

Ho Chi Minh in Hong Kong

It was the trial of the century in colonial Hong Kong when, in 1931–3, Ho Chi Minh – the future president of Vietnam – faced down deportation to French-controlled territory with a death sentence dangling over him. Thanks to his appeal to English common law, Ho Chi Minh won his reprieve. With extradition a major political issue in Hong Kong today, Geoffrey C. Gunn's examination of the legal case of Ho Chi Minh offers a timely insight into the rule of law and the issue of extradition in the former British colony. Utilizing little-known archival material, Gunn sheds new light on Ho Chi Minh, communist and anticolonial networks and Franco-British relations.

GEOFFREY C. GUNN is Emeritus Professor at Nagasaki University, Japan, and Adjunct Professor at the University of Macau, China. His previously published work includes *Rice Wars in Colonial Vietnam: The Great Vietnam Famine and the Viet Minh Rise to Power 1930–45* (2014).

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*Anticolonial Networks, Extradition and the Rule
of Law*

Geoffrey C. Gunn

Nagasaki University



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Note on the Text

As the reader should be aware, the principal subject of this work, Ho Chi Minh, adopted many names and aliases during his revolutionary career. His childhood name was Nguyen Tat Thanh; but during his youthful Paris days he adopted the pseudonym Nguyen Ai Quoc or Nguyen the Patriot. Right through to his arrest and trial in Hong Kong he was referred to in French police dossiers and diplomatic records as Nguyen Ai Quoc. He was also referred to in both the Hong Kong and the international press of the day by this name (with or without Vietnamese diacritics). In Guangzhou he called himself Ly Thuy until unmasked by French police agents as none other than “Nguyen Ai Quoc.” At the time of his arrest in Hong Kong, he referred to himself as Sung Man Cho, and an identity document was discovered in that name. In Hong Kong’s Victoria Prison, Ho Chi Minh was simply known as Prisoner No. 10372. It was not until the early 1940s that he formally identified himself as Ho Chi Minh, the conventional name that has been adopted in this text. Ly Sam was the Cantonese name adopted by the young Vietnamese woman arrested at the same time as Ho Chi Minh and also facing trial and deportation; she too went by a number of names. Her formal name was Ly Phuong Thuan, although also known in French police dossiers as Co Thuan. Annamite, the period name used to refer to Vietnamese, has a special register and we shall see how this naming issue was resolved.

Chronology

May 19, 1890, born Nguyen Sinh Cung in Nghe An province, Annam.

c. 1896, adopts the name Nguyen Tat Thanh.

1910–1, teaches in “free school” in Phan Thiet prior to relocating to Saigon.

June 5, 1911, departs Saigon as seaman on a French ship making two return trips between Vietnam and Europe and, from Le Havre, sailing to ports in Africa, South America and the United States.

1914, bases himself in England.

In Paris

1919, installs himself in Paris and adopts the name Nguyen Ai Quoc.

June 18, 1919, issues the pamphlet “Revendications du peuple annamite.”

September 6, 1919, meets Albert Sarraut at the Ministry of Colonies.

1919, joins Parti Socialiste Français (SFIO), publishes articles in *L'Humanité*, *La Vie ouvrière* and *Le Libertaire*.

December 11, 1921, participates in the PCF Congress of the Federation of the Seine.

Mid-December 1921, attends the 1st PCF Congress at Marseille.

December 26, 1920, makes intervention at the 18th National Congress of the French Socialist Party at Tours.

1921, participates in the creation of the Union Intercoloniale.

April 1922, launches *Le Paria* with himself as editor-contributor.

May 1923, leaves unannounced for Moscow.

In Moscow

December 1923, enrolls in the University of the Toilers of the East.

October 1923, attends foundation congress of the Kresintern or Peasant International.

June 1924, attends Fifth Comintern Congress.

In Guangzhou

November 1924, arrives in Guangzhou and assumes the name Ly Thuy.

November 12, 1924, informs Moscow of a meeting with Tan Malaka.
 1925, establishes *Thanh Nien* (Vietnam Revolutionary Youth League).

1926, *Procès de la colonisation française* published in France.

May 1927, flees Guangzhou.

Travels Back to Moscow, Europe and Asia

June 1927, arrives Moscow.

