#### **AFFIDAVIT**

I the undersigned

### LAURA MORRISON

hereby affirm and say:

11 am the Treasurer/Secretary of the Treatment Action Group ("TAG"). The TAG head office is situated at 611 Broadway, Suite 608, New York, NY 10012, USA (<a href="https://www.treatmentactiongroup.org">www.treatmentactiongroup.org</a>).

2The facts stated in this affidavit are within my personal knowledge and belief and are true and correct.

3I have been made aware of the allegations made by the Rath Foundation as to the sources of funding of the Treatment Action Campaign ("TAC").

4The purpose of this affidavit is to set out the relevant facts with regard to the TAG.

## Treatment Action Group

5TAG is a US-based not-for-profit organisation founded in 1992. It is dedicated to advocating larger and more efficient research efforts, both public and private, towards finding a cure for AIDS.

## 6TAG's work includes:

-basic science advocacy devoted to speeding the conduct of research on the pathogenesis of HIV infection, better treatments for HIV infection and an eventual HIV vaccine. TAG analyses scientific and practical impediments that slow the progress of basic research, offering recommendations to industry and government sponsors of research to expedite progress and pressing for the adoption of these measures.

-advocacy of sound regulatory policy in the evaluation of AIDS drugs, which balances the need for access to new agents and the need for reliable information about their clinical efficacy.

-close monitoring of HIV antiretroviral drugs in all stages of development, including post-marketing. We advocate expeditious development, proper clinical research and regulation, ease of access and optimal use of these drugs. We work with other treatment activists and researchers, federal bodies, and the pharmaceutical industry to achieve these objectives.

-helping educate members of the HIV community about antiretrovirals.

7TAG's annual financial reports are audited and are freely available on our website.

8As our annual reports show, TAG has accepted donations from pharmaceutical companies. TAG however only accepts unrestricted educational grants from the pharmaceutical industry. These unrestricted grants are used for general operating support and organizational overhead.

9TAG does not accept grants from pharmaceutical companies that have a condition or restraint attached to them. Industry donations are therefore not earmarked for specific staff positions, projects or programs.

10The allegation in para 34 of the answering affidavit of Anthony Brink that TAG is "a classic pharmaceutical industry-serving patient-activist group, whose third party marketing activities for the industry, like [TAC's], serve the commercial 'drugs into bodies' agenda of the industry perfectly" is entirely false and untrue.

11TAG has since its inception been involved in independent analysis of research efforts and HIV treatments and policy. It has often taken positions or funded research that is directly in conflict with the interests or positions of the pharmaceutical industry.

# TAG aware of TAC's "no drug money" policy

12TAG and TAC are not related to each other. The two organisations have the generally or broadly similar aim of increasing the affordability and accessibility of safe and effective treatments for HIV/AIDS. TAG and TAC have co-operated through occasional joint projects (such as the joint treatment literacy workshops in 2001).

13TAC is known to TAG to have a policy of not accepting donations from pharmaceutical companies. In all of TAG's dealings with TAC, we have been aware of this policy. TAG has observed this policy in relation to any funding ventures concerning TAC.

14The TAG leadership are aware of TAC's policy position of not accepting drug company funding. TAG has not acted and would never act as a channel for any such funding to occur.

# TAG's receipt of funds for TAC

15In 2001 and 2002 TAG received donations from various pharmaceutical companies, as appears on our financial statements accompanying Brink's affidavit.

16I have been made aware of the general nature of the allegations made by the respondents ("Rath") against the TAC. In particular, I have been made aware of the allegations in paras 34-39 of Anthony Brink's affidavit that in 2001 TAG "passed" R242 939 "of these funds" to TAC through the South African Development Fund ("SADF"), and that in 2002 TAG "forwarded" R201 000 "of these funds" to the TAC, again through the SADF.

17I understand the allegation to be that TAG "passed' or "forwarded" or "washed" (para 39) monies received from pharmaceutical corporations to the TAC, using the SADF, on behalf of these corporations or pursuant to some agenda on their behalf.

18These allegations and suggestions are to my knowledge false and untrue.

19It is correct that TAG has funded various joint TAG and TAC activities. It is also true that TAG has relied on SADF, in some cases, to transmit funds to TAC. In every instance these funds came from specific sources set out below, and not from TAG's general operating funds.

20No funds from pharmaceutical companies were used for any part of these.

21TAG raised approximately \$195,000 for the TAC/TAG treatment literacy workshops, which were held in November 2000 in Johannesburg, Durban, and Cape Town.

22The funders for these workshops were the following institutions:

Office of AIDS Research, NIH	\$100,000
Irene Diamond Fund	\$ 50,000
Royal S. Marks Foundation Fund	\$ 25,000
AIDS Action Baltimore	\$ 10,000
UNAIDS `	\$ 10,000
Total	\$195,000

23To my knowledge, the Office of AIDS Research in the National Institutes of Health is a body of the United States federal government. The Irene Diamond and Royal S. Marks Funds are or were (in the case of RSM) tax-exempt charitable foundations. AIDS Action Baltimore is a tax-exempt non-profit organization. UNAIDS is the coordinating agency for AIDS in the United Nations, Geneva.

24None of these bodies are, to my knowledge, capable of description as pharmaceutical companies or somehow representative of such.

25I know, and our records show, that all project monies were spent on the TAC/TAG workshops (with input from *Medicins Sans Frontieres* and Project Inform, both tax-exempt non-profit organisations) on follow-up treatment literacy videos and newsletters, and on a subsequent treatment literacy workshop at the International Conference on AIDS in Asia & the Pacific in Melbourne, Australia, in October 2001. No funds from pharmaceutical companies were received or used for any part of these projects.

26I have read the affidavit of Judie Blair of SADF in draft. The description of the monies directed to TAC through SADF accord with our records. None of these funds came from pharmaceutical companies. I attach as **LM1** copies of our relevant records on these matters.

27To my knowledge, TAG has never made funds available to TAC, either directly or indirectly, where those funds were received from pharmaceutical companies. If TAG had done so, I would be aware of this.

28To my knowledge, neither the Rath Foundation nor Brink has ever approached TAG to ascertain from us the source of any funding that TAG has provided for TAC projects. If they had, we would have given them this information as to the true sources of this funding.

2929 I am unable to get this affidavit notarised today, because the South consulate stops notarising after 1pm local time. I only completed the affidavit in the afternoon. I will have the affidavit commissioned as soon as possible. I regret the inconvenience to the court.

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# **LAURA MORRISON**

1.SIGNED AND AFFIRMED BEFORE ME IN THE PRESCRIBED MANNER AT NEW YORK ON THIS DAY OF APRIL 2005, THE DEPONENT HAVING STATED THAT SHE HAS CONSCIENTIOUS OBJECTIONS TO TAKING THE OATH AND THAT SHE REGARDS THE AFFIRMATION AS BINDING ON HIS CONSCIENCE.

**COMMISSIONER OF OATHS**