

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

In the matter between:

<b>TREATMENT ACTION CAMPAIGN</b>	First Applicant
<b>SOUTH AFRICAN MEDICAL ASSOCIATION</b>	Second Applicant
and	
<b>MATTHIAS RATH</b>	First Respondent
<b>DR RATH HEALTH FOUNDATION AFRICA</b>	Second Respondent
<b>SAM MHLONGO</b>	Third Respondent
<b>DAVID RASNICK</b>	Fourth Respondent
<b>ALEXANDRA NIEDWIECKI</b>	Fifth Respondent
<b>ANTHONY BRINK</b>	Sixth Respondent
<b>TREATMENT INFORMATION GROUP</b>	Seventh Respondent
<b>GOVERNMENT OF THE RSA</b>	Eighth Respondent
<b>DIRECTOR-GENERAL OF HEALTH</b>	Ninth Respondent
<b>CHAIRPERSON, MEDICINES CONTROL COUNCIL</b>	Tenth Respondent
<b>REGISTRAR OF MEDICINES</b>	Eleventh Respondent
<b>MEC FOR HEALTH WESTERN CAPE</b>	Twelfth Respondent

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**AFFIDAVIT: ABDURRAZACK “ZACKIE” ACHMAT**

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I, the undersigned

**ABDURRAZACK “ZACKIE” ACHMAT**

hereby affirm and say:

1. I have previously made an affidavit in this matter. I am the chairperson of the Treatment Action Campaign.
2. The contents of this affidavit are true and correct and, save where the context indicates otherwise, are within my personal knowledge. To the extent that I rely on information received from others, I believe that such information is true and correct.
3. In this affidavit I respond only to the assertions about my health by Mr. Anthony Brink. His account of my health is simply uninformed and wrong. I have been advised that his assertions in this regard are irrelevant to the matters which the court has to decide, and that I should not unnecessarily burden the court record. However, I do wish to put on record the true state of my health, especially with regard to the effect of ARVs.

4. Mr Brink made similar allegations about my health in a previous court case, in the application by the TAC for an interdict to stop the Rath Foundation's campaign of defamation against it. The allegations were rebutted then. He nevertheless continues to make these allegations under oath.
  
5. In paragraphs 92-125 Mr Brink goes beyond his assertion that he is an expert on the science of HIV/AIDS. He apparently also asserts that he is able to:
  - 5.1. diagnose the cause of the heart attack which I suffered;
  - 5.2. come to conclusions about my intellectual ability;
  - 5.3. make findings as to my psychological condition;
  - 5.4. diagnose my neurological condition.
  
6. A professionally qualified person who expressed such opinions under oath without ever examining the subject would be liable to the discipline of his or her profession. Mr Brink takes the view that he is able to do so even though he is not professionally qualified in any of the professions concerned.
  
7. My regular physician, Dr Graham Meintjies, is on annual leave abroad and will return to South Africa on approximately 3 July. He will attest to an affidavit late or give evidence regarding my health if the Court so requires.

8. I attach (ZA1) an affidavit by Dr. Steve Andrews who was my doctor before Dr. Meintjies. This affidavit was filed in the application for an interdict.
9. I also attach (ZA2) an affidavit by Dr. Zaid Mohammed, the cardiologist who treated me following my heart attack, from which I have made a recovery.
10. At present, my physical health is fine. I attend gym regularly, doing weights and aerobic exercise. I take my antiretrovirals as prescribed. The result is that my HIV viral load was undetectable at its last count, and my CD4 count had increased to over 600. My immune system is now strengthened.
11. It is true that I suffer from depression. I have done so since childhood. It is unrelated to my ARV medication.
12. At paragraphs 99 to 112 Mr Brink refers to various newspaper reports in his effort to demonstrate that ARVs have worsened my health. Mr Brink must know that this is pure hearsay evidence. But all I ask is that the Court reads Mr Brink's annexures AB16B, AB16C and AB16CC, the media articles to which he refers. They simply do not support his claims as to their conclusions.
13. Mr Brink makes other misrepresentations about my integrity, about TAC as an organization, and about my health. They are too numerous to mention and again, they are irrelevant to the matters in issue in this application. They are filled with hearsay and have no basis in any admissible evidence of fact. I have been advised that it is not necessary for me to respond to them.

14. At paragraph 293, Mr Brink states that I have called him a liar and suggested he is dishonest. That is true, and I stand by this.

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**ABDURRAZACK “ZACKIE” ACHMAT**

**I CERTIFY THAT THE DEPONENT ACKNOWLEDGED TO ME THAT HE KNOWS AND UNDERSTANDS THE CONTENT OF THIS DECLARATION, THAT HE HAS CONSCIENTIOUS OBJECTIONS TO TAKING THE PRESCRIBED OATH AND CONSIDERS THIS AFFIRMATION BINDING ON HIS CONSCIENCE. SIGNED AND AFFIRMED TO BEFORE ME AT CAPE TOWN ON THIS 30TH DAY OF JUNE 2006.**

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**COMMISSIONER OF OATHS**