

15/10/62

Marshall A. 1.

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I apply for a remand of this trial for a period of at least 2 weeks from today.

The first ground for this application is that Accused Slave of the Johannesburg Boys whose services I have retained for purposes of this trial, cannot be present here today due to circumstances entirely beyond his control.

My slave has a letter from the Ministry in which the Ministry says no further action would be considered for below

In terms of a notice issued by the Ministry of Justice under the provisions of the Suppression of Communism Act, the slave is confined to the magisterial district of Johannesburg. To be able to leave that district, he must obtain permission from the Minister.

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This case was originally set down for

trial in the Regional Court, Johannesburg, for today. The first official intimation of its transfer to this place was given to me by the commanding officer of the Johannesburg Prison at about 12 noon on Saturday the 13th of this month.

The authorities knew very well that my counsel was restricted to Johannesburg. They also knew that, if they delayed the notification of a change of the venue of trial until the very last moment, he would be unable to be present at this trial today.

The timing of the change of venue and the ~~method~~ manner in which it was done, makes me suspect that this

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~~that this~~ was a deliberate ^{attempt} on the part of
the State to deprive me of Counsel of my
own choosing.

I was arrested on the 5th August this year
and the State has had a period of
close to 2½ months within which to
inform us that the trial would be
held here. Instead we were deliberately
misled ^{to believe} ~~into the belief~~ that the trial
would be held in Johannesburg. The State
waited until last Saturday before they
informed us, when they well knew
that Counsel would probably not
be available at his chambers ~~at~~
that day.

Your Worship Blackmen in this Country

have been deprived of many rights
 regarded in the civilised world as
 fundamental to all men irrespective of
 colour or creed. But one of the few
 rights that we still enjoy is that of
 being able to
 + if ~~of~~ choosing your own counsel.

It is possible that in future even this
 right may be taken away from us. But
 until that happens, we are entitled to
 approach the courts for relief whenever
 that right has been violated.

I have noted that the timing of the
 hearing of this case makes me suspect
 that this was a deliberate attempt on
 the part of the State to deprive me of
 counsel of my own choosing.

In making this statement I wish at the same time to make it clear that this statement is not intended to cast any reflection against the learned State Prosecutor personally.

It has been clear to me for some time now that there was a high-level conspiracy between various ^{Government} departments to make it difficult for me to defend this trial.

I strongly suspect that the shifting of the venue is part and parcel of a huge plot, involving highly-placed persons in Government circles, to deprive ^{me} of a proper defence.

About 3 weeks ago, whilst I was

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detained in the ~~Prison~~ Johanneburg Prison,
I asked the Prison Authorities to transfer to
Johanneburg, for consultation purposes, Ben
Yerok who is serving a prison sentence
in the Central Prison. This application
was refused ~~by the Prison Authorities~~
^{XXXX} without giving any
reasons. ~~by the Prison Authorities.~~

Shortly thereafter, I was served in prison
with a notice issued by the Ministry
of Justice in terms of the Suppression of
Communism Act, the effect of which is
to prohibit the publication of anything
I might say in this trial.

In the light of these facts I find it
extremely difficult to resist the temptation
of regarding the change of name as yet

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