

The New York Times

April 11, 2013

Emirates' Laws Trap a Doctor Just Passing Through

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JOHANNESBURG — For Dr. Cyril Karabus, it was a routine job, albeit in an exotic location. For six weeks in 2002, he filled in for another doctor in Abu Dhabi, lured like many other foreign professionals by the big paychecks that doctors, bankers, lawyers and architects can earn in the United Arab Emirates and other Persian Gulf nations.

A decade later, while Dr. Karabus was passing through Dubai on his way home to South Africa after attending his son's wedding in Canada, officials abruptly arrested him, calling him a murderer and hauling him away from his stunned wife.

For more than seven months, Dr. Karabus, 78, a pediatric oncologist, has been trapped in the United Arab Emirates, fighting charges of manslaughter and forgery linked to his treatment of a 3-year-old patient with a severe form of leukemia who had died under his care.

Unbeknown to him, Dr. Karabus had been convicted in absentia in 2003 and sentenced to three years in prison, a stark example of foreign professionals who are drawn to the gulf only to get caught up in Emirati justice. He would be tried again, the authorities told him, according to his daughter, Dr. Sarah Karabus, this time facing the charges in person. Even after a medical committee concluded that he had done nothing wrong and a judge acquitted him of all charges on March 21, Dr. Karabus remains in the emirates, unable to fly home because the prosecution has decided to appeal the judge's decision.

Foreigners have long faced unexpected legal trouble in the emirates, where the legal system often differs considerably from what they expect at home. In 2012, a British woman and an Irish man were convicted of having sex on a Dubai beach in violation of the country's strict morality laws and sentenced to three months in prison. Bouncing a check in Dubai is also a criminal offense, landing some in jail and spurring some expatriates in financial trouble to flee. Other professionals have found themselves entangled in political or family feuds, which end up in court or worse.

According to the British medical journal BMJ, an Austrian doctor who had worked in Dubai was convicted of premeditated murder in absentia in 2012 for disconnecting the life support from a quadriplegic patient. The doctor, Eugen Adelsmayr, said that "the verdict was shocking and not understandable," and that he had been cleared of any

wrongdoing by two medical bodies, according to The National, an English-language newspaper in the emirates. He was convicted while on leave in Austria for his wife's funeral and has not returned, the newspaper reported.

Dr. Karabus also appears to have run afoul of the country's medical liability laws, which sometimes treat malpractice claims as criminal matters.

His case has received so much attention that the World Medical Association issued a warning last week "advising doctors thinking of working in the U.A.E. to note the working conditions and the legal risks of employment there."

Officials in the United Arab Emirates did not return telephone calls seeking comment.

The charges against Dr. Karabus stem from his treatment of a Yemeni girl with leukemia in October 2002. The doctor, through his family, gave this account of the girl's illness and death: She was very sick, but her parents refused the recommended treatment, a bone marrow transplant, and she did not respond well to two rounds of chemotherapy. She began showing signs of a brain hemorrhage, and she died a few days later. A few weeks after that, Dr. Karabus went home to Cape Town.

A nurse later told the girl's parents that Dr. Karabus had failed to give the patient a transfusion of platelets and that this had contributed to her death from the brain hemorrhage, his family said. The nurse claimed that Dr. Karabus had falsified the medical records to indicate that she had been given platelets. Based on this evidence, Dr. Karabus was convicted of manslaughter and forgery in absentia. His family says it received no notice of the conviction.

Dr. Karabus, who used temporary jobs like the one in Abu Dhabi to supplement his government pension, might never have had to face the issue had he not stopped in Dubai on Aug. 18, 2012. He was traveling with his wife; his daughter, Sarah, who is also a pediatrician; and her husband and two children. Because of a long layover, the airline had booked rooms for the family in a hotel, the daughter said.

Leaving the airport required a day visa, and the other family members received theirs quickly at the airport. But Dr. Karabus's visa took longer for some reason, so he urged his daughter and her family to go ahead to the hotel. Once he got his visa, Dr. Karabus went to the immigration desk to enter Dubai, but he was arrested instead.

"They said to him, 'You are a murderer; you are wanted by Interpol,' " his daughter said.

When the rest of the family returned to the airport to find Dr. Karabus's distraught wife, they tried to stay in the country to find out what had happened to him. But Emirati

officials ordered them to board their scheduled flight to Cape Town and leave Dr. Karabus behind.

“I said, ‘We’ve got to stay; we can’t leave him here,’ ” his daughter said. “The authorities said they wouldn’t renew our visa and we had to leave.”

A long, fretful flight took them home. It took two days for the South African Embassy to make contact with her father. The family scrambled to find a lawyer in the emirates and navigate a confusing, foreign legal system.

On Aug. 21, Dr. Karabus was taken to court, but the prosecution asked for a delay because it could not find the court file, Dr. Sarah Karabus said. It was the first of what would ultimately be 11 court appearances, many of them resulting in postponements. At first, he was held in jail and denied bail, his family said, and was not allowed to call home.

On Oct. 11, he was granted bail. The judge in the case asked that a team of medical experts examine the girl’s medical records and other evidence.

The Karabus family tried to get back to normal life. But Dr. Karabus, a burly patriarch, could only watch from afar, via Skype. When his son, whose wedding he had attended in August, had a son, Dr. Karabus attended the circumcision ritual through video chat. When the family gathered for Passover, Dr. Karabus joined them via Skype, though his wife, Jenifer, broke down in sobs, forcing the family to shut down the video connection.

Meanwhile, the case against Dr. Karabus dragged on. Files were perpetually missing or incomplete, the family said. On March 18, the expert medical committee met, and the next day it gave a report absolving Dr. Karabus of negligence in the girl’s death. The judge acquitted Dr. Karabus of the charges.

An official in the prosecution’s office said the nine-member panel of medical experts had absolved Dr. Karabus because there was not enough evidence to support the charges.

Still, Dr. Karabus’s ordeal is not over. On March 28, the prosecution said it would appeal the decision. A court hearing was to be held on Tuesday, but it was postponed until April 23, his daughter said, because a court file was missing.