

EXECUTIVE SUMMARY

This White Paper presents an analytical overview of the criminal case against Dr. Chen Jingyuan, a Chinese physicist and independent scholar who was arrested in Kunming in 2022 and later convicted under the charge of “picking quarrels and provoking trouble.” Based on the available documents, procedural history, and Dr. Chen’s academic analysis, this report argues that the case exhibits significant procedural violations, misuse of law, and violations of fundamental civil liberties. This White Paper is intended for international legal experts, scholars, human rights institutions, and policy observers.

The analysis concludes that:

1. The charges lack factual grounding and do not satisfy statutory requirements.
2. The treatment of the defendant reflects violations of constitutional rights, international human rights norms, and fundamental due process standards.
3. The case demonstrates systemic failures in law enforcement oversight, judicial independence, and legal accountability.

This document provides an academic, factual, and international law-based framework for future monitoring, legal review, and policy evaluation.

I. BACKGROUND OF THE CASE

Dr. Chen Jingyuan, born in 1976, holds a Ph.D. in Science and has published research in complex systems and physics. In September 2022, during a short stay in Kunming, he was detained by the Qianwei Police Station on unspecified grounds. In January 2023, the Xishan District Procuratorate charged him with “picking quarrels and provoking trouble,” a charge commonly criticized for its overbreadth and its use in politically motivated prosecutions. In April 2023, the Xishan District Court sentenced him to 20 months of imprisonment in a closed, non-public trial. His appeal was dismissed without substantive review.

II. KEY ISSUES IDENTIFIED

1. Lack of Legally Sufficient Evidence

The alleged “criminal evidence” consists solely of social media reposts, none of which were demonstrated to be false, harmful, or intentionally manipulative. No factual showing of “social disorder” or “actual harmful consequence” was ever presented.

2. Absence of Mens Rea (“Knowing” and “Intentional” Elements)

Prosecutors offered no evidence that Dr. Chen “knew” any reposted content to be false. Assertions regarding his “high level of education” do not constitute legal proof of subjective knowledge or intent.

3. Procedural Violations

Reported violations include:

- Lack of warrants at time of arrest

- Failure to notify family members
- Coercive interrogation practices
- Denial of meaningful legal defense
- Nonpublic trial without justifiable grounds
- Fabrication or distortion of records

4. Restrictions on Constitutional Rights

The case exhibits violations of:

- Freedom of speech and thought
- Right to personal liberty
- Right to defense and due process
- Right to dignity and bodily security

III. INTERNATIONAL LAW ANALYSIS

Under internationally recognized standards—including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the United Nations Basic Principles on the Role of Lawyers—the following violations are implicated:

- Arbitrary detention (UDHR Art. 9)
- Suppression of free expression (UDHR Art. 19)
- Lack of fair and public hearing (UDHR Art. 10)
- Denial of adequate defense (UN Basic Principles, Arts. 1–5)

Although China has signed but not ratified the ICCPR, signature alone obligates the state not to defeat the treaty’s purpose.

IV. SCHOLARLY AND SYSTEMIC IMPLICATIONS

The case reflects a deeper structural issue: misuse of broadly defined criminal statutes to suppress academic expression, intellectual independence, and lawful online discourse. Scholars and experts emphasize that criminalizing academic discussion undermines social trust, weakens innovation capacity, and contradicts China’s stated goals of “ruling the country according to law.”

V. CONCLUSION

This case presents significant concerns regarding legality, judicial integrity, and human rights compliance. Continued international and domestic scholarly attention is necessary to ensure transparency, accountability, and the restoration of Dr. Chen’s rights.

