Karabus trial – a cautionary tale

The phone of attorney Michael Bagraim, who co-ordinated the Abu Dhabi defence of Cape Town’s Professor Cyril Karabus on manslaughter and forgery charges has been ‘ringing off the hook’ as hundreds of now-frightened healthcare professionals seek advice.

‘I reckon I must have had 500 calls in the three months since I took on the case,’ he told Izindaba at the end of November. He said some of the callers (both local and from overseas) were in a similar plight to Karabus, while others simply related ‘comparable horror stories’. He cited the current case of a Groote Schuur Hospital nursing sister and client (who wants to remain anonymous), who’s been on bail in Dubai ‘for some alleged misdemeanour’ for four years – ‘without access to money or power’. She was a sole breadwinner with children and went to the United Arab Emirates (UAE), to supplement her income. ‘I spoke to her yesterday – she’s caught in this web where she owes money for her living expenses, her work permit has expired and her case is just dragging on with no end in sight’, he revealed. He said the majority of calls he’d had were from nurses. Bagraim said that amid the major publicity generated by the Karabus case, a vital issue was being missed: thousands of medical personnel were travelling to foreign and different jurisdictions without sufficient preparation or in the naïve belief that similar human rights protections to those they knew at home pertained.

He said that in a system where ‘you don’t know what the norm is, you’re going to possibly fall foul of it – in all innocence’.

Naïve foreign healthcare workers vulnerable

Cyril’s case is a good illustration: the moment there’s trouble everyone shrinks away and you’re left standing alone. Nobody comes forward, not the agency, the hospital or even your fellow doctors. If Cyril didn’t have access to certain individuals, he would have withered away and died … been washed into the system and never heard of again.’ Bagraim said he made his living ‘firing people for gross negligence, but you don’t incarcerate them first). He firmly believed there was ‘no value to your citizenship unless you can rely on your government in situations like these’, citing the United States, where ‘all hell would break lose if something like this happened to one of their own’. ‘I want to know that whether I’m in Mauritius, Israel or the UAE, that when I hit a snag, the first person I can turn to is my embassy or consulate and that they’ll do all they can to ensure my rights are protected. I sometimes wonder whether we have the wherewithal’, he said, adding that appointing politicians instead of career foreign diplomats was perhaps to blame. Often such matters were treated as a mere irritation, and because the UAE rendered it a criminal matter, it was ‘the easiest thing, to hide behind a political protocol of non-interference’.

Where are the advisory workshops?

The South African Medical Association (SAMA) added its cautionary voice to Bagraim’s, emphasising that the UAE was ‘heavily dependent’ on foreign doctors to support its healthcare system. Karabus’ arrest ‘laid bare’ the potential risks attached to working in foreign countries. It warned its members to ‘think carefully’ before working in the UAE and suggested a global boycott of locum skills in countries ‘which treat health professionals in such a manner’. SAMA chairperson Dr Minkisi Grootboom, Vice
Chairperson Dr Mark Sonderup and Chairperson of the Public Sector Doctors Committee, Dr Phophi Ramathuba, added in a joint statement that the ‘disgraceful’ episode highlighted just how financially challenged those who worked in the Public Sector were left upon retirement. In spite of the Occupation Specific Dispensation (OSD), having improved public sector packages, they remained below par. ‘If people dedicate their lives to caring for the disadvantaged and poor, the least they should have is a certainty of security in their future’ they said. Bagraim suggested that either SAMA or the Medical Protection Society (or both), conduct workshops for doctors planning to relocate or do locums in high-risk foreign countries.

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