

TESTIMONY OF DR. DEVRA C. MARCUS
BEFORE THE HOUSE HUMAN RIGHTS SUBCOMMITTEE
THURSDAY, DECEMBER 5, 2013

Mr. Chairman and Members of the Committee:

Thank you for inviting me to testify at today's important hearing. It is an honor to join witnesses like those appearing before you today – people who both symbolize and make real the battle for freedom and human dignity in China.

Earlier this year, I met three siblings of one of the China 18, Mr. Zhu Yufu, a man now serving a seven year sentence for.... writing a poem. Based on what I learned from Mr. Zhu's family, and from an important United Nations report of his treatment and condition, I became concerned that Mr. Zhu was suffering from a number of medical conditions, some potentially fatal, while at most receiving inadequate medical care.

I am a doctor who has practiced medicine for more than forty years, and as such I thought it could be helpful to Mr. Zhu, and responsive to the pleas of his family, for me to visit Prison Camp No. 4 in Hangzhou, China where Mr. Zhu is incarcerated. My hope was to be able to examine Mr. Zhu and to persuade Chinese medical authorities to give priority attention to his condition and treatment. I thus traveled to Hangzhou in early October, presented myself to the authorities at Prison Camp No. 4, discussed with them what I knew of Mr. Zhu's medical condition and sought permission to examine him. Always civil and respectful in making my request, it was nonetheless denied. In fact, the process so angered the officials of Prison Camp No. 4 that my colleague Kody Kness and I were detained for a number of hours in the prison complex where we were interrogated by the authorities.

The fuller story of my visit to China is described in a Wall Street Journal Op-Ed article, which I have attached to this testimony.

One of the most important things I learned in my visit is that the focus of today's hearing – the impact of China's human rights policies on the families of the China 18 and others like them – is profoundly right and

proper. My visit to China and my association with family members of imprisoned Chinese human rights and religious activists have taught me of the grave price that non-incarcerated family members pay. Especially for those family members still in China, natural anguish over the fate of their imprisoned loved ones is regularly accompanied by a pariah status that causes lack of employment, loss of friendships, and acute privation and isolation. I believe that China's treatment of these family members reflects a deliberate government policy designed to "teach" imprisoned activists that their conduct imposes crushing burdens not only on themselves but also on the people they love. As a doctor, I have seen clinical depression suffered by the families of incarcerated Chinese human rights activists, and I have also been moved by their courage in continuing to offer support and hope to their imprisoned loved ones. Thank you, again, Mr. Chairman and members of the Committee, for today's hearing "Their Daughters Appeal to Beijing: 'Let Our Fathers Go!'"

Appearing before you today, I also want to note reports, as yet not fully confirmed, that Mr. Zhu has been subject to severe reprisals since my visit and since efforts were made to provide him with legal representation. These reports, not yet fully confirmed, indicate the real possibility that efforts are being made to threaten lawyers wishing to represent Mr. Zhu. There are also reports, also not fully confirmed, that Mr. Zhu has been transferred to the psychiatric unit of Prison Camp No. 4 where psychotic and emotionally disturbed prisoners are housed – a transfer that may significantly increase Mr. Zhu's isolation and risk of safety while also limiting the already limited right of Mr. Zhu to receive family visits. As noted, these reports have not been fully confirmed, and I thus hope, Mr. Chairman, that you will patiently bear with me and with Bob Fu as we conclude an ongoing examination of Mr. Zhu's alleged reprisal treatment.

In particular, if the reports of Mr. Zhu's assignment to a psychiatric unit are true, it will reveal Chinese government conduct similar to that of the former Soviet Union when it sought to define political dissidents as emotionally disturbed individuals requiring psychiatric care. That Soviet conduct was condemned the world over, and I hope that if similar conduct is engaged in by China it will be treated with equivalent condemnation.

Based on my experience in China, there is another observation I would like to share with this Committee. I believe that a major potential force for rule of law reform in China is the small but growing number of lawyers willing to represent victims like Mr. Zhu and the China 18 prisoners. Often, these lawyers are valued contributors to China's economy who receive protection from government reprisals from their influential business clients. These lawyers are often able to cite explicit provisions of Chinese law, perhaps enacted for propaganda purposes, that if applied would provide significant and often full relief to their clients. Citation of such laws often makes it difficult for Chinese authorities to exercise arbitrary power because doing so effectively forces them to acknowledge that their legal codes are sham. For these and other reasons, I hope that this Committee will continue to focus on the need to support a potentially growing cohort of Chinese lawyers willing to represent clients like Mr. Zhu.

I have learned that Mr. Zhu has met the three tests established by Chinese law that call for immediate release from prison. Yet, despite being older than 60, despite having served more than one third of his sentence, and despite the fact that he suffers from serious medical problems, Mr. Zhou not only remains in prison but may also be subject to increasingly inhumane treatment – all this while being denied the right to petition for the rights that Chinese law explicitly provides.

I thank this committee for its recognition of the importance of the China 18 cases and for its recognition that the peaceful furtherance of American values both serves America's interests and makes the world a better and safer place.