

Sworn Affidavit

I,
Marius Nico Otto hereby take oath and state that:

1. I am a major male employed by the South African Medical Association (SAMA) in the position of Company Secretary. I have been employed in this position since March 1, 2005.
2. I hold the following academic qualifications: B.Proc, LLB and M Com (Personnel Management).
3. I am dually authorised by a resolution taken by SAMA Board of Directors. To take the necessary steps to insure that legal action be instituted against the Respondents in this matter, on its behalf.
4. An extracts of the minutes of the SAMA Executive Committee (EXCO) meeting held on 22 April 2005 is herby attached marked **MNO1**. During this meeting the EXCO resolved that SAMA may join the Treatment Action Campaign (TAC) in its action against the Rath Foundation.
5. This decision was confirmed at the SAMA board of Directors meeting held on 16 September 2005. An extract of such minutes is hereby attached marked **MNO2**.
6. The facts contained herein are true and correct and are within my personal knowledge unless the context indicates otherwise.
- 7 The South African Medical Association (SAMA) is a professional association for medical doctors without any statutory or disciplinary powers. SAMA is a member of the World Medical Association (WMA), a global federation of national medical associations representing doctors worldwide.
8. SAMA believes doctors can positively influence medical practice by:
 - Anticipating and influencing health policy changes in the interest of the profession and the public.
 - Promoting access to affordable and appropriate health care.
9. The mission of The South African Medical Association is: *To empower doctors to bring health to the nation.*
10. The objectives of SAMA amongst others are the following:
 1. To represent doctors with authority and credibility in all matters concerning their interests in the health care environment.
 2. To promote the integrity and image of the medical profession.
 3. To develop medical leadership and skills.
 4. To provide doctors with knowledge relevant to the demands of medical practice.
 5. To promote medical education, research and academic excellence.
 6. To encourage involvement in health promotion and education.
 7. To influence the health care environment in meeting the needs and expectations of the community by promoting improvements to health reform, policy and legislation.

11. The articles of association of SAMA specifically allow instituting legal action in its own name. Such legal action would be to protect the interest of its members and that of the public. Find attached here to the articles of association of SAMA marked as **MNO3**.

12. SAMA is therefore joining the TAC in this application to insure protection of the medical profession and the rights and health of people living with HIV Aids.

Deponent

I CERTIFY THAT THE DEPONENT ACKNOWLEDGE TO ME THAT HE KNOWS AND UNDERSTAND THE CONTENTS OF THE STATEMENT, HE HAS UNDERTAKEN THE PRESCRIBED OATH AND CONSIDER AS SUCH OATH AS BINDING ON HIS CONSCIENCE.

THUS SIGNED AND AFFIRMED TO BEFORE ME AT PRETORIA ON THIS _____
_____ DAY OF OCTOBER 2005.

Commissioner of Oaths