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8 February 2007

To: Trevor Ncube, CEO: *Mail&Guardian*
Grosvenor Corner
195 Jan Smuts Avenue
Rosebank
Johannesburg

And to: The Office of the Prosecutor, International Criminal Court;
African National Congress; South African Government; other
interested parties; media; and online at www.tig.org.za

Dear Mr Ncube

Media Complicity in Genocide: the Case of the *Mail&Guardian*

In *Guardians of Power: The Myth of the Liberal Media* (London: Pluto Press, 2006) David Edwards and David Cromwell make the point that

If there is to be a way out of the nightmare of history, it will begin with a waking up to the complicity of the corporate mass media in mass murder.

Last month I [served](#) a [criminal complaint](#) on the Prosecutor of the International Criminal Court (ICC) at The Hague against Treatment Action Campaign (TAC) leader Zackie Achmat.

The complaint was presented as a 59-page draft bill of indictment, systematically particularizing the *actus reus* and *mens rea* elements of a charge of genocide within the special extended meaning envisaged by Article 6 of the ICC's founding charter, the Rome Statute. The complaint anticipated and refuted Achmat's possible criminal defences, detailed aggravating factors in consideration of sentence, and concluded with an ironic criminal sanction submission in the form of a conceit charged with multiplex meanings and allusions.

I appreciate that at first blush the charge seems absurd: it flies in the face of Achmat's media-sculpted renown as a national hero who has bravely and selflessly devoted his life to the redemption of those unfortunates in our country whose physical passions have got the better of them, nearly all African, proffering their salvation from a dreadful early death by dint of certain patented chemicals sold by multinational pharmaceutical corporations under the name and style of antiretroviral drugs (ARVs).

As a newspaperman you'll know that news of colossal crimes is a hard sell when it contradicts deeply piled prevailing wisdom in a given propaganda climate, and threatens to collapse the reader's reality. Or when it concerns the less favoured races. The *New York Times*, for instance, initially showed scant interest in early reports about the

social engineering crimes of Stalin and Hitler's regimes in which millions died. And suburban white liberals in South Africa like seeing the servants and their sexually transmitted diseases taken care of with strong, modern, scientific medicines from overseas (rather than all that voodoo stuff), and don't want to hear a word said against them or those plying them.

The ICC complaint was founded on the following core facts:

(a) by common agreement among the experts who've studied them, the ARVs promoted by Achmat for the treatment of the diseases of poverty among the African poor in South Africa, nowadays called AIDS, are extremely toxic – as President Mbeki and Health Minister Dr Tshabalala-Msimang have repeatedly warned;

(b) a massive review study of 22 217 clinical cases published in August 2006 in the leading medical journal *Lancet* (but mentioned nowhere by the commercial media in South Africa) shows ARVs to have no health benefits in terms of 'saving lives' (to quote the expression used in the TAC's press statement on the ICC complaint, and the basic lie of its ARV marketing campaign) and that, contrariwise, they actually accelerate the death rate of HIV-positive people taking them;

(c) these recent findings are consistent with reams of previously published research reports in the medical and scientific press over the last two decades concerning the dangerous toxicity of ARVs, to which literature President Mbeki and Dr Tshabalala-

Msimang have both called attention in Parliament and elsewhere; and,

(d) figures released in November last year to and by the United Nations, and by the South African Department of Health the year before, show that in South Africa and neighbouring Malawi ARVs are decimating the African poor.

Broadcast media took news of this enormous atrocity seriously; and I was able to inform South African radio listeners about it during prime-time interviews on all the major national and regional radio stations – SAfm, RSG, Radio Metro and Radio 702/Cape Talk – as well as on numerous stations serving local communities, and on Indymedia in Chicago. I was invited to speak on e.tv too, but Achmat apparently had a failure of nerve and refused to meet my proviso that he also appear to talk to the above-stated facts. (The likely reason for this he gave in an interview in *Rapport* on 10 February 2002, declaiming about himself and his TAC with remarkable candour: ‘We are scientifically illiterate.’)

