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## FEATURED Q&A

# Will a Panel Find the Truth About Mexico's Missing 43?



Mexican President Andrés Manuel López Obrador ordered the creation of a truth commission to investigate the case of the 43 students who went missing in 2014. // File Photo: Mexican Government.

**Q** On his second full day in office, Mexican President Andrés Manuel López Obrador ordered the creation of a truth commission to re-examine the case of the 43 students who disappeared in 2014 in Guerrero State, vowing no impunity for the perpetrators. The commission's members will include relatives of the missing students, their advocates and government officials. What is the significance of López Obrador's decision in his first days as president? Is he going about the re-investigation in the best way possible? What is the commission likely to find, and what consequences will the truth commission's ultimate findings have on Mexican policy?

**A** Andrés Rozental, member of the Advisor board, president of Rozental & Asociados in Mexico City and senior policy advisor at Chatham House: "The Mexican president made naming an Ayotzinapa truth commission a campaign promise, alleging that the Peña Nieto administration had botched its own investigation into the student disappearances and probably covered up the responsibilities of military, police and government officials for the events in Guerrero. Given that more than four years have passed since the incident and details of what happened during and after the assault remain unclear, the previous government's investigation concluded that once the 43 students were forcibly taken into custody, they were handed over to a local crime syndicate and presumably killed. The students' parents always disputed and public opinion strongly questioned this official version from the Mexican government. In September 2015, the results of a six-month

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## Cuba's National Assembly Approves New Constitution

The new charter is to replace the country's Cold War-era one. A public vote on the new constitution is scheduled for February.

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## Venezuelan Navy Halts ExxonMobil Vessel Off Guyana

A Venezuelan navy ship intercepted the oil exploration vessel in Guyanese waters, 90 miles from the countries' border, Guyana's government said.

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### POLITICAL

## Son of Brazil's Bolsonaro Ordered to Explain Funds

Brazilian prosecutors ordered Senator-elect Flávio Bolsonaro, the son of Brazilian President-elect Jair Bolsonaro, to explain the origin of 1.2 million reais (\$310,575) that flowed through his former driver's bank account.

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Flávio Bolsonaro // File Photo: @FlavioBolsonaro via Twitter.

## POLITICAL NEWS

## Brazilian Prosecutors Order Bolsonaro's Son to Explain Funds

Brazilian prosecutors on Friday ordered President-elect Jair Bolsonaro's son Flávio to explain the origin of suspicious deposits in the bank account of his former driver, O Estado de S.Paulo reported. The driver, Fabrício Queiroz, for years was on the payroll of Flávio Bolsonaro, who this year was elected to Brazil's Senate and is to take office in February. State prosecutors in Rio de Janeiro want the senator-elect to explain why 1.2 million reais (\$310,575) flowed through Queiroz's bank account from 2016 to 2017, Reuters reported. The money included payments to Jair Bolsonaro's wife, Michelle. Queiroz was scheduled to meet with investigators on Friday but failed to show up. He also missed a meeting with prosecutors

### SUBSCRIBER NOTICE

In observance of the Christmas and New Year's holidays, the Latin America Advisor will next be published on Jan. 2, 2019. We wish our readers a happy holiday season and a prosperous new year.

last Wednesday, citing health problems. The president-elect has said that the payment to his wife was a repayment of a personal loan the Queiroz had received. Bolsonaro, who takes office as president on Jan. 1, said that if he made a mistake by not declaring the payment from Queiroz, he would clear it up with tax authorities. Both the president-elect and his son have denied wrongdoing. Flávio Bolsonaro has said Queiroz had given him a "plausible" explanation for the money's origin, adding that any insinuations of wrongdoing amounted to an effort to destabilize the Bolsonaro family. Other people on Flávio Bolsonaro's payroll during his time as a Rio de Janeiro state legislator, including Queiroz's daughter, made payments to Queiroz's bank account, according to Brazil's Council for Financial Activities Control. Reuters was unable to reach Fabrício Queiroz for comment.

## Cuba's National Assembly Approves New Constitution

Cuba's National Assembly on Saturday gave unanimous approval to the country's new constitution, a 229-article charter that is to replace the one that was adopted during the Cold War, Reuters reported. The new constitution retains

## NEWS BRIEFS

## Colombian Military Kills FARC Dissident

Colombian President Iván Duque said Friday that the country's armed forces had killed a dissident of the former Revolutionary Armed Forces of Colombia, or FARC, rebel group that had murdered three Ecuadorean media workers earlier this year, El Tiempo reported. Walter Arizala, known as Guacho, was shot in a police and military operation near the Colombia-Ecuador border. Arizala was accused of drug trafficking, extortion and homicide.

