

15th October, 1962.

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

My first ground for this application is that Advocate Slovo of the Johannesburg Bar, whose services I have retained for purposes of this trial, could not be present here today due to circumstances entirely beyond his control.

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

Mr. Slovo has a letter from the Minister in which the Minister said no permission would be considered.

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 manner in which it was done, makes me suspect 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 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 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 choose your own Counsel.

It is/.....

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 said that the timing of the transfer 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 three weeks ago, whilst I was detained in the Johannesburg Prison, I asked the Prison Authorities to transfer to Johannesburg, for consultation purposes, Ben Murok, who is serving a prison sentence in the Central Prison. This application was refused by the Prison Authorities without giving any reasons.

Shortly thereafter, I was served in Prison with a notice, issued by the Minister 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 venue as yet another attempt on the part of the State and Government to hit below the belt in what should be a clean contest. I am suspicious that this is merely a manoeuvre to deprive me of the services of Counsel in this trial. Slovo also appears for Walter Sisulu, etc.

This is the first ground for this application.

The second ground flows from the first one. I am unable to proceed with the trial because some of the documents relevant to and vital in this

case/.....

case, and which I need for purposes of trial, are with Counsel in Johannesburg.

For these reasons, I am applying for a postponement of this matter until the 29th of this month to enable Counsel to make the necessary arrangements to be available at this trial.

Attorneys in H Court, Johannesburg, to demand that I be produced in that Court.

1. The copy of the charge served on me joins us.
2. An advocate only enters his name on record when he does appear.

I am not speaking.

3. Demonstrations must be dealt with in a

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