Of the country’s newspapers, on the other hand, only *Die Burger* reported the ICC complaint in a professional manner, and apart from a couple of minor inaccuracies properly conveyed its gravamen. Other papers contrived to ridicule and discredit it by quoting only the ironic sentencing recommendation, missing its satirical sting, and by headlining the TAC’s response: ‘rubbish from beginning to end’; ‘truly delusional’; ‘the rantings and ravings of a madman [that don’t] deserve comment’; ‘laughable’; ‘Brink had taken everything out of

context ... Almost every single quotation in his report was out of context.’ A news poster here in Cape Town billed the complaint as a ‘BIZARRE CHARGE AGAINST ZACKIE’.

Despite timeous notification by press release, your *Mail&Guardian* (M&G) ignored the complaint in its Friday print edition, and more importantly failed to report the crucial facts at the heart of it. Thus were your readers kept in the dark about them, thereby perpetuating the fable that ARVs make sick Africans better, when the opposite is true.

A cursory mention of the complaint appeared in the *Mail&Guardian Online* on 11 January, followed by a piece posted the next day making a pointless story out of the TAC’s refusal to address the contents of the complaint substantively, and its derisory response in its press statement that it would not

waste public resources in dignifying Anthony Brink’s lunatic call [for Achmat’s prosecution in the ICC]. Anthony Brink’s actions serve only to insult the rationality of all sane people and the difficult experiences of millions of people who live with HIV/Aids in the world.

It wasn’t as if your readers weren’t interested in what the complaint was all about, because the M&G included a note in its print edition on the 19th that the mention of it in the *M&G Online* was the third most read story the week before (although only by the lucky elites with internet access, and certainly not the target market for ARVs in South Africa, the African poor).

I write to you because although your M&G is a commercial newspaper just like all the others, it has billed itself as the country's conscience from the time it was founded in the apartheid era, speaking truth to power and all that, even claiming the original *Manchester Guardian's* mantle as the voice of the oppressed. So by rights the M&G shouldn't stint at causing a serious disruption of the international business climate by reporting a vast and murderous swindle by an immensely wealthy and powerful Western pharmaceutical corporation such as GlaxoSmithKline, selling AZT, a purpose-designed cell poison, to Africans under the pretext that it's a beneficial medicine.

The M&G's self-conception of its intellectual vanguard role in our country was displayed in an editorial on 11 November 2003, deploring commercial media coverage of the American invasion of Iraq:

'Embedded' is now a thoroughly filthy word: it signals wholesale journalistic capitulation to ... interests that it should be the profession's job to dissect, not embrace.

The question arising then is why your journalists should be conducting themselves as pharmaceutical industry 'embeds', lovingly embracing the TAC, wholly uncritically hawking the wares that this pharmaceutical industry interest group touts for it, and showing no interest at all in their 'profession's job to dissect' 'Whose interests does the TAC serve?', as *ANC Today* asked on 17 December 2004.

In the May 2001 issue of *Umrabulo*, the late Peter Mokaba MP pointed up your newspaper's power to inform and shape opinion:

In South Africa [public perceptions] are informed, mainly, by the media which forms part of the most reactionary forces among those offering consistent ideological resistance to transformation. It is a powerful tool of manipulation, information and propaganda. For example, in the 1995 Media and Market Research of Jocelyn Cooper it was indicated that 70 per cent of the people north of the Parktown Ridge get their information from the newspapers only. They normally do not consult other sources of information.

And John Braithwaite commented on the effective deployment of this power to expose pharmaceutical industry abuses in *Corporate Crime in the Pharmaceutical Industry* (Routledge&Kegan Paul, 1984):

Investigative journalists played a more important role than health regulatory authorities in many parts of the world in saving children from thalidomide.

Recalling the German pharmaceutical company Chemie Grunenthal's indifference to his desperate efforts in November 1961 to persuade it to remove thalidomide from the market in view of the deformities it was causing, Dr Widukind Lenz confirmed that

the drug was withdrawn, largely due to reports in the press.

But this tradition has collapsed in the Age of AIDS. In the *Spectator* on 14 December 2000, John le Carré lamented that in the matter of bad drugs and pharmaceutical industry corruption

The mainstream media ... have failed us completely ... The subject is just too damned uncomfortable to handle; too complicated, often deliberately, too scientific for the layman. Many hacks who should know better have been lunched, holidayed and bamboozled into silence. Fake nostrums are taken as gospel.

