

105TH CONGRESS }
2d Session }

SENATE

{ TREATY DOC.
105-58 }

TREATY WITH GUATEMALA FOR RETURN OF STOLEN,
ROBBED, EMBEZZLED OR APPROPRIATED VEHICLES
AND AIRCRAFT

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

TREATY BETWEEN THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF
GUATEMALA FOR THE RETURN OF STOLEN, ROBBED, EMBEZ-
ZLED OR APPROPRIATED VEHICLES AND AIRCRAFT, WITH AN-
NEXES AND A RELATED EXCHANGE OF NOTES, SIGNED AT GUA-
TEMALA CITY ON OCTOBER 6, 1997



AUGUST 31, 1998.—Treaty was read the first time, and together with
the accompanying papers, referred to the Committee on Foreign Rela-
tions and ordered to be printed for the use of the Senate

U.S. GOVERNMENT PRINTING OFFICE

59-118

WASHINGTON : 1998

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *August 31, 1998.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Guatemala City on October 6, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of stolen vehicle treaties being negotiated by the United States in order to eliminate the difficulties faced by owners of vehicles that have been stolen and transported across international borders. It is the first of these newly negotiated treaties to provide for the return of stolen aircraft as well as vehicles. When it enters into force, it will be an effective tool to facilitate the return of U.S. vehicles and aircraft that have been stolen, robbed, embezzled, or appropriated and taken to Guatemala.

I recommend that the Senate give early and favorable consideration to the Treaty, with Annexes and a related exchange of notes, and give its advice and consent to ratification.

WILLIAM J. CLINTON.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, August 6, 1998.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you the Treaty between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft (the "Treaty"), with Annexes and a related exchange of notes, signed at Guatemala City on October 6, 1997. I recommend that the Treaty with Annexes and related exchange of notes be transmitted to the Senate for its advice and consent to ratification.

The Treaty establishes procedures for the return by either Party of vehicles and aircraft that are registered, titled or otherwise documented in the territory of the other Party; stolen robbed, embezzled or appropriated in the territory of either Party or from one of its nationals; and found in the territory of the first Party. The United States currently has only one such treaty in force, the 1981 Convention between the United States of America and the United Mexican States for the Recovery and Return of Stolen or Embezzled Vehicles and Aircraft ("U.S.-Mexico Treaty"). The treaty with Guatemala is one of several treaties that have recently been negotiated with countries in Central America, the Caribbean, and Central Europe, and contains many provisions similar to those in the 1981 U.S.-Mexico Treaty. It is the first of these newly negotiated treaties to provide for the return of stolen aircraft as well as vehicles. The Treaty with Guatemala incorporates an important improvement in one aspect over the U.S.-Mexico Treaty in that it sets more restrictive deadlines for action by the Party receiving a request for the return of a vehicle or aircraft. As with the U.S.-Mexico Treaty, this Treaty will not require implementing legislation.

Article 1 defines certain terms for purposes of the Treaty.

Article 2 sets forth the agreement of the Parties, in accordance with the Treaty's terms, to return vehicles or aircraft that are registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party; stolen, robbed, embezzled or appropriated in the territory of either Party or from one of its nationals; and found in the territory of the first Party.

Article 3 provides for the establishment of Central Authorities and designates Central Authorities for purposes of the Treaty. For the United States, the Central Authority is the Secretary of State, or such persons as may be designated by the Secretary of State. For the Republic of Guatemala, the Central Authority is the Min-

ister of Government, or such persons as may be designated by the Minister of Government. The article provides that the Central Authorities shall communicate directly with one another or through the diplomatic channel.

Article 4 requires the authorities of a Party who have impounded, seized, found, or otherwise taken possession of a vehicle or aircraft that they have reason to believe is registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party to take it to a storage area and to take reasonable steps to safeguard it, including preventing the obliteration or modification of identifying information such as vehicle identification numbers and aircraft registration or tail numbers. The article also prohibits such authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle or aircraft unless one of several enumerated conditions is met, e.g., no request for the return of the vehicle or aircraft is received within 60 days of receipt of a notification made pursuant to Article 5.