## U.N.-Backed Panel Urges Britain to Allow Assange to Leave Embassy

A United Nations-backed working group on arbitrary detention on Friday urged British authorities to allow WikiLeaks founder Julian Assange to leave the Ecuadorean embassy in London without fear of arrest or extradition, saying Assange had been illegally held without charge, Reuters reported. Britain says Assange, who took refuge at the embassy in 2012 while facing since-dropped rape accusations in Sweden, will be arrested for skipping bail if he leaves the building.

## Brazilian Judge Again Lifts Injunction against Boeing-Embraer Deal

A Brazilian judge on Friday again overturned the injunction that froze aircraft manufacturer Embraer's joint venture deal with Chicago-based Boeing, continuing a judicial back-and-forth blocking and unblocking the proposed sale of 80 percent of Embraer's commercial aviation unit, Reuters reported. Federal Judge Therezinha Cazerta suspended a ruling that had suspended the sale earlier last week after Brazil's solicitor general requested a review, saying the decision to halt the sale was government overreach into the free market and would hurt the economy.

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investigation by a panel of experts assembled by the Inter-American Commission on Human Rights stated that the government's claim that the students were killed in a garbage dump because they were mistaken for members of a drug gang was 'scientifically impossible' given the setting's conditions. Pathology tests in Austria never conclusively proved that the students were burned in the garbage dump, nor was it possible for the OAS Commission to come to a final conclusion about what exactly occurred. Therefore, it seems quite unlikely that any new investigative body—including the truth commission announced by López Obrador

and whomever is appointed to it—will be able to positively discover and finally lay to rest the facts behind the disappearance of the 43 students in Ayotzinapa."



**Eduardo Bohórquez, executive director of Transparencia Mexicana:** "Four years have passed

since the disappearance of the 43 students, and contradictory accounts of events are still prevalent in the public narrative. Authorities have continually denied analyses by leading human rights organizations on the matter. Thus, the creation of a truth commission is a welcome policy. More

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Cuba's one-party system and keeps the Communist Party paramount, according to state-run media. However, it also reportedly acknowledges economic openings. The new charter, which is to be put up for a public vote in a Feb. 24 referendum, legitimizes private businesses, acknowledges the importance of investment from abroad and allows the possibility of same-sex marriage, state-run media reported. An article that recognized marriage as the union of two people, rather than between a man and a woman, was recently removed. However, the new draft removes the definition of marriage altogether, opening the possibility of same-sex unions, but not giving it the status of marriage, Reuters reported. Instead, Cuba's government has said it will update the country's family code and put it before voters in a referendum in two years. The new constitution also imposes term limits and age limits on Cuba's presidency and establishes a position of prime minister. Critics of the government say the fundamentals of Cuba's system were never up for discussion. [Editor's note: See related [Q&A](#) in the Aug. 3 issue of the Advisor.]

## BUSINESS NEWS

### Venezuelan Navy Halts ExxonMobil Vessel Off Guyana

A Venezuelan navy ship on Saturday morning intercepted an ExxonMobil-operated oil exploration vessel in Guyanese waters, renewing a century-old border dispute between the two countries, The Wall Street Journal reported. Guyana's government said the vessel, which Norwegian company Petroleum Geo-Services, or PGS, owns, was stopped roughly 90 miles from the nations' internationally recognized border. The vessel had been collecting 3-D seismic data required for drilling activities and immediately stopped work and left with its 70 crew members, Exxon and PGS said, without providing further details about the encounter. "The Ministry of Foreign Affairs rejects this illegal, aggressive and hostile act," Guyanese Foreign Minister Carl Greenidge said in a state-

## TECHNOLOGY BRIEFS

### Piñera Launches Chile's Science & Tech Ministry

Chilean President Sebastián Piñera on Dec. 18 launched the country's Science, Technology, Knowledge and Innovation Ministry, Notiamérica reported. The new ministry aims to "prepare our society to be able to seek and achieve better quality of life," Piñera said at the inauguration event. Piñera said Chile only allocates roughly 0.4 percent of GDP to science and technology, about one-half of what other countries belonging to the Organization for Economic Cooperation and Development, or OECD, invest in those sectors. Additionally, there is only one researcher for every 1,000 people, seven times fewer than in OECD nations, the president said. Andrés Couve, a former professor of the neuroscience department at Universidad de Chile and director of Instituto Milenio de Neurociencia Biomédica, will head the ministry, La Tercera reported.

