

TREATY WITH HONDURAS FOR RETURN OF STOLEN,
ROBBED, AND EMBEZZLED VEHICLES AND AIR-
CRAFT, WITH ANNEXES AND EXCHANGE OF NOTES

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
HONDURAS FOR THE RETURN OF STOLEN, ROBBED, OR EMBEZZ-
LED VEHICLES AND AIRCRAFT, WITH ANNEXES AND A RE-
LATED EXCHANGE OF NOTES, SIGNED AT TEGUCIGALPA ON NO-
VEMBER 23, 2001



SEPTEMBER 5, 2002.—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

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *September 3, 2002.*

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 Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001. 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. Like several in this series, this Treaty also covers aircraft. 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, or embezzled and found in Honduras.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH.

LETTER OF SUBMITTAL

THE SECRETARY OF STATE,
Washington, August 4, 2002.

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 Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft (“the Treaty”), with Annexes and a related exchange of notes, signed at Tegucigalpa on November 23, 2001. 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 or aircraft that are registered, titled or otherwise documented (or, in the case of aircraft, manufactured) in the territory of one Party; stolen, robbed, or embezzled in the territory of that Party or from one of its nationals; and found in the territory of the other Party. The United States currently has three such treaties in force, with Mexico, Panama and the Dominican Republic. 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”) entered into force in 1983. The treaties with Panama and the Dominican Republic, which entered into force in 2001, are two of five similar treaties to which the Senate gave advice and consent in October 2000. The other three treaties are still awaiting entry into force. The Treaty with Honduras is very similar to the five recent treaties, all of which, in turn, contain provisions similar to those in the U.S.-Mexico Treaty. At the same time, the Treaty with Honduras, like the other more recent treaties, incorporate 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 other stolen vehicle and aircraft treaties, 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 and procedures, to return vehicles or aircraft that are registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of one Party; stolen, robbed, or embezzled in the territory of that Party or from one of its nationals; and found in the territory of the other Party.

Article 3 provides the Treaty's notification requirements. Article 3(1) requires that whenever the police, customs, or other authorities of a Party impound or seize 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 must, within 30 days of such impoundment or seizure, notify the Embassy of the other Party in writing that its authorities have custody of the vehicle or aircraft. Pursuant to Article 3(2), in the case of vehicles, this notification must include all available identifying information about the vehicle listed in Annex 1 to the Treaty. Pursuant to Article 3(3), in the case of aircraft, this notification must include all available identifying information about the aircraft listed in Annex 2 to the Treaty. Annexes 1 and 2 contain the information the Parties agreed would be sufficient to develop a reliable and complete identification of the vehicle or aircraft.

Article 4 requires authorities who have impounded or seized a vehicle or aircraft that they have reason to believe is registered, titled, or otherwise documented in the territory of the other Party (or, in the case of aircraft, manufactured in the territory of the other Party), to promptly place it in a storage area and to take reasonable steps regarding its safekeeping, including those necessary to prevent 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 3.

Article 5 prescribes the form and content of requests for return of vehicles and aircraft under the Treaty. Article 5(1) provides that after a Party has received a notification pursuant to Article 3, it may submit a request for the return of the vehicle or aircraft. Article 5(2) requires the request to be transmitted under seal of a consular officer of the Requesting Party and to follow the form appended in Annex 3 (for vehicles) or Annex 4 (for aircraft) to the Treaty. The request must be transmitted under cover of a note to the foreign ministry of the Requested Party.

Requests must include certified copies of documents listed in Article 5(3) (for vehicles) or Article 5(4) (for aircraft). Pursuant to Article 5(5) all documents referenced in Article 5 must be accompanied by an appropriate translation. An exchange of notes accompanying the Treaty memorializes the Parties' understanding that an "appropriate translation" includes 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 relating to the specific vehicle or aircraft whose return is being requested. No further legalization or authentication of documents may be required by the Requested Party. Article 5(6) notes that the Requested Party may waive the translation requirements of Article 5(5).

