

**RIVONIA:  
THE STORY OF ACCUSED NO.11**

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**CONTENTS**

Preface	3
I. The Road to Rivonia: 11 July 1963	4
II. Arrest	9
III. Solitary Confinement	12
IV. Interrogation	16
V. Trial	20
VI. Escape	21

*For those who have no name...*

## PREFACE

On 11 July 1963, I was one of seven men arrested at the Lilliesleaf Farm, Rivonia, near Johannesburg. After three months' detention in solitary confinement we were brought before the Supreme Court, with four others, on charges of sabotage, which carried the death penalty. Accused No.1 was Nelson Mandela, then serving a five-year sentence following his trial in 1962 when I had acted as his legal representative. I was Accused No.11.

The defence lawyers launched an attack on the indictment. Shortly before it was quashed by the Judge-President, the State Prosecutor, Dr Yutar, dramatically announced that all charges against me were being withdrawn, and that I would be called as the first witness for the State. I was released from custody.

I had no intention of testifying against the accused, whom I admired and respected. With the assistance of Bram Fischer QC, leading counsel for the defence, and others, I escaped with my wife Shirley via Bechuanaland Protectorate (Botswana) and Tanzania to England.

These personal memoirs were written, while the events were still fresh in my mind, in May and June 1964 as the Rivonia Trial drew to an end. They were intended to provide a factual account of the events leading up to the trial by one of the participants who "got away". I decided then that it was too dangerous for those still on trial or active in South Africa for me to allow its distribution even on a limited scale. In any event, nothing I wrote could be published until the banning orders against me were lifted in February 1990, the day after Mandela's release. By then it seemed to be of no more than historical interest. The recent publication of other, not entirely accurate versions of these events, has led me to make this edited version available to those interested in my side of the story.

*Bob Hepple*

## THE ROAD TO RIVONIA

*July 11 1963*

I was full of anxieties as I drove from my Chambers in central Johannesburg to the meeting at Lil's place.<sup>1</sup>

Who was the mysterious man who had come unannounced to Chambers that morning asking me to convey a message from "Natalie" to "Cedric", code names for the Natal District and the central underground leadership ? Ever since Nelson Mandela's arrest a year earlier on his way back from Durban, there had been suspicions about a possible police spy and lax security in Natal. Why had he been given my name ? I had feigned ignorance, but had told him to come back the next morning. I intended to check his credentials with the secretariat that afternoon.

Another worry was that we were meeting at Lil's place . The meeting had been arranged by the six members of the secretariat, including myself, the previous Saturday. We all knew that the police were closing in on the leaders who were living underground. Many arrests had been made, including on June 25 that of five or six activists who knew about the Place. It could only be a matter of time before someone cracked under 90-day detention. The outlaws had stopped living at Lil's Place. The "accommodation committee", chaired by Bram Fischer, had been unable to find another safe house for our meetings. With much misgiving, we all agreed that this would be "the last time" at Lil's – just for a few hours after which we would disperse. Someone said that Lil's Place was "clean" following an earlier instruction by the secretariat to remove all incriminating documents.

Breaches of security at Lil's had been legion. At the beginning of 1963, it was revealed that Arthur Goldreich, the nominal tenant, had divulged the existence of the Place as an underground headquarters to a girl-friend. Goldreich also invited personal visitors there – one day his cousin burst into the outhouse where we were meeting, looking for Goldreich , and must have had a good look at the members of the secretariat. After these incidents, it was decided to move out as soon as practicable , but there was always a plausible reason why it was impracticable to do so.

A large number of people knew the Place. Five Umkonto trainees returning from China were brought there without prior permission and saw 11 or 12 members of the central leadership. Other trainees had been allowed to live there, including Bruno Mtolo (Mr X at the trial). Cars with number plates which must have been well-known to the police came in and out. Thomas, the farm manager, came to Chambers with messages for Bram or me on several occasions. A dentist was brought to the Place on several occasions to give Walter Sisulu, a "face lift" in order to aid his disguise.

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<sup>1</sup> This was how we described the Liliesleaf Farm, Rivonia.

Each of these security lapses was criticised, but each time the action of individuals was justified on grounds of expediency. Those – like myself – who visited the Place only infrequently, and were not members of the Umkonto High Command, became aware of the reckless behaviour of some of the outlaws only second-hand. Bram, Kathy (Ahmed Kathrada), and I were sharp in our criticisms. Unfortunately, some colleagues treated the criticisms as personal attacks and as reflection on their political work. The state of mind of some of the outlaws was reflected in the remark: “To hell with the police. If they come we’ll shoot it out. I’m not going to prison again.” This was said after Kathy had found a rifle under one of the beds – contrary to all our rules.

The worries about my mysterious visitor and the meeting place were, however, secondary in my thoughts to the main subject matter of the meeting, and the conversation I had with Ruth First about it earlier that morning. She had come to my house and asked me to give some messages to Walter and Govan. We had become close personal and political confidantes, especially since the departure of her husband Joe Slovo for Dar es Salaam at the end of May. So we soon fell into conversation about “Operation Mayibuye”- a plan for armed invasion of South Africa - which had been referred to the secretariat for further consideration after a full meeting of the central leadership, including Ruth and myself, at Lil’s Place the previous Saturday .

I shared the practical misgivings which had been voiced at that meeting by Bram and, above all, I agreed with the political objections raised by Rusty Bernstein. I thought it was a crazy plan which would provoke brutal repression and set back by years what I regarded as the main task, that of building up effective political and trade union organisation among the people . This was not Che Guevara’s Cuba, but a highly armed State, supported by the white population, and backed by the USA as part of its global strategy against Russia. A military operation of the kind envisaged had no hope of success, and would entail untold suffering. Ruth was more ambivalent. She saw the dangers but brushed them aside on the grounds that “for the first time in years we are getting things done”. She was highly impressed by the efficiency and resolve of the Umkonto men, compared with the endless tiresome committee meetings of the political organisations.

