

No. 22312

**MEXICO
and
UNITED STATES OF AMERICA**

Convention for the recovery and return of stolen or embezzled vehicles and aircraft (with annexes). Signed at Washington on 15 January 1981

Authentic texts: Spanish and English.

Registered by Mexico on 23 August 1983.

**MEXIQUE
et
ÉTATS-UNIS D'AMÉRIQUE**

Convention relative au recouvrement et à la restitution de véhicules et d'aéronefs volés ou détournés (avec annexes). Signée à Washington le 15 janvier 1981

Textes authentiques : espagnol et anglais.

Enregistrée par le Mexique le 23 août 1983.

CONVENTION¹ BETWEEN THE UNITED MEXICAN STATES AND THE UNITED STATES OF AMERICA FOR THE RECOVERY AND RETURN OF STOLEN OR EMBEZZLED VEHICLES AND AIRCRAFT

The United Mexican States and the United States of America,

Reaffirming their desire to continue to assist each other within an adequate legal framework in the recovery and return of vehicles and aircraft stolen or embezzled in one country and found in the territory of the other,

Recognizing that the Convention concluded at Mexico City on October 6, 1936,² is no longer adequate for these purposes,

Have agreed as follows:

Article I. (1) The United Mexican States agrees to return to the United States of America, in accordance with the provisions of this Convention, any vehicle or aircraft registered or otherwise documented in the United States of America which has been stolen or embezzled in the United States of America and found in the territory of the United Mexican States.

(2) The United States of America agrees to return to the United Mexican States, in accordance with the provisions of this Convention, 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 United States of America.

(3) The Requested State may refuse to return a stolen or embezzled vehicle if the request for return is not made within forty-five days of the notification referred to in Article II, paragraph (1), or a stolen or embezzled aircraft if the request for return is not made within sixty days of the notification referred to in Article II, paragraph (2). Consistent with this provision, the Parties will not forfeit or undertake administrative auctions of vehicles or aircraft registered or otherwise documented under the laws of the other Party within forty-five or sixty days, respectively, of giving notification of seizure, or while the decision on a request for return is pending. The Requested State may also refuse to return a stolen or embezzled vehicle or aircraft if, in accordance with the laws of that State, it has been awarded by a court to a third party in a civil action or sold at public auction by an Authority which, at the time of the auction, had no information that it had been stolen or embezzled within the meaning of this Convention.

(4) The Requested State may refuse to return an embezzled vehicle or aircraft that is subject to forfeiture under the laws of that State because it was used in its territory in the commission of a felony. In making its decision, the Requested State will give due consideration to any information provided by the Requesting State tending to show that the enterprise from which it was embezzled was not in complicity with the felon. If the Requested State decides not to return an embezzled vehicle or air-

¹ Came into force on 28 June 1983, the date of the exchange of the instruments of ratification, which took place at Mexico City, in accordance with article VIII(2).

² League of Nations, *Treaty Series*, vol. CLXXX, p. 33.

craft under this provision, it shall notify the Embassy of the Requesting State of its refusal and the reasons therefor as soon as practicable after receipt of the request for return.

Article II. (1) Whenever an Authority of one of the Parties seizes a vehicle which may be registered or otherwise documented under the laws of the other Party, the former shall make every effort to notify the other Party within one month of such seizure. Notification may be effected by the delivery of lists of such vehicles at least once each month to the Embassy of the other Party, by direct communication between the seizing Authority and the nearest consulate of the other Party, or by any other mutually acceptable method.

(2) Each Party shall notify the Embassy of the other of the seizure in its territory of any aircraft which may be registered in the other country within fifteen days of such seizure.

(3) The notifications referred to in paragraphs (1) and (2) shall contain all available identifying data about the vehicle or aircraft and shall specify its location, the Authority having custody, as well as information which indicates whether it was seized in connection with the commission of a felony.

(4) The Authority seizing a vehicle or aircraft which may be registered or otherwise documented under the laws of the other Party shall take it promptly to a storage area. There shall be no further operation of such vehicle or aircraft except in one of the following circumstances:

- (a) It is determined that the vehicle or aircraft has not been stolen or embezzled within the meaning of this Convention;
- (b) The return of the vehicle or aircraft is refused in accordance with Article I, paragraph (3) or (4), of this Convention, and the Embassy of the Requesting State is notified of that decision;
- (c) In the case of a vehicle, no request for its return is filed within forty-five days of notification of seizure pursuant to paragraph (1) of this Article;
- (d) In the case of an aircraft, no request for its return is filed within sixty days of notification of seizure pursuant to paragraph (2) of this Article.