Part of the reason your paper has 'failed us completely' in this 'subject' stems from its reliance on 'bamboozled' junior reporters such as Belinda Beresford, unable 'to handle' the uncomfortably complicated scientific minutiae of the ARV drug controversy (e.g. the [nucleoside analogue \(AZT\) triphosphorylation problem](#) to which President Mbeki has publicly referred) because they're 'too complicated' and 'too scientific'.

This goes some way to explaining why your M&G is selling 'fake nostrums' like AZT as 'gospel' (Miss Beresford's imagery and tone are frequently Christian), and is not reporting compelling indications from research reports in the medical and scientific journals that a fundamental rethink about these drugs is overdue on account of the deadly harm they're causing African people.

The M&G's failure to convey to readers what the ICC complaint was all about was solidly in keeping with its overtly pro-pharmaceutical industry, pro-ARV drug, pro-TAC line, and its avowed anti-

government, anti-dissident and uncritical bias in reporting the AIDS treatment controversy – which, as you know, has raged here ever since President Mbeki alerted the people of our country to the dangerous toxicity of AZT in Parliament on 28 October 1999, a warning reiterated by Dr Tshabalala-Msimang in a detailed statement in Parliament two weeks later. Indeed, the M&G's active marketing of AZT on behalf of its manufacturer GlaxoSmithKline, and its protection of the product from any criticism, lest readers start worrying about it as they should, is a matter of formal editorial policy.

You'll recall that there was a tremendous uproar over the M&G's publication of an invited contribution to its special AIDS Day supplement on 26 November 2004, co-written by my [Treatment Information Group](#), under the title 'Why should South Africans continue to be poisoned with AZT? There's a natural answer to AIDS'.

It was two particularly objectionable statements I wrote that caused all the trouble:

Hundreds of studies have found that AZT is profoundly toxic to all cells of the human body, and particularly to the blood cells of the immune system.

Numerous studies have found that children exposed to AZT in the womb and after birth suffer brain damage, neurological disorders, paralysis, spasticity, mental retardation, epilepsy, other serious diseases and early death.

These statements made your readers very angry, not because they weren't precisely true, but because they contradicted what your white liberal journalists had been writing in their columns about AZT as a life-saving chemical eucharist, a holy token of Western modernity to save a dark continent's aboriginals from the deadly disease they're tragically spreading among each other by rampantly joining their privates every five minutes. (The paeans they've written to the drug could fill a book.) One outraged reader, along with the TAC, complained to the Advertising Standards Authority, and actually got the [statements banned](#) from ever being [repeated](#) in the media again. Print shops are now forbidden from publishing them too. And we thought apartheid mind control was over. Can you credit this?

Many of the 'hundreds of studies' referred to in the first objectionable statement are cited in a book I published in January 2001, [Debating AZT: Mbeki and the AIDS drug controversy](#), and heaps more have since been reported. An early draft of this book, then subtitled *Questions of safety and utility*, moved President Mbeki to investigate the issues himself, to order an enquiry into the safety of the drug, and then, when the useless local 'experts' botched it, to convene an International AIDS Advisory Panel of scientists and clinicians to debate the questions I'd raised, among [other issues](#).

At the first meeting of the Panel in May 2000 no one disputed pharmaceutical biochemist Dr David Rasnick's statement that 'AZT has killed tens of thousands of people.' Clinical pharmacologist Dr Andrew Herxheimer, Emeritus Fellow of the prestigious Cochrane

Institute (and an orthodox member of the Panel, not a 'dissident') also noted at the time that 'AZT has killed a lot of people.'

I presented a brief, updated overview of the toxicity literature on AZT and similar drugs at a meeting in November last year conducted by the KwaZulu-Natal Department of Health, under the title [Why do President Mbeki and Dr Tshabalala-Msimang warn against the use of ARV drugs like AZT?](#)

[Introducing AZT: A World of Antiretroviral Experience](#) cites the toxicity literature in greater detail, includes research papers published after *Debating AZT* went to print, and quotes many revealing statements by experts and activists for and against the drug. Unlike Achmat and his TAC, I like giving both sides.