I had become aware of the plan only in June. I was told by Bram that at a meeting of the centre at the end of May, Joe had informed them that the High Command of Umkonto had decided to send him and J.B.Marks to Dar to present “Operation Mayibuye” . The political organisations – the ANC and SACP – had not then seen or adopted the plan.

I had been present at a secret conference in December 1960, at which lessons were drawn from the State of Emergency earlier that year. The regime had banned the ANC and had closed all avenues of peaceful protest. A decision was taken to launch a military organisation which could respond to the violence of the State. I never became a member of Umkonto and did not know the composition of its High Command or its plans. On 16 October 1961, a few small acts of sabotage occurred and a proclamation was issued announcing the existence of Umkonto. The official policy was that the armed resistance was a secondary and partial form of struggle. In practice, however, decisions taken by Umkonto’s Command were bleeding the unions and other organisations of some of their most important activists. By recruiting those engaged in

the “legal” struggle, Umkonto’s command violated the basic rule which had been adopted at an early stage, namely that there should be a strict separation between those doing legal work – such as trade unions – and those directly engaged in illegal military activities. It was a joke which Ruth and I shared that we were now under “military dictatorship”. The bitter fruits were to be reaped in July 1963.

Politically, it seemed to me that military training and isolated acts of sabotage were being substituted for organised mass activity. The effects were disastrous. The Government used the violence as an excuse to introduce vicious new counter-sabotage laws, detention without trial and other measures of state terrorism. The organised and sporadic activities of Umkonto sparked mass spontaneous violence on the part of the African youth. Overnight POQO grew into a large organisation, loosely controlled by the PAC and gangster elements, indulging in terrorism and riots, for example in Paarl and in the Bashee murders. The masses wanted to participate in the struggle but their lack of effective political organisation had a futile and tragic outcome.

These views led me to sympathise with Rusty’s arguments that Operation Mayibuye was a serious mistake. At the meeting on Saturday 6 July he put forward an alternative plan for limited guerilla activities, in the form of quick attacks on border outposts, retreat into bases in the British protectorates, leading to an international incident which could precipitate national strikes and a serious political crisis. The only alternative to this, he said, was a long protracted guerilla war which was unlikely to succeed because of the might of the South African state and its backers. He was strongly opposed by Govan who believed that an armed invasion and guerilla war was the only way to defeat the regime. Bram, as always presented pragmatic reasons for not launching a guerilla war at this stage. For me, the whole discussion indicated that the underground leadership was becoming increasingly divorced from political reality because of their isolation. There was plainly a major rift developing.

My conversation with Ruth on Thursday morning had renewed my long-standing doubts about what I was doing. Could I continue to expose myself to grave dangers if Operation Mayibuye, with which I profoundly disagreed, was adopted? While I wanted to help the political leaders of the African people, and understood the reasons why they had turned to armed resistance, I had never seen myself as cut out for this kind of activity. What strengths I had to contribute were as a lawyer, writer, speaker and lecturer, and union activist, but certainly not a revolutionary soldier. I felt torn between Ruth’s infectious sense of urgency, and my enormous respect for the political sagacity of Walter and Govan, on the one hand, and, on the other hand, my deep personal unease with the direction they were taking.

From its formation in 1955, I had devoted myself to helping to build up the newly formed multi-racial South African Congress of Trade Unions (SACTU). I was joint editor of the SACTU newspaper, *Workers’ Unity*, and helped the black Metal Workers’ Union and other small unions to survive in the near-illegal conditions, with legal advice, practical aid and education. A few friends and I were beginning to work out a new ideological position and strategy for democratic socialism. We saw the key to liberation as being in political organisation of all races, but particularly of African workers under the political leadership of a democratic socialist party, rather than in military action.

Shortly before the state of emergency was declared in 1960 the SACTU executive had appointed me with “absolute powers” to keep SACTU alive, should the executive be arrested. When the expected arrests took place I immediately set about the task, establishing contact with the few management committee members still in the country. I took personal responsibility for maintaining the Laundry Workers’ and Metal Workers’ unions. We formed a provisional NEC, and gradually re-established links with shop floor workers and international organisations. I did this under cover of my job as a university lecturer . I moved out of my home ,and was constantly on the move in order to avoid arrest, working through the offices of a detained lawyer, Shulamith Muller with the help of her personal assistant, Shirley Goldsmith, whom I married in July 1960..

Towards the end of April 1960, I was contacted by Bram Fischer. He told me that he Michael Harmel and Moses Kotane ( the latter two being in hiding) were all that was left of the political leadership. The ANC had been banned, and the other leaders were in detention or had fled. Those who were in hiding need a lifeline to the outside world. Bram’s own courage and dedication were an inspiration, and he was a persuasive advocate. His was a plea I felt I could not refuse. I could not stand idly by at a time when the crisis engendered by Sharpeville seemed to present a real opportunity to challenge the regime. With hindsight, this crossing of the Rubicon between my work in SACTU and as a lawyer, and active participation in illegal activities was a fundamental mistake.

At the end of the emergency, after the release of other leaders, I concentrated again on my work in SACTU. But I also continued to provide support for the underground leadership, both nationally and in the Johannesburg district. In early 1961, Mandela went into hiding . I became one of his support team, and made all the arrangements for his secret mission abroad. I had not known him well before this. I now found that he had tremendous personal appeal, and I was deeply impressed by his natural qualities of courage, dignity and self-discipline. I developed a bond with him, reaffirmed when he asked me to act as his legal adviser during his trial in November 1962.

At about that time Joe and Bram asked me to join the secretariat, which serviced the central political leadership. The imposition of house arrests and other repressive measures had led them to fear that the centre itself would be wiped out. My task would be to reconstitute it.