Under Article 6, a Party that has learned outside of the Article 3 notification process that the authorities of the other Party may have impounded, seized, 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 note to the foreign ministry of the other Party, seek official confirmation of this and may request the other Party to provide notification pursuant to Article 3. If a notification is requested, 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 as described in Article 5.

Article 7 details the procedures for a Requested Party's review of a request. Article 7(1) requires that, except as provided in Article 8, the Requested Party must determine, within 30 days of receiving a request for the return of a stolen, robbed, or embezzled vehicle or aircraft, whether the request meets the requirements of the treaty and notify the Embassy of the requesting Party of its determination. Article 7(2) requires the Requested Party, within 15 days of a determination by it that a request for return meets the requirements of the Treaty, to make the vehicle or aircraft available to the person identified in the request for return as the owner of the owner's authorized representative. The vehicle or aircraft must remain available for such person to take delivery for at least 60 days. The Requested Party is also required to take necessary measures to permit the owner of 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 7(3) it must provide written notification to the Embassy of the Requesting Party, including the grounds for its decision. Article 7(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, and that such request must be submitted within 60 days of the date of notification of denial.

Article 8 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 8(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 pursuant to the Treaty will be effected when its presence is no longer required for purposes of that investigation or prosecution. However, the Requested Party is required to take all practicable measures consistent with its domestic law to assure that substitute pictorial or other evidence is used whenever possible in such investigation or prosecution so that the vehicle or aircraft may be returned as soon as possible.

Article 8(2) provides that if the ownership or custody of a vehicle or an aircraft whose return is requested is at issue in a pending judicial action in the territory of the Requested Party, its return pursuant to the Treaty will be effected at the conclusion of that judicial action. However, 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, the Requested State has no obligation to return the vehicle or aircraft under the Treaty.

Article 8(3) states that a Party has no obligation under the Treaty to return a requested vehicle or aircraft if such 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 because it represents the proceeds of such a crime. However, the Requested Party may not forfeit the vehicle or aircraft without giving the owner or the owner's authorized representative reasonable advance notice and an opportunity to contest such forfeiture in accordance with the laws of that Party.

Under Article 8(4), a Party will have no obligation under the Treaty to return a stolen, robbed, or embezzled vehicle or aircraft if no request for return is received within 60 days of receipt of notification made pursuant to Article 3.

Article 8(5) requires the Requested Party to notify the Embassy of the Requesting Party in writing within 30 days of receipt of a request for return if the return of a stolen, robbed, or embezzled vehicle or aircraft is postponed pursuant to Article 8.

Article 9 addresses expenses associated with the return of vehicles and aircraft under the Treaty. 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 9(2) provides that reasonable expenses incurred in the return of a vehicle or aircraft in accordance with the Treaty, including towing costs, storage costs, maintenance costs, transportation costs, and costs of translation of documents required under the Treaty, are to be borne by the person seeking the return and are to be paid prior to the return of the vehicle or aircraft. Under Article 9(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 to maintain it in the condition in which it was found. However, the person seeking the return of a 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 9(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 is entitled to compensation from the Requested Party for damages sustained while the vehicle or aircraft was in the custody of the Requested Party.

Article 10 provides that the mechanisms for the recovery and return of stolen, robbed, or embezzled vehicles or aircraft under the Treaty are in addition to those available under the laws of the Requested Party. It also states that nothing in the Treaty will prejudice any rights for the recovery of stolen, robbed, or embezzled vehicles or aircraft under applicable domestic law.

Article 11 states that any differences regarding the interpretation or application of the Treaty are to be resolved through consultations between the Parties. Article 12(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 12(2) declares that the attached Annexes are an integral part of the Treaty. Article 12(3) provides that either Party may terminate the Treaty upon a minimum of six months written notification. Notification of termination must be made through diplomatic channels, and termination does not affect requests for return that are pending when said termination takes effect.