The principal research papers reporting the foetal and neonatal toxicity of AZT and how it maims babies in the womb, as described in the second objectionable statement in your newspaper, are comprehensively reviewed in a compendium of submissions to the Medicines Control Council under the title [Poisoning our Children: AZT in pregnancy](#). A few of these shocking research reports are baldly cited without any gloss in [Why do Zackie Achmat, Nathan Geffen and Mark Heywood want pregnant African women to be given AZT? What AZT does to unborn children](#). You won't believe your eyes reading the horrors in the appendix.

After agreeing to publish a reply to your readers' fulminations against the unspeakable heresies about AZT uttered in your newspaper, editor Ferial Haffajee spiked it just before going to press. Your chief

operations officer Hoosain Karjeiker explained the reason to me on 9 December 2004:

We are proponents of AZT. ... Yes [it's objectionable to] cast aspersions on AZT and nevirapine ... it's dissident.

A couple of hours after my illuminating telephone conversation with Mr Karjeiker, Miss Haffajee rang to enlighten me further. Imagine my amazement when she told me that

The position of the *Mail&Guardian* is that everyone is entitled to treatment. ... Our newspaper has been at the forefront of the push for antiretrovirals in this country. Our brand has suffered [from publishing the facts about the general and foetal toxicity of AZT]. ... Publishing [another article mentioning 'the side effects of extremely toxic pharmaceutical drugs like AZT and nevirapine'] will continue to damage our brand.

Which is to say the M&G has a brand tie-up with GlaxoSmithKline's AZT like the one the TAC has got going with Levi's jeans. Meaning that the reputation of the M&G is married to the market fortunes of AZT. Since thanks to the TAC it's now groovy and progressive to be identified as a 'proponent' of the drug 'at the forefront of the push for antiretrovirals in this country'. And it's *verboten* to 'cast aspersions' on these drugs by stating matter-of-factly that loads of studies have found them to be very poisonous. To babies especially. Particularly if you don't want to be called mad like me. (Miss Haffajee says I'm 'loony; her minder Drew Forrest reckons I'm a 'buffoon'.)

The M&G's commitment to promoting AZT, and to shielding it from information that it's defective, goes back to the beginning.

Whereas Etienne de Harven MD, Emeritus Professor of Pathology at the University of Toronto, thought *Debating AZT: Mbeki and the AIDS drug controversy*

excellent ... the best, most comprehensive review on AZT currently available

Harvey Bialy PhD, founding scientific editor of the leading science journal *Bio/Technology* (now *Nature Biotechnology*), and scholar in residence at the Institute for Biotechnology at the National Autonomous University of Mexico, considered it

Absolutely spectacular ... superb ... the definitive refutation

Peter Duesberg PhD, Professor of Molecular Biology at the University of California at Berkeley, member of the National Academy of Sciences of the United States of America, and author both of review and original research papers on AZT, described it as

superb, extremely well researched, analyzed, written. ... I could not have done a better job. ... Are you a scientist or do you collaborate with one? How could you survey so many scientific publications as an attorney? ... Could you publish your article or a variant of it in a medical/scientific journal? It would strengthen our case no end, if scientific papers of that quality would come from several sources, not only from Berkeley and Perth.

later remarking to a journalist in my presence,

I still can't believe he wrote that. He's really a molecular biologist pretending to be a lawyer.

with many other gents at the top of their game in similar and other disciplines at diverse splendid academies wowing alike, and none other than the very inventor of AZT, Richard Beltz PhD, Professor of Biochemistry at Loma Linda University School of Medicine in California, who first synthesized AZT in 1961 as a cell poison, confirming to me that I was

justified in sounding a warning against the long-term therapeutic use of AZT, or its use in pregnant women, because of its demonstrated toxicity and side effects. Unfortunately, the devastating effects of AZT emerged only after the final level of experiments was well underway ... Your effort is a worthy one. ... I hope you succeed in convincing your government not to make AZT available

and such top-deck investigative journalists as Martin Welz (who wrote the foreword), the late Donald Woods ('Deserves serious treatment; more strength to your arm'), and the late Paul Foot in London ('Very good, convinced me completely') all going with these scientists, the M&G took a corporate view of things.

Taking half a page to really rub it in, David Beresford summed up in his weekly column that the medical and scientific literature I'd cited in *Debating AZT* amounted to no more than

the ravings of [a] drivelling conspiracy-theorist crackpot loony fruitcake. I'm a professional at spotting weirdos.