I was hesitant not only for personal reasons – I had a young family and was building up a promising legal practice- but also because I believed that my cover as a Johannesburg advocate was illusory. I was well-known to the security police, having been first arrested for political activity at the age of 17 in 1953 , having been an active member of the Congress of Demorcats and a prominent student leader. I had been the subject of security police raids on numerous occasions. I tried in the early 1960s as far as possible to shield myself from police supervision. This meant keeping away from the offices of trade unions and the few still legal left-wing organisations, not openly associating with banned persons, and not taking any part in public political activities. Unfortunately, other comrades did not always respect this need for security. I had a constant stream of well-known “named” persons to my chambers and home,

requesting my help, and using me as a conduit to the underground leadership. There were many compromising telephone calls. Secret meetings, including ones attended by Mandela, were held in my home. Ruth , Joe and Bram were frequent visitors.

I was also asked by Harold Wolpe and other attorneys to take political cases, making me a regular opponent in open court of the security police. I represented prominent leaders such as Walter Sisulu and others. The conflict between my public and secret roles came to a head in November 1962. Mandela was arrested in August 1962, soon after his return to South Africa. He asked me to step in as his legal representative after his initial choice, Joe Slovo, had been issued with an order confining him to Johannesburg. He was conducting his own defence, but it was essential that he be helped by someone who could act both as legal adviser and as contact with the underground leadership. He discussed every aspect of his defence with me, and together we revised the moving closing speech which he had drafted. I learned later that everything we had discussed in the court cell (at the Old Synagogue) had been secretly recorded by the security police

Once again hindsight suggests that it was naïve for anyone to believe that I was the right person to act as lifeline and also to resuscitate the movement should the leadership be taken out. But there seemed to be no alternative, and I joined the secretariat. From then until July 11 1963, I attended about two or three meetings each week with the underground leaders, at various secret locations including Lil's Place. Together with Bram and Joe, I undertook "contact" work, handled large sums of money, and acted as "postman" for internal and external correspondence, as well as a multiplicity of smaller tasks and errands for the outlaws. In the course of doing this, I became exposed to a number of persons – there was an endless stream to my Chambers. In effect I had become a lifeline for the underground leaders, in particular the secretariat. There were changes in the membership of that body because of arrests and departures, but by July 11 there were six of us. Walter, Govan ,Ray Mhlaba and Kathy were all outlaws. Rusty was under 12-hour house arrest. I was the only one at freedom.

How much longer, I wondered as I drove to Rivonia , could this all continue ?



**II****ARREST**

I had left Chambers at about 2.30 p.m. saying that I would not be back that afternoon. My anxieties led me to stop more than once to ensure that I was not being followed. I took a secondary road so as to avoid the Rivonia police station.

At about 3 p.m. I approached the main gates of Lil's Place. I had to give way for another car, being driven by a white man I did not know, who was leaving the Place. It struck me as odd that he should be there, but imagined that he had been visiting Goldreich or his wife in the main house. I drove down the long drive to the secluded area, and parked my Vauxhall at the back of the house where Rusty's car was already parked. Next to his car was a Combi in which, I discovered later, Dennis Goldberg had brought Walter, Govan and Kathy from another place to the meeting. Dennis was inside the main house.

I went to the outhouse. The other five were already present. I asked whom I had seen leaving in a car. Walter said it was the dentist who was giving him a face-lift. Kathy said he had been much embarrassed because the dentist seemed to recognise him despite his disguise as Pedro, a Portuguese man. I was shocked that the dentist had been allowed to see others in the outhouse.

We all had small items of business which took ten minutes to complete. Kathy had a coded letter from Natal, which we thought might relate to the mysterious visitor to my Chambers that morning. Govan had brought with him a copy of Operation Mayibuye – a document I had never had a chance to read – and it was resting on Rusty's lap because he wanted to renew his objections.

It was about 3.15 p.m. when a van was heard coming down the drive. Govan went to the window. He said "it's a dry-cleaning van. I've never seen it before". Rusty then went to the window and exclaimed "My God, I saw that van outside the police station on the way here!" I moved to the open door and saw the panel of the van which read "Trade Steam Pressers". I could see a man wearing a white coat, hat and glasses on the front seat. I pulled the door closed. As I did so, Thomas, the farm manager, came to the door with a parcel. Someone yelled out "Go and see what that van wants". I pulled the door closed again.

The next moment I heard dogs barking. Rusty shouted: "it's the cops, they're heading here." Govan had collected up the Operation Mayibuye document and some other papers and I saw him putting them in the chimney of the small stove in the room. The back window was open, and I helped Govan, Walter and Kathy jump out of it. There was an second or two as I moved back near the door, with Rusty next to me and Ray sitting next to the window. The door burst open. D/Sgt Kennedy, whom I had cross-examined in a political trial earlier that year, rushed in: "Stay where you are. You're all under arrest." He walked up to me with an excited sneer: "You're Advocate Hepple, aren't you?"

We were escorted outside and searched. Warrant Officer Dirker, whom I had also cross-examined and had a reputation for nastiness, was already searching Walter, who had been caught with the others as they tried to escape. He looked up and laughed at me: "O Heppy, now we have you all !"

Rusty and I were placed in the back of a van with Thomas and another farm worker, closely guarded by a constable and a vicious dog. After some time, I was taken back to the outhouse. Dirker showed me some ashes in an ashtray and asked "What did you burn here?" I replied : "I burnt nothing." He screamed "Don't lie". I was then taken to my motor car. Dirker felt the engine and searched the car. There was nothing incriminating, just as there had been nothing on my person. Col.Venter said in Afrikaans: "I'm really surprised to find you mixed up with these dangerous communists". Later I was taken to other outhouses and shown roneo machines, paper and equipment. I said, truthfully "I have never seen any of these before." Dirker asked "When did you come here ? Who asked you to come?" I said I was not prepared to answer any questions, and he did not persist.

I was taken back to the van and painfully handcuffed to Kathy. The constable continually provoked his German wolfhound to lunge at us, and hurled vile abuse . After about three hours, Rusty and I were put into the enclosed laundry van. There we found Govan handcuffed most uncomfortably to a roof support. At this stage Dennis was brought out of the main house, the first time I had seen him that day. We were joined by four policemen and driven off into the night. Govan managed to whisper that Operation Mayibuye had been found, and said "This is going to be High Treason, chaps."