November–December 16, 1927, revisits Paris.

December 1927, attends conference in Brussels.

January–April 1927, awaits Comintern brief in Berlin.

May–June 1928, arrives back in Asia and sets up in northeast Thailand.

October 1929, is condemned to death *in absentia* by a Vietnamese tribunal (but sentence deferred by Royal Court in February 1930).

Party-Building in Hong Kong

December 1929, arrives in Hong Kong from Thailand after short visit to Guangzhou.

February 3–7, 1930, convokes Unification Conference in Kowloon and founds the Vietnam Communist Party.

March 1930, makes short return trip to Shanghai.

April–May 1930, passes an interlude in Singapore and Thailand.

July–August 1930, makes a short return trip to Shanghai.

October 1930, Vietnam Communist Party Plenum announces Indochina Communist Party with Tran Phu as first chairman.

February 6, 1931, summons Tan Malaka from Shanghai to Hong Kong.

March 1931, linked by French with strikes in Vinh and onset of rebellion in central Vietnam.

April 29, 1931, Ho Tung Mau and Phan Duc arrested.

June 2, 1931, Lefranc/Ducroux arrested in Singapore and Hong Kong address determined.

June 5, 1931, seizure of documents at Kowloon premises.

Arrest and Incarceration in Hong Kong

June 6, 1931, going by the Cantonese name of Sung Man Cho arrested with Ly Sam (Ly Phuong Thuan) in Kowloon City without warrant and incarcerated in the Central Police Station.

Chronology

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- June 6–August 12, 1931, Sung Man Cho and Ly Sam deemed illegally detained.
- June 7–11, 1931, Lawyer Loseby alerted as to arrest.
- June 12, 1931, together with Ly Sam rearrested and transferred to Victoria Prison.
- June 15, 1931, Hilaire Noulens arrested in Shanghai.
- June 24, 1931, Loseby authorized to visit his client for a first meeting.
- June 25, 1931 (and six later dates), new orders of seven days' detention imposed.
- July 2, 1931, second warrant issued.
- July 10, 1931, first interrogation by Secretary of Chinese Affairs.
- July 10, 1931, possible presence in courtroom gallery of Tang Tuyet Minh.
- July 14, 1931, interrogation document prepared by Secretary for Chinese Affairs.
- July 31, 1931, First Session of Hong Kong court, appellant obtains an *order nisi of habeas corpus*.
- August 6, 1931, Governor issues first deportation order good until August 12, 1931.
- August 7, 1931, Governor requested by Colonial Office to deport to native land.
- August 12, 1931, Executive Council orders deportation of Sung Man Cho and Ly Sam; Governor orders deportation to Saigon on the SS *Angers*. August 12–18, Song Man Cho moved to Police Detention Station ready for deportation.
- August 14, 1931, Second Session of Hong Kong Court with Sung Man Cho present, learning that his interrogation was illegal.
- August 15, 1931, Third Session of Hong Kong Court, Governor rules against Sung Man Cho but allows release and deportation of Ly Sam.
- Sung Man Cho served with second deportation order to the United Kingdom or to a British possession.
- August 16, 1931, successive order of embarkation aboard SS *General Metzinger*.
- August 20, 1931, Fourth Session of Hong Kong Court, Ly Sam released from detention.
- August 20, 1931, court determines that first deportation order was invalid.
- August 20, 1931, Ly Sam issued with banishment order and freed from Victoria Prison.