Article 5(1) requires that whenever the police, customs, or other competent authorities of a Party impound, seize, find, or otherwise take possession of a vehicle or aircraft that they have reason to believe is registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party, the first Party shall, within 30 days of having taken possession of it, notify in writing the Central Authority of the other Party that its authorities have custody of the vehicle or aircraft. Article 5(2) provides that, in the case of vehicles, such notification will include all identifying information about the vehicle listed in Annex 1, appended to the Treaty. Article 5(3) provides that, in the case of aircraft, such notification will include all identifying information about the aircraft listed in Annex 2 appended to the Treaty. These Annexes contain the information the Parties agreed would be sufficient to develop a reliable and complete identification of the vehicle or aircraft.

Article 6 prescribes the form and content of requests for return of vehicle and aircraft under the Treaty. Article 6(1) provides that after a Party has received a notification pursuant to Article 5, it may submit a request for the return of the vehicle or aircraft. Article 6(2) requires the request to be transmitted under seal of the Central Authority of the Requesting Party and to follow the form appended in Annex 3 (for vehicles) and Annex 4 (for aircraft). The request must include certified copies of the documents listed in Article 6(3) (for vehicles) or Article 6(4) (for aircraft). Article 6(5) provides that the Central Authorities will register with each other, within one week of the Treaty's entry into force, the signature of the officials responsible for handling requests for the recovery and return of a vehicle or aircraft and for certifying documents and provides for subsequent registrations as required by any changes in officials.

Article 6(6) states that no further legislation or authentication of documents shall be required by the Requested Party. It also requires all of the documents referred to in Article 6 to be accompanied by an appropriate translation. An exchange of notes accompanying the Treaty memorializes the understanding of the Parties that the Government of Guatemala will consider that an "appro-

priate translation” will include forms in which the standard language in title or registration documents originating in the United States has been translated into Spanish in generic fashion, with appropriate blanks to be filled in with the particular information regarding the specific vehicle or aircraft whose return is requested.

Under Article 7, a Party that has learned outside of the Article 5 notification process that the authorities of the other Party may have impounded, seized, found, or otherwise taken possession of a vehicle or aircraft that may be registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the first Party, may, through a written communication to the Central Authority of the other Party, seek official confirmation of this and may request the other Party to provide notification pursuant to Article 5. The other Party must either provide the notification or explain, in writing, why notification is not required. The first Party may also, in appropriate cases, submit a request for return of the vehicle or aircraft.

Article 8(1) requires the Requested Party to determine, within 30 days of receiving a request for return of a stolen, robbed, embezzled or appropriated vehicle or aircraft, whether the request meets the requirements of the Treaty and to notify the Requesting Party of its determination. Article 8(2) requires the Requested Party, within 15 days of its determination that a request for return meets the requirements of the Treaty, to make the vehicle or aircraft available to the owner or the owner’s authorized representative. The vehicle or aircraft must remain available for the owner or the owner’s authorized representative to take delivery for at least 90 days. The Requested Party is also required to take necessary measures to permit the owner or the owner’s authorized representative to take delivery of the vehicle or aircraft and return with it to the territory of the Requesting Party. Where the Requested Party determines that a request for return does not meet the requirements of the Treaty, under Article 8(3) it must provide written notification to the Requesting Party, including the grounds for its decision. Article 8(4) provides that if the reasons for which the request was denied can be remedied, the Requested Party must notify the Requesting Party that it has been given a single opportunity to resubmit the request within sixty days of the notification of denial.

Article 9 sets forth several circumstances under which a Requested State either has no obligation to return a vehicle or aircraft for which return has been requested or can defer the surrender of the vehicle or aircraft. Article 9(1) provides that if a vehicle or aircraft whose return is requested is being held in connection with a criminal investigation or prosecution, its return will be effected when its presence is no longer required for that investigation or prosecution. However, the Requested Party is required to take all practicable measures to ensure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle or aircraft may be returned as soon as possible.

Article 9(2) states that when the ownership or custody of a vehicle or aircraft for which return is requested is the subject of a pending judicial action in the territory of the Requested Party, its return shall be effected at the conclusion of the judicial action.

VIII

However, the Requested Party will have no obligation to return the vehicle or aircraft if such judicial action results in a decision that awards the vehicle or aircraft to a person other than the person identified in the request for return as the owner of the vehicle or aircraft or the owner's authorized representative.