We arrived at the Johannesburg Fort half an hour later. We were all lined up. The Africans were made to strip naked on this cold July evening. The three whites were simply pushed into a small cell. By this time I had secreted my watch in my shoe as well as a few pencils in my socks. But this proved to be an unnecessary precaution because on this occasion we were not searched.

We agreed not to talk about the raid, but soon we began to speculate "Was it the dentist?" Who had revealed Lil's Place ? We never found out. After fifteen minutes we were separated . A convicted prisoner was moved out to make room for me. I was then alone in this and other prisons for most of the next 90 days. I was too shocked and distressed to sleep in the flea-infested blankets, with a light shining all night in my eyes.

The next morning four security policemen, led by Lt.Kotze a smooth talker, escorted me to my Chambers. A search revealed some public SACTU documents, and also a copy of a banned book which Joe had one day asked me to look after. I had thrown it into the bottom of a cupboard and forgotten all about it. While I was there my wife and mother arrived. I was not allowed to talk to them. Although I had asked the police to inform my wife of my arrest the night before they had not done so. It was only when they read that morning's *Transvaler* that my family discovered why I had not returned home.

Then I was taken to my home which was searched – nothing was discovered, and I was able to whisper to my wife where I had stashed a large bundle of banknotes which she then took to Bram.

I was taken to Fordsburg police station and placed in a large, cheerless, bitterly cold cell, with a stinking open sanitary bucket in one corner. There were no windows, the walls were black and a light burned day and night. The blankets were flea-ridden and pee-stained. Suspended from the ceiling was a paper figure of a man hanging from his neck – whether this was a sick police joke or the act of a previous inmate I did not know. I spent the day pacing up and down to keep warm, thinking about our predicament. That night there was a surprise – a white prisoner was brought into my cell. I soon realised that he was probably a police spy – I said nothing much to him but he poured out his legal problems which relieved the strain of that first day. Later that night, two drunks were thrown into the cell, and became disgustingly sick and violent..

At about 9.30 the next morning Col.Howells and W.O. Nel fetched me. Later we picked up Dennis Goldberg, and Rusty. I was shocked to see Hilliard Festenstein also in detention – I had no idea of his connection with Rivonia. We were handcuffed, whites in one van and Africans in another, followed by a long convoy of police cars. We were being driven to Pretoria Local Prison where the real ordeal was to begin.

### III

#### SOLITARY CONFINEMENT

We were stripped naked and searched. The warder – known as “Kaffir” du Preez because of the brutal treatment he meted out to African prisoners – seemed to take particular delight in the anal probes designed to ensure that there were no concealed drugs. Dennis was unlucky to be charged with attempting to take money and tobacco into his cell. I managed to hide a ball pen in the lining of my overcoat without being seen.

I was then taken to Cell No.3 in the white section, which was to be my solitary home. I was struck by its small size – about 12 x 6 feet – and austerity. At one end was a high barred and meshed window without panes. By standing on a stool placed on the table (the only furnishings) I could see out of the window onto the small prison hospital courtyard. At the other end was a heavy steel door with a peep hole which could be opened only from outside. Through a small high meshed opening wafted the smells and noises of the prison. Every footstep and clanging door reverberated in the cell. The grey walls were bare. The light shining through the window created an illusion of corrugations in the high ceiling. At night, I would lay awake trying to count them.

There was a neatly-rolled pile of blankets . There was no bed or mattress, so one slept on the cold black floor. A dirty sanitary bucket stood in one corner. At midday a small ray of sunlight would enter my north-facing cell. I waited anxiously each day for the warm solace of the sun on my face. As winter passed into spring this daily quotient of sun disappeared altogether. I had no watch and the warders would not tell one the time. So I made a sun-clock with tiny pencil marks on the walls.

I got hold of this pencil in a rather curious way. The corridors were cleaned by white awaiting-trial prisoners. One day the as the corridors (which I could not see) were being cleaned, a tiny pencil suddenly appeared in the small opening , accessible only from the corridor, in which a light bulb was encased. With the aid of a spoon and thread I managed to extricate the pencil – I never discovered who my benefactor was.

The only other way of keeping track of the time was by the regular meals. At 5.30 each morning a waking bell was sounded in the courtyard. Half-an-hour later Head Warder Breedt would open the door and shout “Alles alright, Hepple”, and close it again without awaiting a reply. A few minutes’ later the door was opened again. A tin bowl of mealie meal porridge, usually already cold, had been placed next to the door. One had to grab it quickly in one hand, while a mug of black coffee was thrust into the other. Then the door slammed shut again.

I then busied myself cleaning the cell, with the rags and lump of polish supplied. An hour waltzing around on the rags produced one of those ultra-shiny floors of which polish manufacturers would be proud. Blankets had to be precisely folded according to prison rules. “Kaffir” du Preez regularly tore mine apart and made me start all over again. Between 10 and 12 there was an inspection by the Colonel or Major. This was

a farcical routine. One had to stand to stiff attention at the door, while they walked briskly past. No word was exchanged, although this was supposed to be an opportunity for prisoners to voice their grievances. Lunch was thrust through the door, often cold, at 11.30. The long prison “nights” started between 3 and 4 p.m. after a plate of thick soup, a slice of brown bread and a mug of coffee. Shoes (no laces were allowed) were placed outside the door, and one was locked in until the next morning

I followed the cleaning routine each morning by walking 300 to 400 times up and down the cell, which I reckoned to be a mile. I walked again in the afternoon and evening, doing several miles a day in this confined space. As I paced up and down my thoughts were on my family, my comrades, and how we had got into this mess. Without realising it, as the endless days went on, I wandered increasingly into realms of fantasy and superstition. I would find myself creating associations of numbers – such as today is the 29<sup>th</sup>, 9 plus 2 is 11, so 11 is a lucky number.