Article III. (1) The request for the 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 request shall be under seal of the consular office and in the language of the Requested State and shall follow the form appended in Annex A. A copy of that request shall be transmitted under cover of a note to the foreign ministry of the Requested State. A request shall be made only after receipt by the consular officer of properly notarized evidence of ownership and other documents as specified below:

(a) (i) The title of ownership to the vehicle or a certified copy thereof, if the vehicle is subject to titling, but, if a title document is not available, a certified statement from the titling Authority that the vehicle is titled and specifying the person to whom it is titled;

(ii) The certificate of registration of the vehicle or a certified copy thereof, if the vehicle is subject to registration, but, if a registration document is not available, a certified statement from the registering Authority that the vehicle is registered and specifying the person to whom it is registered;

(iii) The bill of sale or other documentation which establishes ownership of the vehicle, or a certified copy thereof, in the event the vehicle is not titled or registered.

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

(c) A certified copy of the theft report, made within a reasonable time to a competent Authority, and a translation thereof. In the event that the theft report is made subsequent to the seizure of the vehicle, the person seeking its return shall furnish a document justifying to the satisfaction of the Requested State the reasons for delay in reporting the theft and may provide any supporting documentation therefor.

(d) In cases in which the person requesting the return of a vehicle is not the owner, a power of attorney granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the vehicle.

(2) The request for the return of an aircraft shall be submitted by a consular officer of the Embassy of the Requesting State to the Authority of the Requested State having custody of the aircraft. The request shall be under seal of the consular office and in the language of the Requested State and shall follow the form appended in Annex B. A copy of that request shall be transmitted under cover of a note to the foreign ministry of the Requested State. A request shall be made only after receipt by the consular officer of properly notarized evidence of ownership and other documents as specified below:

(a) The bill of sale or other documentation which establishes ownership of the aircraft, or a certified copy thereof.

(b) The certificate of registration of the aircraft or a certified copy thereof but, if the certificate is not available, a certified statement from the registering Authority that the aircraft is registered and specifying the person to whom it is registered.

(c) The document of transfer, or a certified copy thereof, if subsequent to the theft or embezzlement the owner of the aircraft at the time of its theft or embezzlement has transferred ownership to a third party.

(d) A certified copy, and a translation thereof, of the investigative report by the customs service of the Requesting State, or other federal law enforcement agency designated for such purpose, reflecting that the aircraft was in fact stolen, or, in the case of an embezzled aircraft, describing the circumstances surrounding the rental. The investigative report shall include a copy of any theft report made within a reasonable time to a competent Authority. In the event that the theft report is made subsequent to the seizure of the aircraft, the person seeking its return shall furnish a document justifying to the satisfaction of the Requested State the reasons for delay in reporting the theft and may provide any supporting documentation therefor. Once a request for return has been made, the Requested State may seek additional information reflecting the circumstances surrounding the rental; likewise, the Requesting State may supplement the information which it originally provided.

(e) In cases in which the person requesting the return of an aircraft is not the owner, a power of attorney granted in the presence of a notary public by the owner or his legal representative, authorizing that person to recover the aircraft.

(3) Unless otherwise agreed by the Parties, the request for the return of a vehicle or aircraft shall be accompanied by certified copies of the documents examined by the consular officers, and translations shall only be required of documents as specified in paragraphs (1) and (2) of this Article.

Article IV. (1) The Authority having custody of the vehicle or aircraft shall determine whether the request for its return meets the requirements of this Convention as soon as practicable after the receipt of such request.

(2) When a request for the return of a vehicle or aircraft has been found to meet the requirements of this Convention by the Authority having custody of the vehicle or aircraft, the vehicle or aircraft shall be delivered within fifteen days to the individual identified in the request as the owner or his authorized representative.

(3) If a vehicle or aircraft whose return is requested is held in relation to a criminal investigation or prosecution, the return shall be effected when its presence is no longer required for purposes of that investigation or prosecution.

Article V. The Requested State shall take the measures necessary to permit the owner or his authorized representative to take delivery of a vehicle or aircraft and to return with it to the territory of the Requesting State.