Article 9(3) provides that a Party will have no obligation to return a vehicle or aircraft for which return is requested if the vehicle or aircraft is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner, or represents the proceeds of such a crime. The Requested Party is required to give the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

Article 9(4) requires the Requested Party to notify the Central Authority of the Requesting Party in writing within 30 days of receipt of a request for return if the return of a stolen, robbed, embezzled or appropriated vehicle or aircraft is postponed pursuant to Article 9.

Under Article 9(5), a Party will have no obligation to return a stolen, robbed, embezzled or appropriated vehicle or aircraft if no request for return is received within 60 days of receipt of a notification made pursuant to Article 5.

Article 10(1) prohibits the Requested Party from imposing any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles or aircraft returned in accordance with the Treaty, or on their owners or authorized representatives, as a condition for the return of such vehicles or aircraft.

Article 10(2) and 10(3) apportion the expenses associated with the return of vehicles and aircraft under the Treaty. Article 10(2) provides that reasonable expenses incurred in the return, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under the Treaty will be borne by the person seeking its return and will be paid prior to the return of the vehicle or aircraft. Under Article 10(3), the expenses of return in particular cases may include the costs of any repairs or reconditioning of a vehicle or aircraft that were necessary to permit the vehicle or aircraft to be moved to a storage area or maintained in the condition in which it was found. However, the person seeking the return of the vehicle or aircraft will not be responsible for the costs of any other work performed on the vehicle or aircraft while it was in the custody of the authorities of the Requested Party.

Article 10(4) provides that if the Requested Party complies with the provisions of the Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle or aircraft, no person will be entitled to compensation from the Requested Party for any damages sustained while the vehicle or aircraft is in the custody of the Requested Party.

Article 11 provides that the mechanisms for the recovery and return of stolen, robbed, embezzled or appropriated vehicles or aircraft under this Treaty shall be in addition to those available under the laws of the Requested Party, and that nothing in the Treaty shall impair any rights for the recovery of stolen, robbed, embezzled or appropriated vehicles or aircraft under applicable law.

IX

Article 12 states that any differences regarding the interpretation or application of the Treaty will be resolved through consultations between the Parties.

Article 13(1) states that the Treaty will be subject to ratification and will enter into force on the date of exchange of instruments of ratification. Article 13(2) provides that either Party may terminate the Treaty upon a minimum of 90 days written notification.

The Department of Justice joins the Department of State in favoring approval of the Treaty, with Annexes and related exchange of notes, by the Senate as soon as possible.

Respectfully submitted,

MADELEINE ALBRIGHT.

**TREATY
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF GUATEMALA
FOR THE RETURN OF STOLEN, ROBBED, EMBEZZLED OR APPROPRIATED
VEHICLES AND AIRCRAFT**

(1)

(1)

The Government of the United States of America and the Government of the Republic of Guatemala (hereinafter, "the Parties");

Recognizing the growing problem of transnational theft, robbery, embezzlement, and appropriation of vehicles and aircraft;

Considering the difficulties faced by innocent owners in securing the return of vehicles and aircraft stolen, robbed, embezzled, or appropriated in the territory of one Party that are recovered in the territory of the other Party; and

Desiring to eliminate such difficulties and to regularize procedures for the expeditious return of such vehicles and aircraft;

Have agreed as follows:

- 2 -

Article 1

For purposes of this Treaty:

1. A "vehicle" means any automobile, truck, bus, motorcycle, motorhome, tractor trailer with attachments, or other means of motorized land transportation.
2. An "aircraft" means any self-propelled means of transportation used or designed for flight.
3. A vehicle or aircraft shall be considered "stolen" when possession thereof has been obtained without the consent of the owner or other person legally authorized to use such vehicle or aircraft, and shall be considered "robbed" when such possession has been obtained through the use of force or violence against persons or things.
4. A vehicle or aircraft shall be considered "embezzled" or "appropriated" when:
 - (a) the person who had rented it from a legally authorized rental enterprise, in the normal course of such enterprise's business, has taken unauthorized possession of it;
 - (b) the person with whom it had been deposited by official or judicial action has taken unauthorized possession of it; or
 - (c) the person to whom it had been entrusted by the owner or the owner's legal representative, with an understanding that it would be returned, has taken unauthorized possession of it, for his own benefit or that of a third person.
5. "Seize" shall mean the act whereby a competent authority or a court of law, in the exercise of its duties, takes possession or custody of a vehicle or aircraft.
6. All references to "days" shall mean calendar days.