Even though the more he read it, he said, squinting through his addled, glazed-eyed Parkinson's fog, the more it made 'a strange kind of sense'. Still he threw it in his rubbish bin anyway, 'whistling a merry tune'.

Before inscribing this demented effusion, your Mr Beresford may well have solicited the expert scientific advice of M&G board chairman Professor Malegapuru Makgoba PhD, then president of the South African Medical Research Council, now Vice-Chancellor and Principal of the University of KwaZulu-Natal, and world-famous for repeatedly accusing President Mbeki of dabbling in pseudo-science, lacking understanding, likening him to a Nazi, and charging him with collaboration in the 'greatest genocide of our time'. If so, the highly respected, most eminent scientist (with the shaky CV) would have advised Mr Beresford along the lines of what he'd already told me:

I do not intend to engage in nonsensical debates on AZT ... I find the issues you raise a total waste of energy but perhaps more exciting for ignorant people in the field. ... Remember that I am the scientist and not you.

Small wonder that in certain quarters Loyal Natives like these are considered 'a national embarrassment'.

In an article in your newspaper on the 9th of last month, Mr Beresford's simple daughter Belinda was still claiming that 'mass

antiretroviral therapy (ART)' has 'potentially life-saving effects' – several months after the publication of that massive *Lancet* study in August last year, which found ARVs don't work and that they increase the death rate of sick people given them.

One's left wondering whether Miss Haffajee and the journalists you employ, such as the Beresfords, Mr Forrest and the rest of their white liberal sort, champion AZT and other drug industry merchandise for Africans out of the goodness of their hearts, or whether it's because your newspaper is receiving a big fat payoff from GlaxoSmithKline and/or other pharmaceutical companies like the one it got (before your time, to be fair) from Shell Oil Company (but there's another story).

Since it's express M&G editorial and management board policy to punt AZT for GlaxoSmithKline whenever it gets the chance, it may be arguable that no one has any cause to moan when the newspaper simply carries out this policy by suppressing research findings brought to its attention about how bad the drug is and the lethal harm it's causing the African poor. Following this tack, the M&G would seem to be quite within its rights in guarding AZT's market reputation, considering that it's inextricably tied to its own in a commercial brand match, and that any damage to the former will inevitably redound negatively on newspaper sales and company profits.

So that if Miss Haffajee's darling medicament is exposed as a deadly fraud – like Bayer's arsenic-based Salvarsan injections for 'syphilis' between 1910 and the mid-fifties (endorsed by the Health

Organization of the League Of Nations in 1934), causing brain damage (dementia, paralysis, as with AZT) and other terrible harm (including dead and crippled babies, as with AZT) in hundreds of thousands of cases – the M&G will take a terrible knock to its credibility, and might have to suffer a change to its popular nickname from the ‘Mail and Garbage’ to the ‘Mail and Complete Garbage’, with Miss Haffajee maybe even getting sacked over it.

As she said in an article in the M&G on 17 December 2004, following the embarrassing fuss that my revelations about AZT had kicked up,

This newspaper has always supported the need for an effective antiretroviral programme and will not in future [publish anything] which dilutes this message or creates confusion in the minds of readers.

The provenance of this excellent principle can be traced to US General William Westmoreland, who wisely pointed out that during controversial wars, especially criminal ones,

Without censorship, things can get terribly confused in the public mind.

This is why it was necessary that a supine and compliant commercial press should also have ‘supported the need for an effective’ American military ‘programme’ in Vietnam; although in the case of that particular war it didn’t, eventually quitting the censorship, dispelling the lies and ending the delusion, thereby getting the Americans to stop murdering the Vietnamese people and to go home.

In the circumstances, it may be arguable further that in doing battle at the 'forefront' of the War on AIDS the M&G cannot be expected to publish information 'creating confusion in the minds of its readers' about whether the 'antiretroviral programme' in South Africa really is 'effective'; nor can the newspaper be expected to 'dilute' its 'message' about 'the need' for ARVs, by ventilating recently published data confirming previously published reports that they are ineffective as medicines and that, just as cell poisons can be expected to do, they are poisoning and killing thousands of people – in South Africa the most vulnerable and voiceless, the African poor.