Article VI. (1) A Requested State shall not impose any duties, nor fines or other monetary penalties upon vehicles or aircraft returned in accordance with the terms of this Convention.

(2) The actual expenses incurred in the return of a vehicle or aircraft shall be borne by the person seeking its return and shall be paid prior to the return of the vehicle or aircraft.

(3) The cost of translating the documents referred to in Article III, paragraphs (1)(c) and (2)(d), shall be considered an expense of the return of a vehicle or aircraft.

(4) In particular cases, the expenses of return may include the cost of any repairs or reconditioning of a vehicle or aircraft which may have been necessary to permit the vehicle or aircraft to be moved to a storage area or to maintain it in the condition in which it was found. The person seeking the return of a vehicle or aircraft shall not be responsible for the costs of any other work performed on the vehicle or aircraft while it was in the custody of an Authority of the Requested State.

(5) No person shall be entitled to compensation from the Authorities who found the vehicle or aircraft for any damages resulting from its recovery or storage in accordance with the provisions of this Convention.

Article VII. For purposes of this Convention:

(1) A vehicle or aircraft will be considered to be "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such vehicle or aircraft.

(2) A vehicle or aircraft shall be considered to be "embezzled" only when:

- (a) It is unlawfully converted by the person who had rented it from an enterprise legally authorized for that purpose and in the normal course of business, or
- (b) It is unlawfully converted by a person with whom it has been deposited by official or judicial action.

With respect to vehicles or aircraft found to have been embezzled, it will be presumed that the unlawful conversion took place in the Requesting State.

(3) “Felony” means any extraditable offense under the terms of the treaty of extradition in force between the Parties.

(4) “Storage area” means the place in which Authorities normally keep seized vehicles or aircraft.

(5) “Vehicle” means any automobile, truck, bus, motorcycle, motor home, or trailer.

(6) “Aircraft” means any self-propelled vehicle used or designed for flight.

(7) “Certified copy” means any copy certified to be a true copy of the original by the issuing Authority or by a consular officer of one Party duly accredited to the other.

Article VIII. (1) Disputes arising as to the application of this Convention shall be settled through diplomatic channels.

(2) This Convention shall be subject to ratification. It shall enter into force on the date of the exchange of instruments of ratification and shall remain in force indefinitely. This Convention shall supersede the Convention of October 6, 1936.

(3) After this Convention has been in force for one year, either of the two Parties can request a meeting for the purpose of reviewing the way in which it has been implemented.

(4) It may be terminated by means of a written notification from either Party to the other, in which case it will expire ninety days from the date of receipt of such notification.

DONE at Washington, in duplicate, this 15th day of January, 1981, in the Spanish and English languages, each text of which shall be equally authentic.

For the United Mexican States:

For the United States of America:

[Signed — Signé]¹

[Signed — Signé]²

ANNEX A

REQUEST FOR THE RETURN OF A STOLEN OR EMBEZZLED VEHICLE

The Consulate at () (or the Embassy) of the () respectfully requests that (the appropriate authority) return the vehicle described below to its owner, in accordance with the Convention between the United Mexican States and the United States of America for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft:

Make:

Model (Year):

Type:

Vehicle Identification Number:

License Plates:

Registered Owner:

¹ Signed by Hugo B. Margáin — Signé par Hugo B. Margáin.

² Signed by Robert Krueger — Signé par Robert Krueger.

The Consulate (or the Embassy of _____) certifies that it has examined the following documents which have been presented by _____ as evidence of his/her ownership of the vehicle and found them to be properly certified under the laws of _____.

- a.
- b.
- c.
- d.

Complimentary closing

Place and date

Attachments

ANNEX B

REQUEST FOR RETURN OF STOLEN OR EMBEZZLED AIRCRAFT

The Embassy of the _____ respectfully requests that (the appropriate authority) return the aircraft described below to its owner, in accordance with the Convention between the United Mexican States and the United States of America for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft:

Make:

Model (Year):

Serial Number:

Registration Number:

Registered Owner:

The Embassy of (_____) certifies that it has examined the following documents which have been presented by _____ as evidence of his/her ownership of the aircraft and found them to be properly certified under the laws of _____.

- a.
- b.
- c.
- d.

Complimentary closing

Place and date

Attachments