- 3 -

7. The "Requesting Party" shall mean the State requesting the return of the vehicle or aircraft.

8. The "Requested Party" shall mean the State to which the request for return is directed.

Article 2

Each Party agrees to return, in accordance with the terms of this Treaty, vehicles or aircraft that are registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party; stolen, robbed, embezzled or appropriated in the territory of either Party or from one of its nationals; and found in the territory of the first Party.

Article 3

1. Each Party shall designate a Central Authority responsible for carrying out its obligations under this Treaty.

2. For the United States of America, the Central Authority shall be the Secretary of State, or such persons as may be designated by the Secretary of State.

3. For the Republic of Guatemala, the Central Authority shall be the Minister of Government, or such persons as may be designated by the Minister of Government.

4. For purposes of this Treaty, the Central Authorities shall communicate directly with one another, or through the diplomatic channel.

- 4 -

Article 4

Authorities of a Party who have impounded, seized, found, or otherwise taken possession of a vehicle or aircraft that they have reason to believe is registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party shall promptly take it to a storage area and shall take reasonable steps regarding the safekeeping of the vehicle or aircraft, including preventing the obliteration or modification of identifying information such as vehicle identification numbers and aircraft registration or tail numbers. The said authorities shall not thereafter operate, auction, dismantle, or otherwise alter or dispose of the vehicle or aircraft. However, this Treaty shall not preclude the said authorities from operating, auctioning, dismantling, or otherwise altering or disposing of the vehicle or aircraft, as authorized by law, if:

- (1) No request for the return of the vehicle or aircraft is received within 60 days of receipt of a notification made pursuant to Article 5;
- (2) A determination is made in accordance with Article 8(1) that a request for the return of the vehicle or aircraft does not meet the requirements of this Treaty and notification of such determination has been made in accordance with Article 8(3);
- (3) The vehicle or aircraft has not been retrieved within the time period stated in Article 8(2) by the person identified in the request for return as the owner or the owner's authorized representative after the vehicle or aircraft has been made available as provided in Article 8(2); or
- (4) There is no obligation under this Treaty, pursuant to Article 9(2) or 9(3) to return the vehicle or aircraft.

Article 5

1. Whenever police, customs, or other competent authorities of a Party impound, seize, find, or otherwise take possession of a vehicle or aircraft that they have reason to

- 5 -

believe is registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party, the first Party shall, within 30 days of having taken possession of it, notify, in writing, the Central Authority of the other Party that its authorities have custody of the vehicle or aircraft.

2. In the case of vehicles, such notification shall include all available data identifying the vehicle, as described in Annex 1.

3. In the case of aircraft, such notification shall include all available data identifying the aircraft, as described in Annex 2.

Article 6

1. After a Party receives a notification made pursuant to Article 5, that Party may within 60 days of such notification submit a request for the return of the vehicle or aircraft.

2. The request for return shall be transmitted under seal of the Central Authority of the Requesting Party and shall follow the form appended in Annex 3 (for vehicles) and Annex 4 (for aircraft).

3. In cases involving vehicles, a request shall include certified copies of the following documents:

- (a) The title of ownership to the vehicle, if the vehicle is subject to titling, but, if the title is not available, a certified statement from the titling authority that the vehicle is titled and specifying the person or entity to whom it is titled;

- 6 -

- (b) The certificate of registration of the vehicle, if the vehicle is subject to registration, but, if the registration document is not available, a certified statement from the registering authority that the vehicle is registered and specifying the person or entity to whom it is registered;
- (c) The bill of sale or other documentation that establishes ownership of the vehicle, in the event the vehicle is not titled or registered;
- (d) Documentation that establishes the transfer of ownership of the vehicle, if subsequent to the theft, robbery, embezzlement or appropriation of the vehicle the owner has transferred ownership to a third party;
- (e) The report of the theft, robbery, embezzlement, or appropriation issued by a competent authority of the Requesting Party. In the event that the theft, robbery, embezzlement, or appropriation is reported by the victim to the competent authority after the vehicle is seized or otherwise comes into possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the theft, robbery, embezzlement, or appropriation and may provide any supporting documentation therefor; and
- (f) 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.

