

Book Review

YANHONG YIN, *The Idea of a China Arrest Warrant: Surrender of Fugitive Offenders between Mainland China, Hong Kong and Macau*

Hong Kong: Hong Kong University Press, 2025, pp. 237, ISBN 978-988-8876-83-9. HK\$495.00

The series of mass protests against the *Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019* was, without doubt, one of the most impactful socio-political events in Hong Kong's recent history. The subsequent promulgation of the *National Security Law* in 2020, along with its political aftermath, which continues to reverberate today, has significantly reshaped Hong Kong's politico-legal landscape. Yet, the legal issue that initially triggered this unprecedented movement remains unresolved, with no progress made to date. From a legal standpoint, what could be a viable and satisfactory solution to the issue of fugitive offender surrender between mainland China, Hong Kong, and Macau? Yanhong Yin's book offers a rational and methodical approach to this complex and sensitive problem. Yin breaks down the legal challenges into carefully measured considerations and innovative proposals. Seeking to navigate the various technical aspects and constraints posed by the "one country, two systems" framework, she presents a comprehensive blueprint for constructing a domestic surrender system.

The book begins by clarifying the legal concept of "surrender," distinguishing it from its international law counterpart, "extradition." While *extradition* refers to the transfer of fugitives between sovereign states, *surrender* pertains to the domestic transfer of fugitive offenders. Given the legal status of Hong Kong and Macau as Special Administrative Regions (SARs), Yin argues that the issue of surrender between the SARs and mainland China is essentially one of judicial cooperation in criminal matters among three distinct legal systems. Recognising this core issue, Yin draws inspiration from the European Union's extradition framework—specifically, the practice of the European Arrest Warrant (EAW). She notes that the situation within China bears similarities to the EU in key aspects such as political structure, economic integration, geographical proximity, legal diversity, and human rights concerns. Her research approach, therefore, is to examine the extent to which the features of the EAW might be adapted and applied within the Chinese context.

Against this backdrop, Yin opens Chapter 1 by exploring potential principles for a surrender system—reciprocity, mutual trust, and mutual recognition—ultimately concluding that only mutual recognition, as used in the EAW framework, is suitable for China. In Chapter 2, she argues that judicial authorities should lead efforts to de-politicise the system and resolve legal conflicts across jurisdictions. Drawing on the EAW model, she proposes a joint court of judges from mainland China, Hong Kong, and Macau to serve as a "regional supreme court" for surrender-related disputes. Chapter 3 focuses on the conflicts among the three criminal jurisdictions, which stem from the reality of divided legal territories and the dynamics of cross-border migration. Yin notes that surrender typically occurs when the requesting region lacks criminal jurisdiction, creating a potential risk of forum shopping. Once again, the European experience proves instructive: by adopting established conflict-resolution criteria and institutions like Eurojust, a similar framework could be developed to guide surrender procedures within China.

Chapters 4 through 9 examine the rules and principles embedded in traditional extradition frameworks and assess their relevance and applicability to a prospective China arrest warrant system. These chapters generally follow a consistent methodology: identifying effective practices from the EAW system, evaluating the status quo of these rules and principles in the three Chinese jurisdictions, and using this analysis as the basis for her proposals. Specifically, Chapters 4 and 5 address the principles of *ne bis in idem* and double criminality. Yin recommends applying the *ne bis in idem* principle, while suggesting that the double criminality requirement could be retained but limited, excluding certain categories of offences from its application. Chapters 6 and 7 turn to the political offence and nationality exceptions. Yin argues that both should be excluded from the China arrest warrant system, as these principles are not only controversial but also run counter to the “one country, two systems” policy. Chapters 8 and 9 examine exceptions concerning the death penalty and life imprisonment. Yin proposes that individuals facing the death penalty should not be surrendered, and that appropriate guarantees should be provided in cases involving life imprisonment.

Chapter 10 delves into how human rights protections can be integrated into the proposed surrender framework. Drawing on the EAW for guidance, Yin identifies three key challenges: a lack of uniform protection, uneven standards, and the absence of a unified judicial oversight mechanism across the three jurisdictions. To address these, she proposes a two-step judicial evaluation involving both the requesting and requested regions. She also recommends supplementary safeguards, including assurances, technological monitoring, enforcement of specific rights, and regular reporting meetings to enhance accountability and trust in the system.

In the conclusion, Yin reflects on “the dilemma faced by the Hong Kong government in its unsuccessful 2019 amendment of the extradition law,” suggesting that the proposed China arrest warrant system should be handled by national rather than regional authorities. Her framework is largely modelled on the EAW, grounded in legal texts, doctrinal analysis, and comparative law. However, its practical feasibility—particularly in terms of implementation—is only briefly addressed. This gap is evident when it comes to human rights protections on a case-by-case basis. For example, Yin proposes a two-step judicial evaluation: first, an assessment of the requesting region’s judicial system; second, a case-specific review of the local circumstances (p. 196). Yet questions remain about the reliability and objectivity of the information provided by the requesting region; especially the practicalities in relation to human rights safeguards need more sophisticated and detailed discussions. Nevertheless, the book treats surrender as a legal issue rooted in shared concerns across the three jurisdictions. As such, it stands as a serious and thoughtful contribution toward building a functional surrender system in China, informed by comparative experience and aligned with the “one country, two systems” policy.

Yu Mou (ym19@soas.ac.uk)

SOAS, University of London, UK