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

Respectfully submitted,

COLIN L. POWELL.

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

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

Recognizing that illicit traffic in stolen, robbed, or embezzled vehicles and aircraft is a serious problem that has worsened in recent years;

Conscious of the difficulties faced by legitimate owners in seeking to recover actual possession of vehicles and aircraft stolen, robbed, or embezzled in the territory of one Party that are recovered in the territory of the other Party;

Considering that both parties wish to eliminate those difficulties and to regularize procedures that permit and expedite the recovery and return of such vehicles and aircraft; and

Desiring to broaden and strengthen their cooperation for the detection, recovery, and return of such vehicles and aircraft by all possible means;

Have agreed as follows:

Article 1

For purposes of this Treaty:

- (1) A "vehicle" means any automobile, truck, bus, motorcycle, motorhome, trailer, 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 violence, intimidation, or use of force.
- (4) A vehicle or aircraft shall be considered "embezzled" 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 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 pursuant to the law.
- (6) All references to "days" shall mean calendar days.
- (7) The "Requesting Party" shall mean the Party requesting the return of the vehicle or aircraft.
- (8) The "Requested Party" shall mean the Party to which the request for return is directed.

Article 2

Each Party agrees to return, in accordance with the terms and procedures of this Treaty, vehicles or aircraft that meet the following requirements:

- (1) that are registered, titled, or otherwise documented (or, in the case of aircraft, manufactured) in the territory of the other Party;
- (2) that are stolen, robbed, or embezzled in the territory of the other Party or from one of its nationals; and
- (3) that are found in the territory of the first Party.

Article 3

1. Whenever police, customs, or other authorities of a Party impound or seize 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 such impoundment or seizure, notify, in writing, the Embassy 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 identifying information about the vehicle listed in Annex 1.
3. In the case of aircraft, such notification shall include all available identifying information about the aircraft listed in Annex 2.

Article 4

Authorities of a Party who have impounded or seized 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 its safekeeping, 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 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 3;
- (2) A determination is made in accordance with Article 7(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 7(3);
- (3) The vehicle or aircraft has not been retrieved, within the time period stated in Article 7(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 7(2); or
- (4) There is no obligation under this Treaty, pursuant to Article 8(2) or Article 8(3), to return the vehicle or aircraft.

Article 5

1. After a Party receives a notification made pursuant to Article 3, that Party may submit a request for the return of the vehicle or aircraft.

2. The request for return shall be transmitted under seal of a consular officer of the Requesting Party and shall follow the form appended in Annex 3 (for vehicles) or Annex 4 (for aircraft). The request shall be transmitted under cover of a note to the foreign ministry of the Requested Party.

3. In cases involving vehicles, a request shall be made only after receipt by the consular officer of 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;
- (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 or embezzlement of the vehicle, the owner at the time of the theft, robbery or embezzlement has transferred ownership to a third party;
- (e) The report of the theft, robbery, or embezzlement issued by a competent authority of the Requesting Party. In the event that the theft, robbery, or embezzlement 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, or embezzlement 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 be made only after receipt by the consular officer of 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;
- (c) Documentation that establishes the transfer of ownership of the aircraft, if subsequent to the theft, robbery or embezzlement of the aircraft, the owner at the time of the theft, robbery or embezzlement has transferred ownership to a third party;
- (d) The report of the theft, robbery, or embezzlement issued by a competent authority of the Requesting Party. In the event that the theft, robbery, or embezzlement is reported by the victim to the competent authority after the aircraft 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, or embezzlement 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 his legal representative, authorizing that person to recover the aircraft.

5. 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.
6. The Requested Party may waive the translation requirements of paragraph 5.

Article 6

If a Party learns, through means other than a notification made pursuant to Article 3, that the authorities of the other Party may have impounded, seized, 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 note to the foreign ministry of the other Party, seek official confirmation of this and may request the other Party to provide the notification described in Article 3, 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 5.