4. In cases involving aircraft, a request shall include certified copies of the following documents:

- (a) The bill of sale or other documentation that establishes ownership of the aircraft;
- (b) The certificate of registration of the aircraft, but, if the registration document is not available, a certified statement from the appropriate authority specifying the person or entity to whom it is registered;

- 7 -

(c) Documentation that establishes the transfer of ownership of the aircraft, if subsequent to the theft, robbery, embezzlement or appropriation of the aircraft, the owner has transferred ownership to a third party;

(d) The report of the theft, robbery, embezzlement or appropriation issued by a competent authority of the Requesting Party. In the event that the crime is reported by the victim to the competent authority after the aircraft has been seized or otherwise has come into possession of the Requested Party, the person seeking its return shall furnish a document justifying the reasons for the delay in reporting the crime and may provide any supporting documentation therefor; and

(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 the owner's legal representative authorizing that person to recover the aircraft.

5. With respect to Article 6(2), each Central Authority shall register with the other the signature of the officials responsible for handling requests for the recovery and return of a vehicle or aircraft and for certifying documents. This exchange shall take place within one week of the Treaty's entry into force and as required by any changes in the officials responsible for handling such requests.

6. All the documents to which this Article refers shall be accompanied by an appropriate translation. No further legalization or authentication of documents shall be required by the Requested Party.

- 8 -

Article 7

If a Party learns, through means other than a notification made pursuant to Article 5, that the authorities of the other Party may have impounded, seized, found, or otherwise taken possession of a vehicle or aircraft that may be registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the first Party, that Party:

- (1) may, through a written communication to the Central Authority of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in Article 5, in which case the other Party shall either provide the notification or explain, in writing, why notification is not required; and
- (2) may also, in appropriate cases, submit a request for the return of the vehicle or aircraft as described in Article 6.

Article 8

1. Except as provided in Article 9, the Requested Party shall, within 30 days of receiving a request for the return of a stolen, robbed, embezzled, or appropriated vehicle or aircraft, determine whether the request for return meets the requirements of this Treaty for the return of the vehicle or aircraft and shall notify the Requesting Party of its determination.

2. If the Requested Party determines that the request for the return of a stolen, robbed, embezzled or appropriated vehicle or aircraft meets the requirements of this Treaty, the Requested Party shall, within 15 days of such determination, make the vehicle or aircraft available to the person identified in the request for return as the owner or the owner's authorized representative. The vehicle or aircraft shall remain available for the person identified in the request for return as the owner or the owner's authorized representative to take delivery for at least 90 days. The Requested Party

- 9 -

shall take necessary measures to permit the owner or the owner's authorized representative to take delivery of the vehicle or aircraft and return with it to the territory of the Requesting Party.

3. If the Requested Party determines that the request for return does not meet the requirements of this Treaty, it shall provide written notification to the Requesting Party, including the grounds for its decision.

4. If the reasons for which the request was denied can be remedied, the Requested Party will notify the Requesting Party that it has been given a single opportunity to resubmit the request, and that such request must be submitted within sixty (60) days of the date of notification of denial.

Article 9

1. If a vehicle or aircraft whose return is requested is being held in connection with a criminal investigation or prosecution, its return pursuant to this Treaty shall be effected when its presence is no longer required for purposes of that investigation or prosecution. The Requested Party shall, however, take all practicable measures to assure that substitute pictorial or other evidence is used wherever possible in such investigation or prosecution so that the vehicle or aircraft may be returned as soon as possible.

2. If the ownership or custody of a vehicle or aircraft whose return is requested is the subject of a pending judicial action in the territory of the Requested Party, its return pursuant to this Treaty shall be effected at the conclusion of that judicial action. However, a Party shall have no obligation under this Treaty to return the vehicle or aircraft if such judicial action results in a decision that awards the vehicle or aircraft to

- 10 -

a person other than the person identified in the request for return as the owner of the vehicle or aircraft or the owner's authorized representative.

3. A Party shall have no obligation under this Treaty to return a vehicle or aircraft whose return is requested if the vehicle or aircraft is subject to forfeiture under its laws because it was used in its territory for the commission of a crime with the consent or complicity of the owner, or represents the proceeds of such a crime. The Requested Party shall not forfeit the vehicle or aircraft without giving the owner or the owner's authorized representative reasonable notice and an opportunity to contest such forfeiture in accordance with its laws.