Some time after 8.30, the four white politicals – Rusty, Dennis, H. and I, would be taken out together into the prison yard. We had half an hour to shave, take a cold shower, clean out our water bowls and sanitary buckets. The yard was surrounded by high prison walls, and above was “that small tent of blue prisoners call the sky”. In winter it caught only a hint of sunshine, but by spring it was warm and sunny. In the middle of yard was an open block of two W.Cs, 2 showers and a urinal. At first I spent as much time as possible energetically jogging around the yard. As my mental state deteriorated, I became languid, walked around a few times but mostly slumped against the wall.

We were closely supervised during these half-hour breaks by 2 to 4 warders. We were not permitted to communicate with each other in any way, but we soon found ways to pass each other notes. With a good supply of toilet paper and a smuggled pen or pencil one could compose a message in minute script and find a way to leave it in the toilet for the next user to pick up. Rusty and I managed to maintain a dialogue for some weeks. Rusty had a gift with words, and kept up my spirits with his Gilbert and Sullivan parody, written on chocolate paper, of the “model major-general” of the prison. At most times the notes were more serious, with advice or comfort to each other.

After about four weeks a miracle occurred one weekend when the normal warders were away. The relief warders – apparently unaware of the restrictions – turned their backs on us. At first we could not believe it, then we started excited whispers, which became a full conversation for nearly half-an-hour. This relief was however shortlived, for the screws were tightened soon after this, and we dreaded the weekends in which were locked up for as long as 48 hours.

Another thread of life came from awaiting-trial prisoners who would sometimes leave a newspaper concealed near the W.C. Each of us would take a turn on the seat, with eyes seriously fixed to the ground as if having a difficult motion, avidly reading a week-old paper. This was soon discovered, and all newspapers were carefully removed before the politicals entered the yard. The awaiting trial prisoners were cleared away when we had to walk along the corridors.

The passing of notes came to an end after a few weeks. We had been joined by a surprise prisoner, Jimmy Kantor, whom I knew as an attorney and brother-in-law of Harold Wolpe. Rusty passed him a note, asking why he had been detained. Jimmy, with no experience of underground work, filed this neatly in his Bible. It was discovered when he was being removed to Johannesburg, and Jimmy revealed that Rusty had given it to him. The security men swooped into the prison and interrogated each of us as to whether we had any contact. That evening I was removed from Cell No.3 and moved into the smaller Cell No.9 – on the wall was an inscription by Pratt, the man who had attempted to assassinate Verwoerd and later killed himself. The next morning we had a longer than usual exercise period. When I returned to my cell it was a shambles. Every blanket lining had been ripped open, the toilet roll unravelled, clothes pulled apart – as if there had been a tornado.

As I started collecting up my belongings, I noticed that all my carefully collected pencil stubs had gone. A diary which I had been keeping, by then for about 48 days, and had hidden in my overcoat lining was missing, and some letters I had written on toilet tissues, hidden at the bottom of a box, were also gone. Even a piece of paper on which I had drawn a draughts board had been confiscated.

That was the end of all communication between the four of us. We were rigidly kept apart and regimented from then on, and were closely watched in the yard. We each had to use the W.C. separately, and after each person the warders made a search. On entering and leaving the yard we were stripped and body-searched. The yard was divided into four “quarters” and we each had to remain in our own quarter. There were sporadic snap cell raids, in which blankets, clothes and possessions were thrown about. On entering the cell the warder would scream at me for “slordigheid” (untidiness), and threaten to deprive me of food or exercise breaks. This humiliating treatment continued for weeks.

The diary which was confiscated had been started on our fifth day, when I was allowed a pen and pad. I wrote two short stories and some letters to the authorities demanding my release and asking for improved conditions. I also kept the diary. All this changed after 25 July, when Lt van Wyk walked into my cell. He noticed the pad on my table and said “Enjoy yourself with that”. The next morning the Head Warder ordered me to hand over the pad and all writing instruments. I managed to hide the diary. With the paper gone I resorted to toilet paper and chocolate wrappings. But the warders began to unwrap every sweet, chocolate and other wrapping that came into our cells. The use of toilet paper was all that remained, and since this was rationed I not infrequently found myself high and dry on the toilet.

We found a way in which to smuggle in writing instruments. This was in the bananas sent in with our food parcels from outside. This led to rather difficult moments for Rusty, who could not eat bananas himself and, one day, having forgotten the possibility of ball pen refills being inside the banana gave it away to an awaiting-trial prisoner. Fortunately, it was not discovered by the warders, but they must have had their suspicions because from time to time they broke open fruit, butter and other soft foods sent in to us. Rusty was a man of great ingenuity, and discovered that he could smuggle notes in the collars of his washing which was collected by our wives. We got occasional snatches of news this way – such as the escape of Wolpe and Goldreich – which proved tremendously heartening.

There was no reading matter. I knew that prison regulations allowed every prisoner a Bible, and I demanded one which arrived after four days. During my time in solitary I read the old and new testaments twice, and learnt many of the psalms by heart. I found it difficult to concentrate, but my daily quota of reading the Bible was keenly awaited. It took my mind into another realm, and I discovered the solace of prayer. On the back cover of my Bible I made a draughts board, using spit balls of toilet paper as the pieces. I also played “cricket” rolling a pencil with scores along the table and recording the “scores”. All of these were removed in the August raids.

As the prison quietened each evening, singing would begin – the harmonious but distant voices from the African section weakly matched by the white politicals. The warders would rush about wildly trying to stop it, but even a few refrains were soothing and inspiring..

I never slept for more than four hours a night, and then only lightly. More than once a warder burst into the cell while I was dozing saying that I had screamed out. With so many anxieties, and awful nightmares, this is not surprising. In the long hours of isolation and boredom, especially as I lay on the hard cold stone floor, I became obsessed with my predicament and could think of little else. As the days and nights slowly passed, I became increasingly confused and created my own world in which reality and fantasy were hard to separate. I would worry about small things – such as where a particular sound in the prison was coming from – a gong, a scream, a clanging gate.

