

No. 33606

**MEXICO
and
EL SALVADOR**

**Treaty on the recovery and return of stolen and embezzled
vehicles and aircraft (with annexes). Signed at Mexico
City on 19 September 1995**

Authentic text: Spanish.

Registered by Mexico on 5 March 1997.

**MEXIQUE
et
EL SALVADOR**

**Convention relative au recouvrement et à la restitution de
véhicules et d'aéronefs volés ou détournés (avec an-
nexes). Signé à Mexico le 19 septembre 1995**

Texte authentique : espagnol.

Enregistré par le Mexique le 5 mars 1997.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE UNITED MEXICAN STATES AND THE
REPUBLIC OF EL SALVADOR ON THE RECOVERY AND
RETURN OF STOLEN AND EMBEZZLED VEHICLES AND
AIRCRAFT

The United Mexican States and the Republic of El Salvador, hereinafter referred to as “the Parties”,

Desiring to strengthen the cordial relations of friendship between the two countries,

Aware of the importance of having a suitable legal framework for the provision of mutual assistance in the recovery and return of vehicles and aircraft stolen or embezzled in one country and found in the territory of the other,

Have agreed as follows:

Article I

1. The United Mexican States agrees to return to the Republic of El Salvador, in accordance with the provisions of this Treaty, any vehicle or aircraft registered or otherwise documented in the Republic of El Salvador which has been stolen or embezzled in the Republic of El Salvador and found in the territory of the United Mexican States.

2. The Republic of El Salvador agrees to return to the United Mexican States, in accordance with the provisions of this Treaty, any vehicle or aircraft registered or otherwise documented in the United Mexican States which has been stolen or embezzled in the United Mexican States and found in the territory of the Republic of El Salvador.

3. The requested State may refuse to return a stolen or embezzled vehicle if the application for its return is not made within 45 days from the notification referred to in article III, paragraph 1, or to return a stolen or embezzled aircraft if the application for its return is not made within 60 days of the notification referred to in article III, paragraph 2. The Parties shall not, pursuant to this provision, confiscate or effect the final administrative disposal of vehicles or aircraft registered or otherwise documented under the laws of the other Party within 45 or 60 days, respectively, from the date of the notification of the arrest or while a decision is pending on an application for return. The requested State may also refuse to return a stolen or embezzled vehicle or aircraft if, under the laws of that State, the vehicle or aircraft has been assigned by a judicial authority in civil proceedings to a third party or sold at public auction by an authority which, at the time of the auction, did not know that the vehicle or aircraft had been stolen or embezzled within the meaning of this Treaty.

4. The requested State may refuse to return an embezzled vehicle or aircraft if it is liable to confiscation under the laws of that State on the ground that it has been

¹ Came into force on 12 April 1996 by notification, in accordance with article IX.

used in its territory in the commission of a crime. When deciding on this matter the requested State shall take into account any information submitted by the requesting State as proof that the enterprise victim of the embezzlement was not acting in complicity with the criminal. If the requested State decides not to return an embezzled vehicle or aircraft on the basis of the present paragraph, it shall inform the embassy of the requesting State of its decision and the reasons therefor as promptly as possible after the receipt of the application for return.

Article II

For the purpose of the practical interpretation of this Treaty:

1. A vehicle or aircraft shall be considered “stolen” when it has been appropriated without the consent of the owner or another person legally empowered to dispose of the vehicle or aircraft.

2. A vehicle or aircraft shall be considered “embezzled” only when:

(a) The act is committed by a person who rented the vehicle or aircraft from an enterprise legally authorized for such purposes in the normal course of its business, or

(b) The vehicle or aircraft has been used for a purpose not authorized by the keeper designated by an official or judicial act.

When a vehicle or aircraft which has been embezzled, it shall be assumed that such embezzlement took place in the requesting State.

3. “Crime” means an act or omission punishable under the legislation of both Parties.

4. “Place of storage” means the place where the authorities normally keep arrested vehicles or aircraft.

5. “Vehicle” means any automobile, truck, bus, motorcycle, or trailer.

6. “Aircraft” means any self-propelled vehicle used or designed for flying.

7. “Certified copy” means any copy delivered by the issuing authority or by a consular officer of one Party duly accredited to the other Party and endorsed to the effect that it is a true copy of the original.

Article III

1. When an authority of one of the Parties arrests a vehicle which may have been registered or otherwise documented under the laws of the other Party, it shall so notify the other Party within one month of the arrest. The notification may be made by delivering lists of such vehicles at least once a month to the embassy of the other Party, by direct communication between the arresting authority and the nearest consulate of the other Party, or by any other mutually agreed method.

2. Each Party shall notify the embassy of the other Party of any arrest in its territory of an aircraft which may have been registered in the other Party within 15 days of the arrest.

3. The notifications referred to in paragraphs 1 and 2 shall contain all the available information about the vehicle or aircraft and shall specify its location, the authority responsible for keeping it, and any other information which may indicate whether the vehicle or aircraft in question has been arrested in connection with the commission of a crime.

4. The authority holding a vehicle or aircraft which may have been registered or otherwise documented under the laws of the other Party shall deliver it as quickly as possible to a place of storage. The vehicle or aircraft shall not be used except in one of the following circumstances:

(a) If it is established that the vehicle or aircraft was not stolen or embezzled within the meaning of this Treaty;

(b) If the return of the aircraft or vehicle is refused pursuant to article 1, paragraph 3 or 4, of this Treaty and if this decision is notified to the embassy of the requesting State;

(c) In the case of vehicles, if the application for return is not made within 45 days from the notification of the arrest, in accordance with paragraph 1 of this article; and

(d) With regard to aircraft, if the application for return is not made within 60 days from the notification of the arrest, in accordance with paragraph 2 of this article.

Article IV

1. Applications for return of a vehicle shall be submitted by a consular officer of the requesting State to the authority of the requested State having custody of the vehicle. The application shall be certified with the seal of the consular office and shall be drawn up in the manner indicated in annex A. A copy of the application shall be transmitted with a note to the Ministry of Foreign Affairs of the requested State. The application may not be submitted until the consular officer receives duly notarized proof of ownership and other documents as specified below:

(a) (i) The title of ownership of the vehicle or a certified copy of such title if the vehicle is subject to title. If the title is not available, a certificate delivered by the authority competent to issue titles stating that the vehicle is subject to a title and specifying the person holding the title;

(ii) The vehicle's certificate of registration or a certified copy thereof if the vehicle has been registered. If the registration document is not available, a certificate delivered by the authority competent to effect registrations stating that the vehicle has been registered and specifying the person in whose name it is registered;

(iii) An invoice or other documents certifying the ownership of the vehicle or a certified copy of such documents if the vehicle is not subject to a title or registered;

(b) A transfer document or a certified copy thereof if, subsequent to the theft or embezzlement, the owner of the vehicle at the time of the theft or embezzlement had transferred its ownership to a third party;

(c) A certified copy of the theft report made within a reasonable time to the competent authority. If the theft report is made subsequent to the arrest of the vehicle, the person requesting its return shall submit a document explaining to the satisfaction of the requested State the reasons for his delay in reporting the theft, and he may provide any other supporting documents; and

(d) A power of attorney granted in the presence of a public notary by the owner or his legal representative which authorizes another person to recover the vehicle in cases in which the person requesting its return is not the owner.