

Karabus: Some foreigners have it worse

Language and cultural difficulties worsened the emotional roller-coaster ride of Cape Town paediatric oncologist Professor Cyril Karabus, held for nine months in the United Arab Emirates on murder and forgery charges. Nobody explained that acquittals are routinely appealed, nor made it clear that, should an appeal fail, a second one (to a higher court) is entirely possible.

Karabus, who has a heart condition, was acquitted on 21 March. Initially mortified at the sudden prospect of yet another month in Abu Dhabi, Karabus was elated when the judge subsequently upheld his version of events: The first appeal was thrown out on Wednesday, 24 April, the trial judge agreeing that a stand-in neurosurgeon, *not* Karabus, failed to give his young leukaemia patient certain medicines before she died. However he was then informed that a *second* appeal – with another month of waiting – is a possibility.

Speaking on Thursday 25 April, Karabus' legal anchor in Cape Town, Michael Bagraim, said the UAE prosecution team had given no indication 'one way or another' of whether they'd make a second appeal. 'Cyril's UAE attorneys had to put a damper on the dancing outside the court by telling him that there was a chance the prosecution would appeal a second time,' he said.

However, there is light at the end of the tunnel. On Thursday, the defence were 'pulling out all the stops' to extract a written undertaking from the prosecution team that they would not file for a second appeal, and to secure written copies of the court acquittal

and the denial of the first appeal. They had already applied for the return of Karabus' passport. 'We're hoping to hear tomorrow (Friday 26 April) from the prosecution that they won't pursue matters,' Bagraim said, adding that his suspicions about the virtually automatic prosecution appeal should have been aroused when the UAE defence team included an appeal in their original quote for trial costs. 'I said to them then that it was either a bit macabre or they didn't have much faith in the case, but I'm afraid their response got lost in translation.'

Bagraim's guess as to when Karabus would board a plane home? 'Monday – I don't think we'll get his passport back before then and we expect a prosecution response by the latest Sunday [a working day in Islamic countries].'

He said he is getting five or more calls a day from healthcare professionals all over the world, either asking advice about working in the UAE or cancelling upcoming locums and airfares when he typified the work risks as 'enormous'. 'This is a wake-up call to medical professionals around the world. Cyril's one of the lucky ones, given the huge publicity – there are two Australian businessmen who've been sitting there for five years. Even if you're covered legally (Karabus wasn't) some cover can lapse after 10 years (Karabus' patient died over a decade ago). This is by no means as bad as it can get,' he emphasised.

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This serves as an update to the article 'Karabus' *Argo moment* a long time coming', published in the *Izindaba* section of the May 2013 issue of the *SAMJ*. [<http://dx.doi.org/10.7196/SAMJ.6924>]