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## Unirule Announcement on the Website Incident

Between 15:00 and 16:00, January 20th, 2017, the following websites and self-media accounts were inaccessible, including Unirule Institute of Economics official websites, the auxiliary websites of “Unirule Centre for Public Private Partnership” and “China-Review.com”, WeChat public accounts of Unirule scholars, and Microblogs of main Unirule members; several personal WeChat accounts of Unirule main members were shut down, and problems also occurred to Unirule email system. An online circulated message claimed that “Beijing Internet Information Office” was responsible for the shutdown of the aforesaid online platforms, and we were not able to confirm the authenticity. So far, we can not confirm whether this is an administrative action of due process of law. Therefore, we consider it a violative technical action towards Unirule Institute of Economics as a whole.

Here are the reasons :

1. If this act was carried out by Beijing Internet Information Office, then the responsible entity failed to communicate with Unirule for clarification of facts according to Article 30 of the Administrative Penalty Law of the People's Republic of China (hereafter referred to as the Administrative Penalty Law); Article 30 of the Administrative Penalty Law stipulates that “if the facts about the violations are not clear, no administrative penalty shall be imposed.”
2. The responsible entity failed to inform us beforehand according to Article 31 of the Administrative Penalty Law that stipulates “Before deciding to impose administrative penalties, administrative organs shall notify the parties of the facts, grounds and basis according to which the administrative penalties are to be decided on and shall notify the parties of the rights that they enjoy in accordance with law.”
3. The responsible entity failed to follow Article 32 of the Administrative Penalty Law that stipulates “Administrative organs shall fully heed the opinions of the parties and shall reexamine the facts, grounds and evidence put forward by the parties”. The rights to “state their cases and to defend themselves” were not respected by the responsible entity.
4. The responsible entity failed to issue a stamped “form of decision for administrative penalty” before shutting down the aforesaid online platforms according to Article 39 of the Administrative Penalty Law in order to clarify the “violation”, and the proper penalty by this law.
5. The responsible entity failed to inform us of our right to “request a hearing” according to the Administrative Penalty Law beforehand, which led to the fact that we missed the opportunity to resort to this right.
6. After the shutdown of Unirule online platforms, there was no channel for appealing, and the entity of Beijing Internet Information Office was not able to be

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found via the website of the Beijing municipal government.

7. This act is a violation of Article 35 of the Constitution of People's Republic of China, stipulating that "Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration."

After all, this act of "shutting down" Unirule online platforms fall short of due process of law stipulated by Article 41 of the Administrative Penalty Law, "If, before making a decision on administrative penalty, an administrative organ or its law-enforcing officer, fails to notify, as stipulated in Articles 31 and 32 of this Law, the party of the facts about the violation, grounds and basis on which the administrative penalty is imposed, or refuses to heed the party's statement and self-defense, the decision on administrative penalty shall be invalid", and should therefore, be deemed invalid.

Except the aforesaid three Unirule websites, other Unirule online platforms including Microblogs, WeChat accounts and the email system did not show evidence of government-backed interruption:

8. Unirule Microblogs showed "Abnormal Login, currently unable to visit", which is a sign of technical problem;

9. Unirule WeChat public accounts showed "violation of relevant laws and regulations" without clarification by the service provider;

10. The personal WeChat accounts of main Unirule members were shut down by "WeChat Team" of the service provider, stating that these accounts "violated personal WeChat use codes" without clarification;

11. Unirule email system was disrupted, and no entities have claimed responsible.

Therefore, no direct evidence shows that the disruption of Unirule and its main members' Microblogs, WeChat public accounts, personal WeChat accounts, and Unirule email system was a result of government departments' activity.

In addition,

12. The website of "Unirule Centre for Public Private Partnership" has ceased to update since 2013. Even if there was "violation" of the law, the statute of limitation has been surpassed as stipulated by the Administrative Penalty Law. Therefore, the shut-down of this website was not due to the so-called "violation of laws or regulations", but because it belongs to Unirule Institute of Economics.

13. The fact that disruption to Unirule websites, Microblogs, WeChat public accounts, personal WeChat accounts, and the email system were all undertaken within an hour demonstrates that it was a coordinated act, targeting Unirule Institute of Economics, and aiming for silencing Unirule Institute of Economics.

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It is the duty of the government to protect the security of citizens and institutions; and what it essentially means to protect national cyber security is to protect the cybersecurity of citizens and institutions. Only when citizens are secure, will the state and the governing personnel be secure. Therefore, we refuse to consider this deliberate sabotage of online platforms and communication of our institute an act of the government.

It is also the duty of the government to protect the freedom of expression and communication of citizens and institutions. This coordinated sabotage of all the online platforms and communication of Unirule Institute of Economics is, therefore, a severe disruption of the constitutional rights of citizens and institutions. Therefore, we believe this act that violates the duties of administrative departments, smears the reputation of the government and stains the integrity of the Constitution should also be objected by the government.

We consider all the disruptive actions towards the online presentation of Unirule Institute of Economics one unified incident. As mentioned and analysed before, some of the acts were not undertaken by the government, and some took place without the relevant government departments presenting formal legal documents. Therefore, we do not believe it is an administrative action of due process of law, and instead consider it a violative technical action towards Unirule Institute of Economics as a whole.

In this light, we, as taxpayers, sincerely urge the government to fully execute its duty and protect our cyber security. We also urge that interruption towards Unirule online communication and circulation to be stopped; that online services from our Internet service providers to be restored unless valid legal documents are provided(or issued by administrative departments); and that normal operations of Unirule websites to be recovered(or legal documents to shut them down are provided).

We, hereby, would like to restate that Unirule Institute of Economics, as a private academic research organisation, is dedicated to advancing academic research, analysing current economic and social issues, and proposing reform plans and public policy suggestions. In recent years, we have undertaken research in reform of state-owned enterprises, breaking monopolies, reform of the oil system, land institutions, and reform of administrative departments, some of which were a result of positive interaction with government departments. Unirule Institute of Economics facilitates informed public policy-making.

[China-Review.com](http://China-Review.com) and Unirule WeChat public accounts and Microblogs are helpful supplements to the official interpretation and analysis of government policies. Therefore, they are remedies for public policy-makers as systematic deviations occur frequently. They are also an important part of the diversity of ideas in the Chinese society, providing rational thinking and a peaceful mind in the turbulent mass media.

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Critiques is inevitable in the research and proposals of Unirule Institute of Economics. However, we aspire to reach the utmost stage of criticism where good intentions are held in our heart and presented in our words. We humbly admit that we are all but ordinary mortals, and that aspiration may never be fully achieved. We sincerely hope all groups of the society point out the flaws and inappropriate parts of the forms and wording of our critiques. And we will improve our work accordingly.

It is also our hope that tolerance and understanding of non-government organisations be undertaken by the authorities for the advance of the Chinese society. We note that Mr. XI Jinping's defence of free trade principles at the World Economic Forum, and the intrinsic tie between free trade and free expression is known by everyone in the world. Free trade refers to the free exchange of commodities, and free expression refers to the free exchange of ideas. As ideas are more valuable than commodities, anyone that truly defend the freedom of trade will defend the freedom of expression.

Unirule Institute of Economics

SHENG Hong, Director

January 24th, 2017

Translated from “天则所关于网络事件的声明”