I hope, however, now that you've been apprised of the horrible facts about AZT and similar drugs, you might see things differently and tell Miss Haffajee to stop behaving like the US military. And like Tony Leon and his DA too, whose 'DEMOCRATIC ALLIANCE PUBLIC HEALTH WARNING!' issued in October 2005 ranked me 'No. 1' among the country's 'AIDS DISSIDENTS' (like a listed 'communist' during the old days), and said that because I'm 'so dangerous ... the media [should] deny [my] dissident views publicity'; particularly since in making known the research literature on the lethal toxicity of AZT and similar drugs, I merely

hide behind the excuse of promoting scientific debate in order to promote views that are false and dangerous. South Africa cannot let this continue any longer.

Although the 'Press Code of Professional Practice' allows that

A newspaper is justified in strongly advocating its own views on controversial topics provided that it treats its readers fairly by ... not misrepresenting or suppressing relevant facts.

you'll surely agree that the M&G isn't 'treating its readers fairly' by 'suppressing relevant facts' about AZT and similar drugs detailed in the ICC complaint, because this stultifies what the Press Code says is the

primary purpose of gathering and distributing news and opinion

which is

to serve society by informing citizens and enabling them to make informed judgments on the issues of the time

thus breaching your newspaper's most basic responsibility stated in the very first section of the Code, namely

to report news truthfully, accurately and fairly ... in a balanced manner, without an intentional or negligent departure from the facts whether by ... misrepresentation [or] material omissions.

If you're with me on this, you might consider calling a meeting of your editors and reporters pronto to advise them that you're no longer willing to be party to the slaughter of your fellow Africans in the name of modern scientific medicine and multinational corporate profits, if only because your newspaper's continuing conscious complicity in this crime, now that you know, exposes you and your employees to prosecution in the highest criminal court in the world.

If it ever comes to this, though, you might get off pleading that as a company director rather than a journalist you have no legal duty to tell the truth, to inform your newspapers' readers about anything, and even less to serve the general public good. Your sole obligation is to the investors in your newspaper enterprise, which the law constrains you to discharge by doing whatever it takes to ensure maximum stock growth and the most pleasant dividends possible; and any other high-minded public purpose dampening company profits is actually illegal. In short, to put it bluntly, corporate law requires you to act like a psychopath, and nothing less; and spreading lies and getting involved in the killing of thousands of innocent people is a tried and tested way of swelling newspaper sales, as the American corporate media found yet again when recycling the Administration's fake, planted stories about imaginary 'Weapons of Mass Destruction' in Iraq to mobilize public opinion behind the invasion.

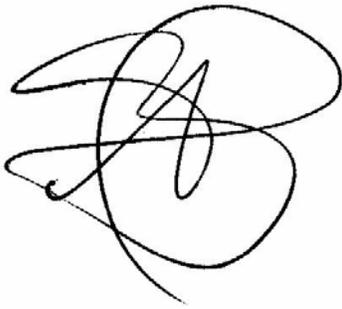
In 1994 and again last year the prominent American AIDS treatment activist Sean Strubb (probably a good personal friend of Achmat's) privately conceded to New York journalist [Celia Farber](#) that AZT had 'killed a generation' (of American homosexuals) and that her work to expose the drug, for which she'd been pitilessly vilified and abused for nearly two decades, had 'saved countless lives'.

I protest against your M&G's suppression of the information provided in the ICC complaint about how toxic ARVs are killing African people – critical information that could 'save countless lives' – and at your newspaper's continuing complicity in Achmat's deceptive and deadly propaganda campaign for these drugs, which recently released

reports cited in the complaint show to have ‘killed a generation’, or more precisely, according to the figures revealed in these reports, are literally decimating ‘a generation’ of South Africans diagnosed HIV-positive, mostly black, mostly poor.

During a telephone chat in October 2004 you told me you support the publication of controversial viewpoints, so I’d be grateful if you’d let me know what you intend doing about this.

Yours sincerely

A handwritten signature in black ink, appearing to be 'ADV ANTHONY BRINK', written in a cursive style with several loops and overlapping strokes.

ADV ANTHONY BRINK

CHAIRMAN: TREATMENT INFORMATION GROUP