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- August 24, 1931, Fifth Session of Hong Kong Court, Sung Man Cho reads his statement.
- August 25, 1931, Sixth Session of Hong Kong Court.
- August 27, 1931, Ly Sam departs Hong Kong for Shantou/Shanghai.
- August 27, issue of successive order of embarkation for Sung Man Cho aboard SS *Sphinx*.
- Supreme Court discharges *order nisi* addressed to Superintendent of Prisons.
- September 2, 1931, Seventh Session of Hong Kong Court.
- September 11, 1931, Eighth Session of Hong Kong Court, Barrister F. C. Jenkin challenges judgment of the Supreme Court and announces appeal to the Privy Council.
- September 12, 1931, Ninth and final Session of Hong Kong Court, court agrees that lawyers may appeal, Mr. F. C. Jenkin appointed King's Council. Governor orders deportation to Saigon on the SS *Angers*.
- September 17, 1931, issue of successive order of embarkation aboard SS *Chenonceaux*.
- September 25, 1931, lawyers request permission for client to proceed to England.
- October 8, 1931, Governor learns that this permission is disallowed.
- October 23, 1931, Secretary of State announces no deportation until Privy Council appeal result.
- November 1931, transferred from Victoria Prison to prison hospital.
- December 1, 1931, court authorizes appellant to make appeal to Privy Council.
- January 21–22, 1932, French Governor-General Pierre Pasquier visits Hong Kong and meets Governor Peel.
- January 26, 1932, Privy Council receives appeal sent via the Hong Kong Supreme Court.
- June 26, 1932, Nguyen Ai Quoc's request to proceed to England received by Colonial Office.
- June 27, 1932, report from Judicial Committee of Privy Council. Out-of-court settlement between Nguyen Ai Quoc's lawyers and the British Colonial Office.
- July 21, 1932, Court at Buckingham Palace formally rules on the case.
- August 5, 1932, Home Office informs Colonial Office that Nguyen Ai Quoc will not be admitted to the United Kingdom.
- August 15, 1932, lawyers again petition Hong Kong authorities to allow passage to England.

Chronology

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August 29–December 1932, Colonial Office and lawyers argue over this issue and misunderstandings owing to cable cipher interpretation.

December 28, 1932, release from hospital prison ward and detention to YMCA, Waterloo Road.

January 12, 1933, disallowed passage to England, ships out to Singapore.

January 15, 1933, refused permission to land, arrives back in Hong Kong.

January 19, 1933, rearrested.

January 20, 1933, gains his liberty in Hong Kong.

January 22, 1933, embarks Hong Kong on Chinese ship disguised as wealthy Chinese merchant.

After Release from Hong Kong

July 1933, arrives in Shanghai.

Spring 1934, arrives in Moscow.

1934–7, stays in Moscow.

1938, returns to China.

February 1941, relocates to Yunnan, assuming the name Ho Chi Minh.

May 1941, creation of Viet Minh (League for the Independence of Vietnam).

1942, arrest by Chinese Nationalists.

August 1945, arrives in Hanoi under aegis of Viet Minh.

September 2, 1945, under the name Ho Chi Minh proclaims independence of the DRV with himself as president.

1946, meets Ly Sam (Ly Phuong Thuan) in Hanoi, having survived the war in China.

Acronyms

ANOM	Archives nationales d’outre-mer
CCP	Chinese Communist Party
CGT	Confédération Générale du Travail
CI	Comintern International
CID	Criminal Investigation Department
CO	Colonial Office
CPA	Communist Party of Annam (An Nam Cong San Dang)
CPI	Communist Party of Indochina (Dong Duong Cong San Dang)
CPSU	Communist Party of the Soviet Union
DRV	Democratic Republic of Vietnam
ECCI	Executive Committee of the Communist International
FEB	Far Eastern Bureau
FO	Foreign Office
HCI	Haut commissariat de France pour l’indochine
HO	Home Office
ICP	Indochina Communist Party
MAE	Ministère des Affaires étrangères
MCP	Malayan Communist Party
OSS	Office of Strategic Services
PARI	Partai Republik Indonesia
PCF	Parti Communiste Français
PKI	Partai Komunis Indonesia
PNI	Partai Nasionalis Indonesia
PPTU(S)	Pan-Pacific Trade Union (Service)
PRO	Public Record Office
PSF	Parti Socialiste français
RGASPI	Rossiiskii Gosudarstvennyi Arkhiv Sotsial’no-Politicheskoi Istorii (Russian State Archive of Sociopolitical History)
RGASPI Ф. (F)	Fonds

List of Acronyms

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RGASPI Он. (OP)	Opisi or inventories/finding aids
RGASPI Д. (D)	Дело (Case)
SAR	Special Administrative Region
SFIO	Section française de l'Internationale ouvrière
SLOTFOM	Service de Liaison des Originaires des Territoires français d'outre-mer
SPCE	Service de protection du corps expéditionnaire
SRV	Socialist Republic of Vietnam
VCP	Vietnam Communist Party
VNQDD	Viet Nam Quoc Dan Dang
WO	War Office