4. If the return of a stolen, robbed, embezzled or appropriated vehicle or aircraft whose return is requested is postponed pursuant to this Article, the Requested Party shall so notify the Central Authority of the Requesting Party in writing within 30 days of receiving a request for the return of the vehicle or aircraft.

5. A Party shall have no obligation under this Treaty to return a stolen, robbed, embezzled or appropriated vehicle or aircraft if no request for return is received within 60 days of receipt of a notification made pursuant to Article 5.

Article 10

1. The Requested Party shall not impose any import or export duties, taxes, fines, or other monetary penalties or charges on vehicles or aircraft returned in accordance with this Treaty, or on their owners or authorized representatives, as a condition for the return of such vehicles or aircraft.

2. Reasonable expenses incurred in the return of the vehicle or aircraft in accordance with this Treaty, including towing costs, storage costs, maintenance costs,

- 11 -

transportation costs, and costs of translation of documents required under this Treaty, shall be borne by the person seeking its return and shall be paid prior to the return of the vehicle or aircraft.

3. In particular cases, the expenses of return may include the costs of any repairs or reconditioning of a vehicle or aircraft that were 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 the authorities of the Requested Party.

4. Provided that the Requested Party complies with the provisions of this Treaty with respect to recovery, storage, safekeeping, and, where appropriate, return of a vehicle or aircraft, no person shall be entitled to compensation from the Requested Party for damages sustained while the vehicle or aircraft is in the custody of the Requested Party.

Article 11

The mechanisms for the recovery and return of stolen, robbed, embezzled or appropriated vehicles or aircraft under this Treaty shall be in addition to those available under the laws of the Requested Party. Nothing in this Treaty shall impair any rights for the recovery of stolen, robbed, embezzled or appropriated vehicles or aircraft under applicable law.

- 12 -

Article 12

1. Any differences regarding the interpretation or application of this Treaty shall be resolved through consultations between the Parties.

Article 13

1. This Treaty shall be subject to ratification. It shall enter into force on the date of exchange of instruments of ratification.

2. This Treaty may be terminated by either Party upon a minimum of 90 days written notification.

DONE at Guatemala City, this *Tieth* day of *October*, 1997, in duplicate, in the English and Spanish languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:



FOR THE GOVERNMENT OF
THE REPUBLIC OF GUATEMALA:



ANNEX I

**Identifying Information Regarding Vehicles
to be Provided in a
Notification Made Pursuant to Article 5**

- 1. Vehicle Identification Number (VIN);**
- 2. Name of manufacturer of vehicle;**
- 3. Vehicle model and year of manufacture, if known;**
- 4. Color of vehicle;**
- 5. License plate number (LPN) of vehicle and jurisdiction of issuance (if available);**
- 6. City/other jurisdiction tag or sticker number and name of city/other jurisdiction (if available);**
- 7. A description of the condition of the vehicle, including its operability, if known, and repairs that appear necessary;**
- 8. The current location of the vehicle;**
- 9. The identity of the authority with physical custody of the vehicle and a contact point, including name, address, and telephone number of the official with recovery information;**
- 10. Any information that indicates whether the vehicle was being used in connection with the commission of a crime; and**
- 11. Whether it appears that the vehicle may be subject to forfeiture under the laws of the notifying Party.**

ANNEX 2

**Identifying Information Regarding Aircraft
to be Provided in a
Notification Made Pursuant to Article 5**

1. Aircraft registration number;
2. Name of manufacturer of aircraft;
3. Aircraft model and year of manufacture, if known;
4. Color of aircraft;
5. Aircraft serial number (i.e., airframe number);
6. Aircraft engine number(s);
7. A description of the condition of the aircraft, including its airworthiness and flyability, if known, and repairs that appear necessary;
8. The location of the aircraft at the time of seizure;
9. The current location of the aircraft;
10. The identity of the authority with physical custody of the aircraft and a contact point, including name, address, and telephone number of the official with recovery information;
11. Any information that indicates whether the aircraft was being used in connection with the commission of a crime;
12. Any information that indicates whether the aircraft might be subject to forfeiture under the laws of the notifying Party;
13. The names of any individuals involved with the aircraft at the time of seizure; and
14. A description of any cargo or documents found aboard the aircraft at the time of seizure, including aircraft/engine logs, airworthiness certificate, registration certificate, pilot's license, etc.

