

IN THE HIGH COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

Case no: 2807/05

In the matter between:

TREATMENT ACTION CAMPAIGN

Applicant

and

MATTHIAS RATH

First Respondent

DR RATH HEALTH FOUNDATION

Second Respondent

CONFIRMING AFFIDAVIT

I, SAM WYSTAN POSHELA MHLONGO, affirm and say:

1. I am an adult male, 66 years of age and I am a Professor and Head of Department of Family Medicine and Primary Health Care at Medical University of South Africa (MEDUNSA), Pretoria.
2. My professional qualifications and experience are as follows:
 - I hold a Bachelor of Medicine, Bachelor of Surgery degree (MBBS) awarded by the University of London;
 - I hold a Licence of the Royal College of Physicians, London (LRCP);
 - I am a member of the Royal College of Surgeons, England (MRCS);
 - I hold a Master of Science degree in Internal Medicine, specialising in cardiology (MSc Med);

- I am a Member of the Royal College of General Practitioners, United Kingdom (MRCGP), signifying that I am trained to professorial level in advanced primary health care and family medicine;
 - Having passed the US Visa Qualifying Examination (VQE), I am licensed to teach and practise medicine in the United States of America.
 - After my medical training at Charing Cross Hospital, London, I practised medicine in London and taught at hospitals attached to the University of London for 30 years – apart from a two-year teaching tour, in which I provided instruction in Advanced Internal Medicine at the University of Pennsylvania in the US, between 1974 and 1976.
 - I was President of the African-Caribbean Medical Association in London from 1992 until 1998, when I returned to South Africa to take up my current post as Head of Department at MEDUNSA, having been specially recruited by the Department of Health, Gauteng Province.
 - I have published numerous articles and letters in the world's leading peer-reviewed medical and scientific journals both as a principal and as a co-author, and these professional scientific contributions to the understanding of AIDS are all catalogued in the US National Library of Medicine.
 - On December 8th, 2003 I addressed a section of the European Parliament (Brussels) on the subject: AIDS in Africa by special invitation of the European Parliament (Publication available in French.)
3. My special expertise in the subject of AIDS science is widely recognised, as evidenced by the following:

- I was appointed by the National Department of Health as an expert member of the Presidential AIDS Advisory Panel, in both of whose international meetings I participated in May and July 2000.
 - I have been invited to attend and/or address numerous other professional meetings concerning AIDS in South Africa, including a meeting of the South African Association of Professionals in Health Care on 7 February 2002, at which I presented a PowerPoint slide show, *A Critical Analysis Of The Evidence Considered Proof That Nevirapine Prevents Mother-To-Child Transmission Of HIV*, by Papadopulos-Eleopulos et al., of which I am co-author.
 - I am also co-author of an extensive literature review and analysis, *Mother to Child Transmission of HIV and its prevention with AZT and Nevirapine: A Critical Analysis of the Evidence* by Papadopulos-Eleopulos et al.
4. I have never accepted any funding in any form from the pharmaceutical industry, or from any other quarter likely to prejudice my impartiality and professional integrity. The professional expert opinions that I hold are accordingly unbought, are entirely my own, and have been arrived at independently.
 5. I am familiar with the literature referred to by Anthony Robin Brink in his answering affidavit in this matter. I am also familiar with his own publications in regard to AZT and nevirapine.
 6. I endorse and support the findings and opinions recorded and expressed by the various authors cited in the aforementioned literature insofar as they are relied upon by Brink in his aforesaid affidavit.
 7. I share Professors De Harven and Duesberg's estimation of Brink's book, *Debating AZT: Mbeki and the AIDS drug controversy*, and with Dr Fishbein's assessment of his book in press, *The trouble with nevirapine*.

8. I confirm the truth of Brink's statements where they refer to me in his affidavit.

9. I reiterate my view that the use of the ARV drugs AZT and nevirapine are harmful to HIV/AIDS patients owing to their exceptional toxicity and severe, sometimes fatal, side-effects, and that their use in medicine is highly contentious to say the least.

SAM WYSTAN POSHELA MHLONGO

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

COMMISSIONER OF OATHS