

The plight of Professor Karabus

The South African paediatric community was both shocked and outraged by the recent arrest and incarceration of Professor Cyril Karabus in the United Arab Emirates (UAE).

Professor Karabus is an eminent paediatric oncologist, who has dedicated his life to treating children with paediatric malignancies. He worked at the world famous Red Cross Children's Hospital and he has since retired. He was arrested while in transit through Dubai on the way back from Canada, where he had attended his son's wedding.

Without his knowledge, Professor Karabus had apparently been convicted of manslaughter 10 years ago, after one of his patients died due to a complication of leukaemia. He was not aware of the charge, the trial or the sentence imposed on him, and was therefore unable to defend himself in accordance with accepted legal procedures.

The South African Paediatric Association respects the laws of other countries, but we find this case very frightening, as there has been a total lack of respect for the rights of Professor Karabus. We feel that the authorities need to explain why they never attempted to find him, given that his residential address has been unchanged for decades, and inform him of the charge, the trial or his sentencing.

Professor Karabus's predicament highlights the fact that doctors who do locums in a foreign country need to be aware of that country's laws and their rights in such cases. Further, doctors need to be aware that some countries go so far as to restrict spousal jail visits (as in the UAE) and may call for 'blood money' (paid as compensation to the relatives of the deceased) in addition to normal court procedures. Companies employing doctors need to ensure that they are aware of the possible risks and ramifications of employment abroad. The South African Medical Association recently sent out a communication warning its members of these risks.

The harsh sentence imposed on Professor Karabus may have been due to the fact that the case was not defended. The courts are unlikely to have adequate insight into the finer details of complicated medical conditions such as leukaemia and the complications of the disease and its treatment. Unfortunately, due to the devastation

that leukaemia causes in the bone marrow and its effects on other systems, such as immunity and clotting, the outcome is not always good. Children may die as a result of this disease even with state-of-the-art, evidence-based care. The court would have needed the correct evidence to make a fair and reasoned decision, and this obviously did not happen in this matter.

We are also aware that 'medical manslaughter' cases have been prosecuted in the UK since the 1990s, after the Crown Prosecution Services decided to prosecute doctors for gross negligence or recklessness while caring for patients. We are also aware that in South Africa a number of similar charges have been brought against local doctors. We are not aware of prison sentences that have been imposed on our colleagues. Apparently MediClinic, one of the large hospital groups in South Africa, which has a number of hospitals in the UAE, has dealt with 30 malpractice claims, three of which were reported to the police. None of the police cases resulted in a jail term.

In Professor Karabus's case, the child's death was certainly as a result of complications of the disease rather than 'reckless or negligent treatment' and we feel that the current situation is unjust and contravenes his human rights.

We are pleased to report that he has been released from prison on bail, and that the defence team has been given access to the limited available medical records and previous court documents. We look forward to justice being served for this well-respected South African doctor.

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