



## Media Advisory: High Court of Kenya To Deliver Judgment on Petition No. 329 of 2014 challenging the Imprisonment of TB patients

**What:** The High court of Kenya is set to make a precedence judgment on the treatment of TB patients, a judgment that has implications on the policy and actual treatment of the patients who are alleged to have interrupted their treatment. This judgment is precedence in East Africa on the case of widespread wrongful imprisonment of TB patients in Kenya.

**Who:** The case is about the unconstitutional incarceration of Daniel Ng'etich and Patrick Kipng'etich for "failure to adhere" to their Tuberculosis (TB) treatment. On 13 August, 2010 the Principal Magistrate's Court at Kapsabet ordered that the two be confined at the Kapsabet GK Prison for eight months or until the satisfactory completion of their TB treatment. A case was filed at the High Court seeking to overturn the magistrate's court decision and also order the government to come up with policy guidelines on TB treatment in the country, among other issues the petitioners asked the court.

**Why:** The case, filed by Allan Maleche (Advocate for the Petitioners) on behalf of Daniel Ng'etich, Patrick Kipng'etich Kirui and Kenya Legal and Ethical Issues Network on HIV & AIDS (KELIN), seeks to challenge the wide spread practice adopted by public health officers of seeking court orders to confine TB patients in prison for purposes of treatment.

This is because, in implementing the practice of involuntarily confining TB patients, the Public Health Officers go against the principles of human rights including human dignity. This confinement goes on despite the fact that our prisons are overcrowded and poorly ventilated, making it conducive for the spread of TB. Further, the Prisons Act does not provide for isolation facilities for TB patients. Holding TB patients in prison not only puts a risk to the other prisoners but to the prison wardens and their family members. It also defeats the very aim the health officers seek to achieve, of protecting the public from persons with infectious diseases.

**When:** Thursday, 24 March 2016, 1430 hrs.

**Where:** High Court of Kenya at Nairobi, Milimani Law Courts Court No 2 on 3rd Floor.

Court Documents:

- Amended petition
- Grounds of Opposition by the AG
- Written Submissions by KELIN
- Written Submission by AG
- Affidavit by Cabinet Secretary of Health

**See also:**

- Stop sending TB patient to prison video

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