ANNEX 3

**Request for the Return of a Stolen, Robbed, Embezzled
or Appropriated Vehicle**

The Central Authority of [country name] respectfully requests that (the appropriate authority of [country name]) return the vehicle described below to (its owner/its owner's authorized representative) in accordance with the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft:

Make:
Model (Year):
Type:
Vehicle Identification Number:
License Plate Number:
Registered Owner:

The Central Authority of [country name] certifies that it has examined the following documents which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the vehicle/ownership of the vehicle by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of (appropriate jurisdiction).

- a. (document description)
- b. (document description)
- c. (document description)
- d. (document description)

Place and date
Attachments

ANNEX 4

**Request for the Return of a Stolen, Robbed, Embezzled
or Appropriated Aircraft**

The Central Authority of [country name] respectfully requests that (the appropriate authority of [country name]) return the aircraft described below to (its owner/its owner's authorized representative) in accordance with the Treaty Between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft:

Make:
Model (Year):
Serial Number:
Registration Number:
Registered Owner:

The Central Authority of [country name] certifies that it has examined the following documents which have been presented by (identity of person submitting documents) as evidence of (his or her ownership of the aircraft/ownership of the aircraft by the person for whom he or she is acting as authorized representative) and found them to be properly certified under the laws of (appropriate jurisdiction).

- a. (document description)
- b. (document description)
- c. (document description)
- d. (document description)

Place and date
Attachments

EMBASSY OF THE
UNITED STATES OF AMERICA

Guatemala, October 6, 1997

No. 214

Excellency:

I have the honor to refer to the Treaty between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, signed this date.

Article 6 of the Treaty sets forth the documents that the Requesting Party shall include in a request for the return of a vehicle or aircraft. Paragraph 6 of Article 6 provides that all such documents "shall be accompanied by an appropriate translation".

His Excellency

Doctor Eduardo Stein Barillas

Minister of Foreign Affairs of the

Republic of Guatemala

It is the understanding of the Government of the United States of America that, for purposes of this Article, the Government of the Republic of Guatemala will consider that an "appropriate translation" will include forms in which the standard language in title or registration documents originating in the United States of America has been translated into Spanish in generic fashion, with appropriate blanks to be filled in with the particular information relating to the specific vehicle or aircraft whose return is being requested.

I have the honor to propose that this understanding be treated as an integral part of the Treaty.

I would be grateful if you would confirm that this understanding is shared by the Government of the Republic of Guatemala.


Donald J. Planty
Ambassador

Ministerio de Relaciones Exteriores
Guatemala, C. A.

Guatemala, October 6, 1997

Excellency:

I have the honor to refer to your note of today's date concerning the Treaty between the Government of the Republic of Guatemala and the Government of the United States of America for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft. That note reads as follows:

"Excellency:

I have the honor to refer to the Treaty between the Government of the United States of America and the Government of the Republic of Guatemala for the Return of Stolen, Robbed, Embezzled or Appropriated Vehicles and Aircraft, signed this date.

Article 6 of the Treaty sets forth the documents that the Requesting Party shall include in a request for the return of a vehicle or aircraft. Paragraph 6 of Article 6 provides that all such documents "shall be accompanied by an appropriate translation".

His Excellency
Donald J. Planty
United States Ambassador to the
Republic of Guatemala
Guatemala City

*Ministerio de Relaciones Exteriores
Guatemala, C. A.*

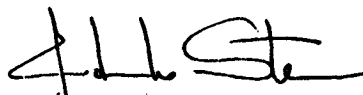
It is the understanding of the Government of the United States of America, that, for purposes of this Article, the Government of the Republic of Guatemala will consider that an "appropriate translation" will include forms in which the standard language in title or registration documents originating in the United States of America has been translated into Spanish in generic fashion, with appropriate blanks to be filled in with particular information relating to the specific vehicle or aircraft whose return is being requested.

I have the honor to propose that this understanding be treated as an integral part of the Treaty.

I would be grateful if you would confirm that this understanding is shared by the Government of the Republic of Guatemala".

I have the further honor to confirm, on behalf of my Government, that the Government of the Republic of Guatemala shares the understanding of the Government of the United States of America on this matter, and that this understanding shall be treated as an integral part of the Treaty.

Accept, Excellency, the renewed assurances of my highest and most distinguished consideration.


Minister de Relaciones Exteriores