Article 7

1. Except as provided in Article 8, the Requested Party shall, within 30 days of receiving a request for the return of a stolen, robbed, or embezzled 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 Embassy of the Requesting Party of its determination.
2. If the Requested Party determines that the request for the return of a stolen, robbed, or embezzled 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 60 days. The Requested Party 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 Embassy of 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 shall notify the Requesting Party that it has been given a single opportunity to resubmit the request, and that such request must be submitted within 60 days of the date of notification of denial.

Article 8

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 consistent with its domestic law 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 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 advance notice and an opportunity to contest such forfeiture in accordance with the laws of that Party.

4. A Party shall have no obligation under this Treaty to return a stolen, robbed, or embezzled vehicle or aircraft if no request for return is received within 60 days of receipt of a notification made pursuant to Article 3.

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

Article 9

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, 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 10

The mechanisms for the recovery and return of stolen, robbed, or embezzled 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 prejudice any rights for the recovery of stolen, robbed, or embezzled vehicles or aircraft under applicable domestic law.

Article 11

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

Article 12

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

2. The annexes attached hereto shall be considered an integral part of the Treaty.

3. This Treaty may be terminated by either Party upon a minimum of six months written notification. Notification of termination shall be made through diplomatic channels. Termination shall not affect requests for return that are pending when said termination takes effect.

DONE at Tegucigalpa, this 23rd day of November 2001, in duplicate, in the English and Spanish languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:**


FRANK ALMAGUER
United States Ambassador
to Honduras

**FOR THE GOVERNMENT OF
THE REPUBLIC OF HONDURAS:**


TOMAS ARITA VALLE
Acting Foreign Minister
Ministry of Foreign Relations

ANNEX 1

**IDENTIFYING INFORMATION REGARDING VEHICLES TO BE PROVIDED IN
A NOTIFICATION MADE PURSUANT TO ARTICLE 3**

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.
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 3**

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.
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,
OR EMBEZZLED VEHICLE**

The Embassy 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 Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft:

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

The Embassy 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)

Complimentary closing
Place and date
Attachments

ANNEX 4

**REQUEST FOR THE RETURN OF A STOLEN, ROBBED,
OR EMBEZZLED AIRCRAFT**

The Embassy 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 Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft:

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

The Embassy 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)

Complimentary closing
Place and date
Attachments -

No. 180

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 Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, signed this date.

Article 5 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 5 of Article 5 provides that all such documents "shall be accompanied by an appropriate translation."

It is the understanding of the Government of the United States that, for purposes of this Article, the Government of Honduras will consider that an "appropriate 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

DIPLOMATIC NOTE

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 Honduras.

FLA



Embassy of the United States of America

Tegucigalpa, M.D.C.,

November 23, 2001.

Mister Tomas Arita Valle
Acting Foreign Minister
Ministry of Foreign Relations

[U.S. Department of State
Office of Language Services
Translating Division]

[LS No. 07-2002-0015
KFC/JF
Spanish]

**Ministry of Foreign Relations of the
Republic of Honduras**

No. 255-DT

Tegucigalpa, M.D.C., November 23, 2001

His Excellency Frank Almaguer
Ambassador of the United States to Honduras
Tegucigalpa

Excellency:

I have the honor to refer to your note of this date concerning the Treaty between the Government of the United States of America and the Government of the Republic of Honduras for the Return of Stolen, Robbed, or Embezzled Vehicles and Aircraft, which reads as follows:

[The Spanish translation of Ambassador Almaguer's note of November 23, 2001, agrees in all substantive respects with the original English text.]

I have the honor to confirm, on behalf of my government, that the Government of the Republic of Honduras shares the understanding of the Government of the United States in this regard, and that it shall be treated as an integral part of the Treaty.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signature]
Tomás Arita Valle
Acting Foreign Minister

[Ministry stamp]

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