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Documents on Prisoners of War

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**CONVENTION BETWEEN COLOMBIA AND SPAIN FOR THE
REGULARIZATION OF THE WAR (Trujillo, 26 November 1820)**

SOURCE
71 Parry 292

NOTE

On 25 November 1820 representatives of Simon Bolivar, Liberator and President of Colombia, and of General Pedro Morillo, who had earlier been the Spanish "Pacifcator," signed a temporary armistice in the civil war in which they were then engaged. At Bolivar's suggestion that armistice contained a provision committing the parties to conclude a treaty regulating the conduct of the war. The Convention for the Regularization of the War, signed at Trujillo on the following day, resulted from that commitment. Bolivar and Morillo demonstrated a humanitarian concern quite atypical of their era and of Morillo himself. (He had been widely known for his terroristic excesses.)

EXTRACTS

Art. II. Any member of the armed forces and any individual attached to an army unit, captured on the field of battle, even before the date of the present convention, shall be regarded as a prisoner of war and shall be treated as such in accordance with his rank until he is exchanged.

Art. III. There shall also be considered as prisoners of war those who fall into the power of the enemy during a march, a reconnaissance, or an excursion from the places, garrisons, and fortified posts, even when they are taken by assault, and at sea, when taken by boarding.

Art. IV. The members of the armed forces and the individuals attached to an army unit, who have been captured while wounded or while sick in a hospital or elsewhere, shall not be considered to be prisoners of war, and they shall be free to return to their side as soon as they are able to do so. As humanity speaks strongly in favor of these unfortunates, who have sacrificed themselves for their country and their government, they shall be treated as prisoners of war, but with even more consideration, and they shall be furnished the same help and the same care that is given to the wounded and sick of the party which has made them prisoners of war.

Art. V. Prisoners of war shall be exchanged, class for class, and grade for grade, and there shall be exchanged for a member of the armed forces of superior grade the number of individuals of a lesser grade which is fixed by the custom of civilized nations.

Art. VI. There shall also be included in the exchange, and treated as prisoners of war, the members of the armed forces and the peasants who, be it separately or as a body, serve the commander of the armed force by making reconnaissances or by reconnoitering the enemy army.

Art. VII. The present war having arisen out of a difference of opinion, and the persons who have fought with the most passion for the two causes having between them close ties of consanguinity or others, and it being desired to avoid bloodshed to the maximum extent possible, it is agreed that members of the armed forces and representatives who, after having served one of the two governments, have abandoned it and have been captured while serving the other, shall not be punished by death. The same shall be true as to conspirators and malcontents on both sides.

Art. VIII. The exchange of prisoners [of war] shall be obligatory and shall be accomplished within the shortest time possible. Prisoners [of war] shall be retained on the territory of Columbia, whatever their grade or rank, and they shall not, for any reason or under any pretext, be taken out of the country and exposed to sufferings worse than death.

Art. IX. The military commanders shall take care that prisoners [of war] are maintained in the manner desired by the government to which they belong, considering that there shall be reciprocal reimbursement of the expenses incurred in this regard. The commanders shall have the right to appoint commissioners who shall repair to the prisoner-of-war depots, examine their state, and take care that the condition of the prisoners of war is improved and that their lot is rendered easier.

Art. X. Members of the armed forces who are presently prisoners [of war] shall enjoy the benefits of this treaty.

Art. XIII. The generals of armies, the commanders of divisions, and all other authorities shall be bound to the faithful and strict observance of the present treaty; and violations shall be punished in a rigorous manner and the two governments promise, under the guaranty of the loyalty and honor of their nations, to accomplish this with scrupulous exactitude.