

13th May, 1958.

TO ALL TREASON TRIAL ACCUSED:

The following information is being sent to you for your own information, so that you will realise what is happening in the case. Please see that this circular does not pass out of your hands.

1. DEFENCE:

After some changes and reconsideration of personnel for our team of defence lawyers, including an increase in the numbers of counsel considered necessary, the following team of counsel has been finally engaged for the trial:-

I. A. Maisels, Q.C.	A. Fischer, Q.C.
V. C. Berrange	H. C. Nicholas
S. Kentridge	J. F. Coaker
D.J.B. Osborn	A. P. O'Dowd
C. Plewman	

The team will be led by Mr. Maisels. In addition to those listed above, several other barristers have been called in to assist on particular aspects of the pre-trial preparatory work. The attorneys, as you know, are Messrs. A. Livingstone & Co., represented for this case by Mr. Parkington.

2. WORK:

A great deal of preparatory work for the defence has already been done, and most members of the defence team are at present fully engaged on working up the case, studying the record of the preparatory examination and the exhibits, and thoroughly acquainting themselves with all aspects of the case. In the nature of things no details of what has been done can be given. Your liaison committee is, however, extremely impressed and satisfied with the work done to date. It must be stated, however, that individual accused persons, who have been approached by the attorneys to do work on certain selected aspects of the case, to prepare memoranda and historical surveys etc., have not always responded well or properly. Such failures hold up the working of the entire team, and may well prejudice the defence of all of us. An earnest appeal is, therefore, made to all accused. PLEASE DO WHAT YOU ARE ASKED TO DO BY THE ATTORNEYS! DO IT PROPERLY, AND FULFIL PROMISES AND UNDERTAKINGS WITHOUT FAIL.

3. VENUE:

Our lawyers have been reliably informed by representatives of the Crown that the venue of the trial will be Pretoria, in the new Court now being renovated on the site of a former synagogue. No formal official notice of this has yet been given, but this can be taken as an authoritative indication of the Crown intention. There is no need for us to stress the personal difficulties in the way of transport, accommodation, jobs, feeding, etc., which applies to all of us. But, in addition to these factors, our counsel are concerned at the difficulties in the way of consultation with us, working up of the case from day to day, and so on, which will be caused to our defence. These difficulties make it appear to counsel that the staging of the trial in Pretoria will so hamper our defence as to make it virtually impossible for us to have an adequate and fair trial. Consideration is at present being given to an application to court for a change of venue, if reason will not prevail on the Crown. At the same time, people

--- everywhere ---

everywhere are urged to protest as vigorously as possible, within the limits of the law of contempt, against the Pretoria venue, and to bring as much public pressure to bear on the Crown as is possible. It should be remembered that Johannesburg was selected as the venue for the Preparatory Examination not by us but by the Crown, and all arrangements about defence, accommodation and so forth already made in Johannesburg arose from this initial decision of the Crown. No valid reason for a change of venue to Pretoria can be advanced which does not seriously prejudice our trial.

4. DATE:

Although the Press has been reporting that the probable date of the trial is to be early July, and although it clearly appears that this was, until recently, the intention of the Crown, we have now been informed by the Crown - unofficially again - that the trial will not start until August. This recent change of intention has also placed several serious difficulties in the way and disrupted some of the plans of the defence. The reason for the sudden decision to postpone the case until August appears likely to be connected with an intention to amend some or other of the laws affecting the trial at the coming session of Parliament which opens on July 4th. The indictment and particulars, formerly promised for this week, have also been postponed, and we are now informed will not be ready until the end of May. Copies will be sent to you when they are available.

5. FORM OF TRIAL:

It will be remembered that, at the close of the Preparatory Examination, we all elected to be tried by a jury. In terms of the law, this decision could be altered by us later if we so chose. After further legal consideration of this matter by our counsel, it was decided to instruct our attorneys to inform the prosecution on behalf of all the accused that the decision had been changed, and that all now elect to be tried by a judge and assessors. The reason for this change was that we were advised that, if we chose trial by judge and assessors, the law did not permit the case to be placed before a "Special Court". We were anxious to avoid a "Special Court" for which the judges would be selected by the Minister of Justice, and not by the Judge President, as is otherwise the case. This may, perhaps, explain the delay in the starting date of the trial. Present information is that Mr. Justice Rumpf, who sentenced the Defiance Campaign leaders, is to take the case if it does not appear before a "Special Court".

6. GENERAL MATTERS:

For your information, the Defence Fund, in consultation with your Liaison Committee, decided to continue monthly grants to those persons discharged from the case during the Preparatory Examination or after it, for a period of three months from the date of their discharge. This decision has been used as a general guide only; in certain specific cases where great hardship still persisted after that period, grants of aid have been continued, and several such "discharges" are still receiving assistance.

For the remainder of the accused, we understand that,

in general, the assistance and relief machinery of the Fund is running reasonably smoothly, under the secretaryship of Mrs. Frida Levson. Should there, however, be any difficulties experienced by accused people in any area which could be satisfactorily settled on the spot, we would like you to write to us with details of the difficulties, so that we can take these difficulties up with Fund headquarters in Johannesburg. Letters should be sent to Mr. P. P. D. Nokwe, His Majesty's Buildings, Eloff Street, Johannesburg.

7. ADDRESS:

If you change your address, please notify Mr. Parkington of A. Livingstone & Co., Protea Buildings, cor. Twist and Esselen Streets, Johannesburg.

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

©2011

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.