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FEATURED Q&A

Will Guatemala's New Justices Serve the Country Well?



Justices of Guatemala's Constitutional Court (pictured) are among the judicial officials that are being selected this year in the Central American country. // File Photo: Guatemalan Government via Wikimedia Commons [PDM 1.0](#).

Q Guatemala on March 11 completed its selection process for its Constitutional Court. The election process, in which Guatemala's president, Supreme Court of Justice, Congress, University of San Carlos and bar association select magistrates, is part of a judicial overhaul this year that also includes a new formulation of the Supreme Electoral Tribunal and replacement of the attorney general. What are the most significant changes on the Constitutional Court, and what can be expected of its new magistrates? What are the most important decisions that are likely to come before the court? What are the most important developments from the selection of the Supreme Electoral Tribunal on March 10, and what can Guatemalans expect in the selection of the attorney general in May as incumbent Consuelo Porras, who is under U.S. sanctions, sees her term come to an end?

A Salvador Paiz, president of Guatemala Visible: "Guatemala's judicial overhaul, while imperfect, has kept organized crime at bay—so far. The TSE process attracted a record 181 applicants, a testament to civic vitality. But the nominating commission failed at its core mandate: It rubber-stamped candidates as 'honorable' without serious interviews, background checks or merit-based evaluation—a failure that must not set a precedent. The new magistrates now face an urgent challenge: organizing the 2027 elections in less than a year, with no electoral computer system, demoralized voting table volunteers and a widely criticized 2016 electoral law. Immediate corrective action is essential. The Constitutional Court's five selection procedures attracted 204 candidates. Some newly designated magistrates lack the

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TODAY'S NEWS

POLITICAL

Maduro, Wife Appear in U.S. Court Over Fees

Ousted Venezuelan President Nicolás Maduro and his wife, Cilia Flores, on Thursday made their first court appearance since January to ask a judge to allow Venezuelan government funds to be used for their defense.

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ECONOMIC

Tanker, Natural Causes Eyed in Mexico Oil Spill

An oil tanker in the area and natural causes are likely to blame for an oil spill off Mexico's coast, officials said Thursday.

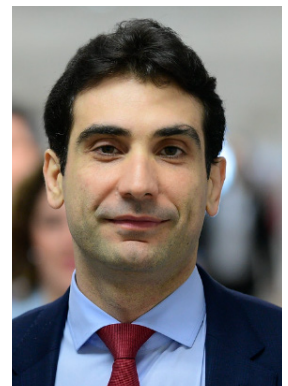
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ECONOMIC

Brazilian Central Bank Opposes Credit Card Rate Caps: Galípolo

Brazil's central bank opposes caps on credit card interest rates but is looking into alternative forms of credit for consumers, central bank chief Gabriel Galípolo said Thursday.

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Galípolo // File Photo: Agência Senado via Flickr [CC BY 2.0](#).

POLITICAL NEWS

Maduro, Wife Appear in U.S. Court in Hearing Over Fees

Ousted Venezuelan President Nicolás Maduro and his wife, Cilia Flores, on Thursday made their first appearance in a New York courtroom since their arraignment in January, with their lawyers asking a federal judge to throw out their case because the U.S. government has barred them from using Venezuelan government funds for their defense, Reuters reported. The couple's lawyers said their inability to use Venezuelan public funds is interfering with their right to choose their own legal counsel and that they cannot afford to pay for their defense independently, the wire service reported. The U.S. government is barring such a transfer of funds because of U.S. sanctions against Venezuela, the Associated Press reported. Prosecutor Kyle Wirshba told Judge Alvin Hellerstein that U.S. sanctions against Venezuela were in place because of U.S. foreign policy and national security interests, Reuters reported. However, the judge appeared skeptical of that argument. Hellerstein questioned why the United States is continuing to bar the transfer of funds as relations between the two countries have warmed since U.S. military forces deposed Maduro in an early morning raid on Jan. 3, the AP reported. Hellerstein did not indicate when he would rule on the matter. Since Maduro's deposal, the United States and Venezuela have re-established diplomatic relations, the U.S. government has sent a chargé d'affaires to Venezuela and has also eased sanctions on Venezuela's oil sector. "We have changed the situation in Venezuela," Hellerstein said, the AP reported. "The current paramount goal and need and constitutional right is the right to defense," he added. In a 25-page indictment, U.S. prosecutors accuse Maduro and associates of conspiring with drug cartels and members of Venezuela's military to aid in the shipment of thousands of tons of cocaine to the United States, the AP reported. Maduro and Flores are also accused of ordering killings, beatings and

kidnappings of people who owed them drug money or sought to undermine their activities. Maduro and Flores have pleaded not guilty and deny the allegations against them. Outside the courthouse in Manhattan, both supporters and opponents of Maduro gathered and chanted, blew horns and beat drums, the AP reported. Among the signs criticizing Maduro was one reading "Maduro rot in prison," and among the supporters, some held signs reading "Free President Maduro," the AP reported.