I worried especially about the letters on toilet paper which had been confiscated. I was highly emotional when I wrote them, and I could not remember their content: had I revealed anything or disclosed our means of communication with the outside world? I knew that I had insulted the warders in my diary– one in particular as a “little fascist shit” – and after its discovery, they retaliated by daily stripping and searching, tripping me up in the corridor, leaving my food outside my door until it was cold and countless other humiliations.

These experiences as a white detainee were as nothing compared to the inhuman treatment of African prisoners. I witnessed the horrifying effects of detention on one PAC detainee. One night in September, I was woken 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 hospital yard,. I stood on the stool which I had placed on my table and there saw an African 90-day detainee being held by two warders with arms twisted behind his back. He was foaming at the mouth and his eyes had the wide, vacant stare of the beserk. A few days’ later I saw him in the yard again, in a strait-jacket, his screams by them whimpers each of which was met by a blow from the warders.

It was in these conditions that I was interrogated.

## IV

### INTERROGATION

During the first three weeks' detention I was not interrogated. From the start, I had decided to put pressure on the authorities to improve our conditions as detainees and to allow us to see our families and lawyers. These were the early days of 90-day detention – the law was just over a month old - and I believed that the courts might step in to protect us from torture or worse – bearing in mind the stories already circulating about electric shock treatment and “suicide” of detainees.

I did not realise at that point how serious our situation was. I did not then know of the cache of incriminating documents, in addition to Operation Mayibuye, which had been found, or of the widespread arrests. I believed that the police had nothing more against me than my presence at Rivonia on 11 July. Insofar as I had a strategy it was either to escape ( which seemed impossible in Pretoria Local) or to induce the authorities to release me before they collected evidence which would condemn me. I knew a great deal , and I did not want to take the risk of being tortured to the extent that I might break down. Sooner or later, others would crack, and incriminate me and others.

I demanded paper and pen and wrote first to the Commissioner of Prisons about jail conditions, then to Vorster the Minister of Justice on the ground that there was no basis for detaining me. I claimed that my detention was unlawful. I received no reply. On 25 July, I began to draft a petition to the Pretoria Supreme Court. As I was doing so, Lt van Wyk entered my cell. He politely told me that they were very busy investigating, and that they believed I had visited Rivonia before. They wanted me to say what we were discussing when the raid took place. He then gave me a piece of information which came as a tremendous shock. They had taken away “cartloads” of documents at Rivonia, including Mandela’s diaries, lists of addresses, records of the ANC, a firearm and explosives. I could scarcely believe this. I myself had passed on a message from Mandela the previous November during his trial that all his documents should be removed or destroyed. Responsibility for keeping the Place clear of documents rested with those living there, and this has apparently been delegated to Goldreich. Instead of disposing of the documents he built a secret cellar. When this had become known to the secretariat Govan was told to ensure that everything was removed. On the Saturday before the raid, when we were arranging the meeting, we were assured that the Place was clean. Judging from Govan’s reaction after the arrests, I believe that he genuinely thought that Goldreich had cleared up. He had obviously failed to do so.

Van Wyk added that in the light of what had been found, we were all likely to be sentenced to death for treason and sabotage. I knew enough about the doctrine of common purpose to know that, despite the fact that I had never read Operation Mayibuye or agreed to it, I could easily be linked to the conspiracy. Dirker then played the hard man: “We know that you hid Operation Mayibuye in the chimney. You were part of this.” Although this was not true, I knew Dirker well enough to believe that he would “plant” such evidence on me. Van Wyk played the soft man: “Just tell us what you were discussing and why you were there, and we’ll guarantee



an indemnity.” He added that they would call me as a state witness. I replied that I could never do so, and said nothing.

The next morning I was visited by another policeman who demanded my finger prints on the ground that I was to be charged the next day with membership of a banned organisation. I was relieved because this would mean the end of 90-day detention. The next and following days came and went but there were no charges – this had simply been a ruse to take fingerprints.

On Monday 30 July D/Sgt Kennedy, and the ferocious bull-necked Lt Swanepoel came to interrogate me. I asked why I had not been charged, and they laughed. I said I would petition the court for the confiscation of the illegally obtained fingerprints. They laughed again and said that no petition would ever reach the court. They asked for my statement. I declined. They said “Don’t call us we’ll call you”, and left.

On Friday 2 August Swanepoel returned, with W.O.Nel. They said that if I gave a “reasonable” explanation of why I had been a Rivonia, I would be immediately released. They were friendly and gave me the impression that they were genuine. All I had to do was provide an innocent explanation of my presence and I would be free. By then I had been detained in solitary for three weeks – my judgment was seriously impaired, fantasy and reality were difficult to separate. And I was emotionally and physically exhausted. I told them to return on Monday 5 August when I would give my reply.

The weekend of 6 and 7 August was the one on which the friendly relief warders were on duty (above). So I was able to talk to Rusty during the exercise period. We were also able to pass notes to each other. The consensus which emerged was that if I could get out quickly I should grab the opportunity. I could clear out the other hiding places – including a cottage in Mountain View- which the police had not yet discovered, and pass on vital messages to Bram and others who were still not detained. Another consideration was that even if I was not immediately released, an innocent explanation now might be used in evidence at any trial and so help my defence – this was a gamble because one did not know how much more evidence the police might have gathered. We were not able to discuss the contents of the proposed statement in detail. But we agreed that I should say that we had come to consider the position of 90-day detainees, and were not discussing anything else when the police arrived.

I would not have made a statement at that stage without Rusty’s agreement. He had known me since I was a boy ( when he and Hilda Bernstein were members of the Labour League of Youth with my parents), and I trusted him as a friend and senior comrade. He had many years of experience with the police, and so could form a judgment. We managed to talk briefly to Dennis as well. He said he did not object to the course I was taking, but warned me that it could be dangerous. Rusty said the risk was worth taking. At that stage we had no contact with the outside. We did not know who had been arrested and what finds had been made.