### Itaú Completes Loan Through Blockchain Platform

Brazil's Itaú Unibanco in early December completed the first-ever club loan through a blockchain platform in Latin America, Reuters reported. The bank's \$100 million proof-of-concept loan, which Standard Chartered and Wells Fargo provided, used the R3 Corda Connect blockchain platform. Although the test clears the way for other Latin American lenders to try the financial technology, many challenges remain. Among them is "educating the business area to use upcoming technology" and switching well-known technology with blockchain-friendly software and hardware, said Ricardo Nuno, managing director for treasury at Itaú.

### 4G Connections to Surpass 3G by Next Year: Report

4G networks are set to take over 3G technology in Latin America by the end of 2018, according to a study by GSMA released in early December, the Associated Press reported. The majority of the region's connections will be 4G by the end of December, or 38 percent, up 30 percentage points from 2015, the study said. In terms of reach, 4G connections will supply 82 percent of Latin America's population. 4G networks are expected to make up nearly two-thirds of total connections by 2025, with the region's first 5G networks expected to connect individuals in Brazil and Mexico. While more than two-thirds of the Latin American population is now connected to a mobile network, mobile subscribers vary widely depending on the country. Argentina, Chile and Uruguay are approaching full coverage, while Guatemala, Honduras and Nicaragua have stalled behind, the AP reported.

ment, The Wall Street Journal reported, adding that Venezuela was "the real threat to Guyana's economic development." In the past three years, an Exxon-led consortium has discovered an estimated five billion barrels of crude reserves offshore Guyana, resurfacing a century-old border dispute between Georgetown and Caracas, with Venezuelan claiming two-thirds of Guyanese territory. The incident occurred hours after Guyana's coalition government lost

a no-confidence vote in Congress, meaning the country will hold early presidential elections in March, all while President David Granger battles cancer, The New York Times reported. Critics of Granger's administration say the government has been too generous to foreign oil partners as Guyana prepares to become an oil producer by 2020. [Editor's note: See related [Q&A](#) in the Sept. 21 issue of the weekly Energy Advisor.]

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than 30 countries have implemented truth commissions aimed at clarifying situations relating to heinous human rights abuses. Some of the most successful examples have taken place in Argentina and post-Apartheid South Africa. Whether it will work in Mexico will depend largely on its implementation. The inclusion of the victims' families in the commission is positive. However, civil society representation is necessary for the commission to be truly effective. There is also a need for civic oversight during this process to ensure transparency and integrity, which includes transparency in the methods used and resources employed, integrity in the actions taken and openness in the results. Given how painful these events were for the country as a whole, it is also key to involve and inform the public throughout the process. We must also be aware that there are national circumstances that could affect the functioning of the commission. These include debates over the attorney general's independence, as well as larger questions over the new government's move toward police militarization, which leading figures in academia and human rights organizations have sharply criticized. In addition, the commission will only be truly successful if it results in an agenda of institutional reform."

**A** **Ximena Medellín, professor and researcher in the judicial studies division at Centro de Investigación y Docencia Económicas (CIDE) in Mexico:** "The commission on the Ayotzinapa case, established in recent weeks by the federal government, is an ad hoc institutional mechanism that formally aims to exercise the rights of victims within the framework of a criminal procedure that has been developing for more than four years without satisfactory results so far. In reality, there are few guarantees

of effectiveness for the new commission, which is why following up on its work, as well as its linking it to a complex criminal procedure design, will be indispensable. The new administration's political will to advance the rights of victims with the support of an interdisciplinary body is only the first

“**In reality, there are few guarantees of effectiveness for the new commission...**”

— Ximena Medellín

step. The procedural labyrinth that often boggles the effective exercise of the rights of victims in Mexico can be an obstacle that frustrates even the best of intentions. In contrast, if this commission succeeds as a new mechanism in this particular case, it will be able to generate a good precedent for future cases that will benefit the rights of thousands of victims that await justice in Mexico. In any case, the proliferation of agencies and bodies related to the criminal investigation of just one event is concerning. The coexistence of this commission with the group established by the Inter-American Commission on Human Rights, the National Commission on Human Rights or the (future) investigative commission ordered by a court, could lead to the reduction of Mexican ministerial authorities' responsibilities, to the detriment of victims' rights to truth and access to justice."

*The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta at [gkuleta@thedialogue.org](mailto:gkuleta@thedialogue.org).*

## LATIN AMERICA ADVISOR

is published every business day by the Inter-American Dialogue, Copyright © 2018

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Latin America Advisor is published every business day, except for major U.S. holidays, by the Inter-American Dialogue at 1155 15th Street NW, Suite 800 Washington, DC 20005

[www.thedialogue.org](http://www.thedialogue.org)

ISSN 2163-7962

Subscription inquiries are welcomed at [freetrial@thedialogue.org](mailto:freetrial@thedialogue.org)

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