ECONOMIC NEWS

Tanker, Natural Causes Eyed in Mexico Oil Spill

Mexican officials on Thursday said an oil spill in the Gulf of Mexico that environmental groups have described as a serious disaster was caused by a combination of natural causes and a petroleum tanker whose identity has yet to be determined, Reuters reported. Admiral Raymundo Morales, the chief of Mexico's navy, said any one of 13 ships that passed through the area could have contributed to the oil spill that has caused petroleum products to wash up on the shores of Tabasco, Veracruz and Tamaulipas states in recent weeks, the wire service reported. Four of the vessels are currently under inspection by the Mexican navy, but the other nine are now in international waters, Morales added. Two natural sources of submarine oil leakage have also contributed to the effects of the spill, the Associated Press reported. Mexican Environment Secretary Alicia Bárcena told reporters on Thursday that the spill has been relatively contained thus far, saying, "We have not detected severe environmental damage," the AP reported. At least six species of sea turtles, birds and fish have been contaminated by the oil spill, the AP reported. Mexico's navy is coordinating with state-run oil firm Pemex to deploy marine barriers that can protect some wildlife and beaches from further damage, Morales said. Pemex has yet to rule out the structural failure of one of its underwa-

NEWS BRIEFS

Costa Rica to Accept 25 Migrants Deported From U.S. Per Week

Costa Rica's government said Thursday that it would accept 25 deported migrants per week from the United States under a "third country" arrangement with the administration of U.S. President Donald Trump, the Associated Press reported. Costa Rica's government signed an agreement for the transfers on Monday during a visit by U.S. special envoy Kristi Noem. Costa Rica can accept or reject proposed transfers of non-citizens, officials said.

Mexican Navy Searching For Two Missing Vessels From Cuban Aid Convoy

Mexico's navy said Thursday that it is executing a search-and-rescue mission to locate two sailboats carrying humanitarian aid to Cuba that have gone missing, Reuters reported. The sailboats, which are part of an aid convoy organized by nongovernmental grassroots activist group Nuestra América, left Cancún on March 21 and were scheduled to arrive in Havana by Wednesday. "The captains and crews are experienced sailors ... [we] remain confident in the crews' ability to reach Havana safely," Nuestra América told Reuters on Thursday.

Cuba Asks Vatican to Facilitate Talks With U.S.

Cuba's government has directly petitioned high-level representatives from the Vatican, including Pope Leo XIV, to facilitate talks with the administration of U.S. President Donald Trump aimed at resolving the ongoing U.S.-Cuba standoff, The Washington Post reported today, citing multiple unnamed sources close to the matter. Cuba has increasingly suffered from major blackouts amid a de-facto U.S. energy embargo that has caused severe fuel shortages on the island, the newspaper reported.

ter rigs in the area of the spill, Reuters reported. The firm has not announced any reduction in operations at its upstream facilities in the Gulf of Mexico, where it pumps more than 1.5 million barrels of oil per day. [Editor's note: See related [Q&A](#) in the Feb. 27 issue of the weekly Energy Advisor.]

Brazil's Central Bank Opposes Credit Card Rate Caps: Galípolo

Brazil's central bank is opposed to caps on credit card interest rates but is looking into alternative forms of credit for consumers, central bank chief Gabriel Galípolo said Thursday at a press conference, Reuters reported. Household debt in Brazil is largely driven by balances on credit cards, whose interest rates sometimes exceed 400 percent when consumers do not pay their bills in full, Galípolo told reporters. However, he said he opposes rate caps. "I always stress that price controls tend to constrain supply as well. You may end up worsening the situation, because those already in debt would not benefit, and new borrowers could be shut out due to tighter credit supply," Galípolo said, Reuters reported. The central bank instead wants to provide alternatives that give consumers more beneficial choices on ways to access credit, he said, though he gave no details. Brazilian President Luiz Inácio Lula da Silva, who is seeking re-election in October, said Thursday that he has asked his new finance minister, Dario Durigan, to find alternative ways to ease consumer debt, Reuters reported. Opinion polls have shown Lula and his rival, Senator Flávio Bolsonaro, the son of former President Jair Bolsonaro, statistically tied in a potential runoff election. The Brazilian central bank's Pix electronic payment system has grown in popularity in recent years. The total number of transactions using Pix surpassed the total number of credit card and debit card transactions in Brazil in 2023, Reuters reported. [Editor's note: See related [Q&A](#) on Pix's popularity in e-commerce in the Feb. 25 issue of the biweekly Financial Services Advisor.]