I was however breaking a basic rule that one should not make any statement to the police. But these seemed extraordinary circumstances, when any chance of freedom should be taken, and I had the consent of those with whom I could consult.

On Monday 5 August, Swanepoel and D/Sgt van Zyl called on me. I made a statement, typed out by Swanepoel in response to leading questions by van Zyl. The gist of this statement was that I had been a member of the Congress of Democrats, that I had got to know Walter Sisulu in this period, and had acted as his lawyer on a few occasions. On the morning of July 11, I had received a message from Walter asking to come and see him in hiding at Rivonia to discuss 90 day detention and to advise him about his appeal against a conviction in the Regional Court. I had agreed to go, and had received instructions from an Indian man (whose name I did not know) that morning as to how to find Rivonia. I had arrived at Rivonia at 3 p.m. and seen a car leaving. The mention of my visitor and the car leaving was intended to test my suspicions as to the informant. I was surprised to find others there in addition to Walter, and had been there for only a short while before the police raided.

After I had made this statement, van Zyl brushed this aside, and proceeded for many hours to subject me to an incredible barrage of intimidation, threats and promises. They had inside informants- they knew I had been to Rivonia many times. They said I had been in an underground cell with individuals who had given statements to the police. My wife would be detained until I told the truth, I had been using a car registered in my father's name so he must be implicated and he and my mother would be detained. My parents-in-law were "communists" and they would be detained. My children would go to an orphanage. I would never be released. I would hang with the others... During all of this I was kept standing, not allowed to go to the toilet. My mind and body were exhausted, but I simply maintained that my statement was true. I was taken back to my cell. That night warders or police (I am not sure which) kept coming into my cell, shouting and depriving me of sleep.

For the next three days interrogation continued in the same way for hours on end. It was more or less continuous between 5 August and 8 August, and I lost all track of time. One of Swanepoel's ploys was to leave a revolver on the desk, then pick it up and play Russian roulette after showing me the one bullet: "Would you like this or the rope?" he would say. The threats and promises were distorted out of all proportion in my mind, and my capacity to reason was seriously impaired. I say all of this with the wisdom of hindsight, because one of the consequences of sensory deprivation and exhaustion is that one is unable to realise the extent of the changes taking place in normal behaviour.

During another sleepless night on 8 August, I decided that I would have to make a more incriminating statement if I was to have any hope of release. One thing which I recalled was a promise by Swanepoel that if I gave another statement, he would take me to Langlaagte police station, where conditions would be easier. I knew the station. It was near the main road, and security might be lax enough for me to escape. By now I had convinced myself that if I made a statement I would either be released – as Swanepoel and van Zyl repeatedly promised -or at least would be moved to Langlaagte and be able to escape.

The following day I made a statement. I admitted that I had been recruited into a banned organisation by Joe Slovo. I said that in 1962 Joe had asked me to receive letters (Joe was abroad, was protecting Bram who was still at large) and to take them to Rivonia to which he had introduced me. There I had met Govan and Walter. I had driven to the farm once with Kathy (this was because they said I had been seen

coming in with him). I said I did not know Dennis or Goldreich. I was subjected to further questioning about what was discussed, and said that in my presence it was only the 90 day detentions and related matters.

I believed then, as I do now, that nothing in that statement gave the police more information than they already had, or incriminated anyone else inside the country. Indeed, the Rivonia accused were subsequently convicted entirely on the basis of other overwhelming evidence, not my statement. The statement was tape-recorded and I later signed it.

I was then taken to Langlaagte. I had a large but dark and cold cell near the main road. I spent my 29<sup>th</sup> birthday, 11 August, there cheered only a brief visit by my wife. I told her that I had made a statement. There was a high wall in my private exercise yard, and I was working on a plan to scale the wall (the cell door was left open at night) when I was suddenly taken back to Pretoria on 14 August. I discovered subsequently that this was because Goldreich and Wolpe had escaped on the very weekend I made my statement. There was no way now that I could escape or expect release.

## V

**TRIAL**

I spent the next two months in solitary confinement. I was deeply depressed after being returned to Pretoria. My ploy in making a statement had failed. The second statement had completely compromised me. My admissions were enough to link me to the common purpose of the other detainees. I could be hanged now for Operation Mayibuye, a plan to which I had not been a party and which I thought was crazy. I had not been able to escape, and my belief that I would be released was a forlorn hope. I learnt subsequently that my father had seen Vorster, the Minister of Justice, who showed him my statement and said that the matter was in the hands of the Attorney-General. Only later did it emerge that a political decision was being taken, probably at Cabinet level. They would try to force me into the witness box against the accused, to add prestige to the state case, and to finish me off politically.

About a fortnight after I made my statement, Rusty handed me a note he had received from outside. It said they were worried about me having made a statement. Did I realise it might be used later against me? Rusty and I passed each other notes – he said that even if we had been wrong, which he did not think was the case, the results would not be disastrous. I was less optimistic, and came to regret what had been a serious error of judgment made while I was unable to think straight. I had put myself in a false position by volunteering the first statement, then been psychologically and physically pressured into incriminating myself. The mere fact that I had made a statement would be used to demoralise others. I began to feel ashamed.

The first inkling of what was in store for me came late in September when Swanepoel and van Zyl visited me. In a casual fashion they said that “daardie kwaai Jewboy” (that angry Jewboy) Dr Percy Yutar, the state prosecutor, had said that the only way out was for me to become a state witness. They said that the letters found in my cell (above) had thrown doubt on my sincerity in making the statement, and meant that I would not be released unless I testified.

