able to discuss my future with Nelson Mandela. In his usual generous way he told me that whatever criticisms were made by those who did not know me, I would be judged by what I did in the future rather than by the understandable errors of the past. I have tried, as far as possible, to live according to that advice in all the years since then. I shall continue to give my active support to the cause of democracy in South Africa in whatever ways I can.

Bentham House
Endsleigh Gardens
London WC1H OEG

BOB HEPPLER

August 1990

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.