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experience or seniority the court demands, yet the more consequential outcome is that civil society and independent oversight appear to have prevented criminal capture—a genuine win. The new Constitutional Court (from April 14) immediately faces legal challenges from each of these nominating committee processes—a first real test of independence. The attorney general selection remains the highest-stakes contest. With Porras' term ending May 17, the president receives a shortlist of six by April 17. Legal challenges already threaten the process. Guatemala needs not only an independent prosecutor beyond organized crime's reach, but one capable of ending the weaponization of criminal prosecution against political opponents—a pendulum the president has repeatedly promised to stop. All three processes underscore the urgency of institutional reform. Mature civil society dialogue free from political interference should guide the overhaul of both the Nominating Commissions Law and the flawed 2016 Electoral and Political Parties Law."

A **Todd D. Robinson, former U.S. assistant secretary of state for international narcotics and law enforcement affairs and member of the Inter-American Dialogue's Board of Directors:** "The biggest change is what did not change. The re-election of Roberto Molina Bareto and Dina Ochoa were significant blows to Guatemala's ongoing democratic development. Both magistrates have repeatedly shown their loyalty to recalcitrant economic elites or outright criminals. A third magistrate, Julia Marisol Rivera Aguilar, appears to also have a questionable past. The good news is that at least two of the five magistrates, Astrid Lemus and Annabella Morfin, are excellent choices with unquestionable character. Issues related to human rights abuses, criminal and judicial criminal conduct, as well as the conduct of public officials will surely come before the court. For one, is very likely that the conduct of

outgoing Attorney General Consuelo Porras and her team will end up before the court, as will corruption allegations surrounding former President Giammattei and legislation involving the role of the state in the economy and legal challenges involving upcoming elections. The new TSE magistrates were all selected under a questionable process, but the outcome could have been much worse. Irregularities surrounded the selection process as corrupt actors attempted to force their candidates onto the nominating list. Allegations of vote-buying left a cloud over the process and tarnished the names of those eventually selected. Most believe that President Arévalo's selection of a new attorney general will deliver the country from its current corrupt and punitive state. Porras will be remembered as one of the worst, most corrupt and incompetent attorneys general in Guatemala's history. President Arévalo is expected to eventually choose an attorney general who will repair much of the damage left by Porras and return the Public Ministry to its appropriate place in Guatemala's judicial system. None of this will be easy, and it is a good bet that corrupt forces will work to oppose whoever Arévalo chooses."

A **Juanita Goebertus Estrada, director of the Americas Division of Human Rights Watch:** "Two weeks ago, Guatemala finalized the composition of its new Constitutional Court—a meaningful step in a legal system where delays and political interference have often shaped judicial appointments. But this remains a fragile moment. The magistrates have yet to be sworn in, and the process could still be undermined. Legal challenges against the University of San Carlos' appointed judge, along with threats of criminal proceedings against the one elected by the bar association, risk undermining judicial independence. The court's composition suggests that no single bloc will control the institution. Unlike with the current composition of the court, that creates an opening for a more

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independent and impartial application of the law. What happens next will be decisive. If authorities allow the magistrates to take office and operate without interference, this could mark the beginning of a gradual rebuilding of the rule of law in Guatemala. The international community, particularly the United States, should make clear that any attempt to intimidate magistrates or manipulate the process will carry consequences—and that supporting an independent court is central to both Guatemala's democracy and U.S. interests."

A **Donald J. Planty, president of Planty & Associates and former U.S. ambassador to Guatemala:** "Guatemala critically needs public sector reform, especially in the judiciary, the public prosecutor's office and the security services. Institutional weakness has long inhibited the country's ability to deal effectively with national problems including corruption and organized crime. President Arévalo should be commended for his proposed reforms and the United States should strongly support these initiatives. It is critically important that the reforms give President Arévalo the power to change the public prosecutor, as the situation requires it. The semi-autonomy of the prosecutor's office

has in the past resulted in corruption and malfeasance, including the intimidation and prosecution of judges and journalists. The Supreme Electoral Tribunal should be modernized and further insulated from political pressures to ensure the continuance of free and fair elections. The court system also needs updating and judicial independence restored. The rule of law remains weak, and more than 90 percent of criminal cases go unresolved. The Guatemalan judiciary is a top-down system, meaning that the Supreme Court administers the entire judicial system. The system should be further professionalized with a more rigorous judicial selection process and training for new justices. The National Anti-Corruption Commission should be fortified and the National Integrity Strategy fully implemented. The Constitutional Court also needs strengthening so that it can provide more effective oversight of constitutional principles. Guatemala's entrenched network of political and economic elites must stop opposing reform and come to the realization that more effective, less corrupt public institutions are essential for the future development of the country."

The Advisor welcomes comments on its Q&A section. Readers can write editor Gene Kuleta.

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