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The AIDS and Rights Alliance for Southern Africa (ARASA), the Treatment Action Campaign, the AIDS Law Project, the Open Society Initiative for Southern Africa and the HIV Collaborative Fund call on the Government of Botswana to urgently grant access to treatment for multidrug-resistant tuberculosis (MDR TB) patient Mthandazo Sibanda, who is being held in a maximum-security prison clinic in Gaborone pending his deportation to Zimbabwe. The grounds for deportation are his TB status and self-interruption of treatment in June, following months of mismanagement in the health care system.

We are disturbed by the rationale behind this deportation order and his consequent imprisonment, which indicate a complete disregard for human rights and public health norms. It is a human rights violation to deport a patient back to a country that the government of Botswana has acknowledged to be in complete crisis, where he is unlikely to get the care and treatment that he needs to stay alive. From a public health perspective, it is unacceptable to resort to such harsh punitive measures for non-adherence, thus deflecting attention from the very real and significant problems in the provision of MDR TB treatment that led Mr Sibanda to stop treatment, and from the fact that he is severely ill and will die if he does not receive emergency high-quality medical care.

Most urgently, we are appalled by the deplorable conditions under which Mr Sibanda is being imprisoned. Infection control in the maximum-security prison clinic in which he is being held is terrible ? protective masks for guards are not consistently available, and there is a lack measures in place to protect against the risk of cross-infection within the shared isolation room. Most critically, his stated willingness to recommence treatment has been ignored by the authorities. The government of Botswana is not only failing to provide Mr Sibanda with treatment, but is also not allowing him access to other medical practitioners who might be able to provide him with treatment. In his current state of ill health, this effectively amounts to a suspended death sentence.

The Botswana Network of Ethics, Law and HIV/AIDS (BONELA) has challenged Mr Sibanda's deportation and imprisonment, and has filed an urgent court order to address these issues and demand that he be granted immediate access to treatment. The case will be heard in the High Court of Botswana on Monday morning.

We call on the government of Botswana to respect human rights and public health by ensuring that Mr Sibanda receives life-saving, high-quality treatment and care for MDR TB, and by addressing the shortcomings in the health care system that led to the mismanagement of his case prior to this incident. We also call on the government to revoke the deportation order that was issued to him on the 31st of July, and to adopt a rights-based approach to health that does not make criminals out of frustrated patients.

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