

**No. 33601**

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**BRAZIL  
and  
PARAGUAY**

**Agreement on the restitution of stolen motor vehicles. Signed  
at Brasília on 1 September 1994**

*Authentic texts: Portuguese and Spanish.*

*Registered by Brazil on 1 March 1997.*

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**BRÉSIL  
et  
PARAGUAY**

**Accord pour la restitution de véhicules automobiles volés ou  
endommagés. Signé à Brasília le 1<sup>er</sup> septembre 1994**

*Textes authentiques : portugais et espagnol.*

*Enregistré par le Brésil le 1<sup>er</sup> mars 1997.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL AND THE GOVERNMENT OF THE REPUBLIC OF PARAGUAY ON THE RESTITUTION OF STOLEN MOTOR VEHICLES

The Government of the Federative Republic of Brazil and

The Government of the Republic of Paraguay

(Hereinafter referred to as “the Contracting Parties”),

Considering the need to make coordinated efforts for the suppression of the illicit traffic in motor vehicles,

Have agreed as follows:

## A. PRELIMINARY PROVISIONS

*Article I*

1. By virtue of this Agreement, it is established that motor vehicles originating in or proceeding from the territory of one of the Contracting Parties, which have entered the territory of the other Contracting Party unaccompanied by documents establishing their original ownership, or which appear to have entered the country in an irregular manner, shall be impounded and placed, within two working days, in the custody of the local customs authority.

2. For the purposes of paragraph 1 above, the impounding of vehicles originating in or proceeding from the territory of one of the Contracting Parties shall take place:

(a) Under a judicial order requested by the owner of the vehicle or his surrogate or representative;

(b) As a result of a traffic check carried out by the police or customs authorities of the other Contracting Party;

(c) At the formal request of the consular authority of the country in which the vehicle was stolen.

## B. RECOVERY BY LEGAL PROCESS

*Article II*

1. Individuals or corporate bodies claiming recovery of a motor vehicle as being their stolen property shall petition the judicial authority of the territory in which the vehicle is located, either directly or through a representative, surrogate or duly authorized agent, or through the competent authorities of the Contracting Party of which they are nationals or in the territory of which they have their domicile. The claim shall be submitted within a period of twenty (20) months after the report has been filed with the police authority at the place where the theft occurred, during

<sup>1</sup> Came into force on 18 November 1996 by notification, in accordance with article XI.

which period the motor vehicle may not be sold. Upon expiration of this period, their right to submit such a claim under this Agreement shall lapse.

2. The petition for recovery shall be accompanied by the following documents, authenticated by the consular authority of the requested country:

(a) The original title of ownership of the vehicle or an officially authenticated copy thereof;

(b) A police report of the theft of the vehicle in the country of origin;

(c) In the case of insurance companies, a certificate of payment or transfer of rights of ownership together with a sum deposited on order of the court, as bond for legal costs, of the equivalent in the currency of the country of US\$ 500 (five hundred). If the applicant lacks the financial means to make such deposit, the consulate of the requesting country shall issue an affidavit of poverty in order to expedite the process of recovery through the Office of the Advocate for Poor and Absent Persons in the Republic of Paraguay, and the Public Advocate, in the Federative Republic of Brazil.

3. The claimant shall, personally or through his agent, or through the consular authority of the country of which he is a national or in which he is domiciled, petition the judicial authority of the territory in which the vehicle is located to trace and impound it on the basis of the documents submitted and, where possible, shall furnish the name and address of the person in possession thereof.

4. Upon receipt of the petition, the judge shall order the vehicle to be seized and placed within 2 (two) working days in the custody of the local customs authority. The impounding of the vehicle shall be based on an inventory and in no circumstances shall it be surrendered to either of the litigants or to any third party or institution as depository. The impounding of the vehicle shall be effected by means of a receipt which shall state the characteristics, accessories and overall condition of the vehicle.

5. Once the vehicle has been seized, the judge involved shall give notice of the fact within 2 (two) working days to the consular authority of the country of origin of the vehicle and to the person requested in order to enable the latter, within no more than 3 (three) working days, to submit the original documents certifying that he has title to the vehicle and that it entered the country legally.

6. The judge shall request the customs authority to provide within no more than 10 (ten) working days, without prejudice to the course of the proceedings, information regarding the circumstances under which the vehicle entered the country.

The judge shall request the Register of Motor Vehicles to provide the vehicle's registration certificate in order to verify that it is legally registered in the name of its holder or owner.

7. Upon expiry of the period referred to in paragraph 5 of this article, the case shall be tried by summary procedure and the judge shall order the vehicle to be surrendered immediately to the party found to have title to it, without further formalities or costs.

The appropriate authorities of the Contracting Parties shall set up machinery to establish preferential rates for the safekeeping of the vehicle.