A few days later I was taken to The Grays (security police headquarters) to see Yutar. This was my first outing since being returned to Pretoria. After keeping me waiting for a long time, he called me in and launched into an attack on all the Jews who were “communists” (he knew that I had a Jewish mother). He proceeded to deliver a lecture as to why I should save myself, my family and the Jews in South Africa by agreeing to be a state witness. I said I had been promised release when I made my statement. He said there was no way I would get out without giving evidence. He had decided to prosecute me. All the accused could expect to be sentenced to death, including me.

The “soft” Lt van Wyk then took me aside. He had pleaded with the Attorney-General to let me go, but this had been rejected. My only way out was as a state witness. I told him I would have to think about it and consult others. What was going through my mind was the possibility of conditional release pending being called as a witness, which would enable me to escape. I knew that I would never actually testify against

the accused – it was unthinkable. When van Wyk pulled out a typewriter, and asked me to compose my own statement, I hesitated but then agreed so as to give me more time to think about what was involved. The statement I typed followed the lines of the interrogation of 9 August. I did not sign this statement. It was about 8 typewritten pages long.

I was taken back to Pretoria and remained there until the end of September. On 1 October I was taken to The Grays. Swanepoel, van Zyl and another security man, told me that they had a statement from an informant that Bram was “head” of the underground and that Joe, Harold Wolpe and I were his “chief lieutenants”. I said this was complete nonsense. Yutar then saw me. He said five or six “leading persons” were making statements and he wanted to see what they had to say about me before he took any further decision. I was then kept at Langlaagte for the last week of my detention. It was an anxious time. If any “leading person” was talking there was a real danger I would be implicated.

On Monday October 7, I was taken back to Yutar. He said he had decided to use me as a witness. I said I wanted to consult the Johannesburg Bar Council and my family. Adv. H.C. Nicholas and Adv. J.D. Schwartz came immediately to see me. Not unexpectedly they said that if I gave evidence implicating myself, the Bar Council might feel obliged to move to disbar me so as to avoid the Minister accusing them of conniving in subversion. I saw my wife and mother, and managed to give them a copy of the typewritten statement which they delivered secretly to Bram. I told Yutar I was still undecided, and he confirmed that I would be charged.

I was taken back to Pretoria, and on 9 October I was brought with the others to the Pretoria Supreme Court and charged with eleven acts of sabotage and related political offences. On the same day the UN General Assembly ( 106-1) demanded the abandonment of the trial.

As soon as we were charged it became possible for us to talk to one another. We were still kept in solitary confinement but could now talk during exercise breaks. On the afternoon of 9 October, I was able to have a meeting with Bram and other counsel. I confirmed what had happened to me (he knew already). I said I needed advice as to what to do. I informed Mandela and the others that I had made a statement, and about the offer to become a state witness. I said I needed guidance. An attorney had been arranged for me, separate from the other accused, and he said that from a legal viewpoint I should testify. My father arranged for me to see Issy Maisels QC, a leader of the Bar. Both he and my father said I had no real alternative but to testify.

What I badly needed was the views of the other accused and of Bram. Rusty said that he could see no objection to my testifying along the lines of my statement, so long as I realised that this would end my future politically. He felt, however, that no one knew what effect ten or more years of jail would have on one, and the death sentence was a real possibility. I mentioned to him and Dennis the possibility of inducing Yutar to release me and then escaping. They both thought that this would be a good idea.. It was difficult to talk to the other accused because the office in which they met was probably bugged. However, on 16 October Bram told me that their attitude and that of others outside was that I had to take a “personal decision”. I had to realise that while they trusted me, others might not be so forgiving.

I then talked to Mandela for some time, while standing next to a window so as to avoid being bugged. He said that if I actually testified, this might be used politically as a divisive measure against the ANC, but that he understood my predicament and I should take a personal decision. He said I would not be judged for the past, but rather how I conducted myself in future. I asked what his attitude would be if I could persuade Yutar to release me conditionally, and then escaped. He said: "That would be excellent!". We shook hands and I left.

On October 29<sup>th</sup>, the trial started. A motion was taken to quash the indictment. By the morning of October 30<sup>th</sup> it became obvious that this would succeed. At the tea interval, Yutar summoned me to his office. He said he had decided to release me.

Soon after the resumption, the Judge asked me to address him (I was representing myself). Yutar jumped up and before I could utter a word he announced that he was withdrawing the charges against me and at a later stage I would be called to testify for the state. The Judge said: "You may go". As I left, Andrew Mlangeni, who was sitting next to me shook my hand and said he was very pleased. I remarked "Good luck" to them all. After nearly four months I went home to my family.

**VI****ESCAPE**

I immediately made contact with Bram, through an intermediary. I met him first for a whole Saturday morning in a secret location, a highly dangerous undertaking for us both. I told him everything that had happened from the time of the arrest onwards, including my statements to the police. I then proposed to him that I should leave the country before I was called to give evidence. He canvassed the alternatives with me. The first was to give evidence so that I could be a friendly witness to the defence when cross-examined. I rejected that out of hand. The second was to go into the witness box and refuse to testify. That would mean I would go back to prison for contempt or detention without trial or be re-indicted. It might have some political advantages, but was extremely risky. The final possibility was to flee the country. He wanted to consult the accused and others. So we met again for an evening in a hotel suite..Bram told me that the accused had spent more time discussing me than their own defence, and that they and others agreed that leaving the country was the only viable alternative. I was to leave eight days' later with my wife, so as to avoid her being held as a hostage by the police, leaving our small children in the care of their grandparents.

I met Bram for the last time two days before my departure in a vacant flat in Braamfontein. Bram said that by fleeing, I was being "saved", and that I should continue to work for the liberation movement, something I have done since arriving in London by touring the country addressing anti-apartheid meetings, speaking of the plight of the detainees and of the government's repression..

On Saturday November 25<sup>th</sup>, as the news of Kennedy's assassination broke, Shirley and I left our children and our parents, our home and friends, and the country we loved. With the assistance of two colleagues, we climbed over a fence into Bechuanaland Protectorate en route to the ANC in Dar es Salaam, and eventually to London, where we started our new life.

*[ An edited version of notes made in May/June 1964].*