



Centro de Derechos Humanos Fray Bartolomé de Las Casas, AC

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Release of David Potenciano Torres, Torture Survivor

The Fray Bartolomé de Las Casas Human Rights Center (Frayba) announces the release of David Potenciano Torres (henceforth David), arbitrarily deprived of his liberty and subjected to torture by authorities of the Specialized Attorney Against Organized Crime on May 25th 2011 so that he would confess to the murder of rancher Pedro Fonz Ramos.

After seven months in detention, in which Frayba documented acts of torture as well as violations of the right to due process during the trial that followed (with the charges of aggravated murder, injuries, and organized crime), David was released on December 28th 2011, when the Chiapas State Attorney General withdrew the criminal charges against him.

On that day, Chiapas state government staged a media event in the city of Tuxtla Gutiérrez, in which 15 more prisoners were released and the government emphasized its “pro-human rights” policies, ignoring that in David's case, the State – with its obligation to respect, protect, and guarantee human rights – systematically violated the rights to personal integrity and safety, personal liberty, due process, protection against the abuse of power, the right of persons deprived of their liberty to dignified and humane treatment, among others.

Finally, it must be mentioned that from the moment of David's arrest, his family members repeatedly denounced these human rights violations, substantiated in the submissions of several legal actions that demonstrated David's innocence.

We also recall that this Human Rights Center has solicited Precautionary Measures (“MC-287-11 David Potenciano Torres and Others”) from the Inter-American Commission on Human Rights, due to the risks to David's personal integrity and safety; it has also publicly denounced acts of surveillance and harassment against his family.¹ Today, after his release, he and his family have the well-founded fear that these acts will continue.

Due to the aforementioned, Frayba expresses its concern for David's personal integrity and that of his family, which is why it urges the Mexican state to protect and guarantee their personal integrity.

¹ Urgent Action No. 4, August 2nd 2011, available at:
http://www.frayba.org.mx/archivo/acciones_urgentes/110801_au_4_familiares_david_potenciano_ingles.pdf

Bulletin No. 16 August 12th 2011, available in Spanish at:
<http://www.frayba.org.mx/busqueda.php?cx=004104709030952871636%3Aqjcmuioymy&q=david+potenciano&sa.x=0&sa.y=0&cof=FORID%3A9&hl=es>; Bulletin No. 23 December 14th 2011, available in Spanish at:
http://www.frayba.org.mx/archivo/boletines/111214_boletin_23_david_p.pdf



In addition, the risk exists that the case will continue in impunity: in spite of the fact that David recounted to legal authorities how he was subjected to torture, up to this day there is no information available that said public officials have carried out the necessary steps to begin the corresponding investigation, as required by the State Law to Prevent and Punish Torture in the State of Chiapas and several corresponding recommendations from the Committee Against Torture and the Subcommittee for the Prevention of Torture.
