



Centro de Derechos Humanos Fray Bartolomé de Las Casas, AC

San Cristóbal de Las Casas, Chiapas, México
02 de agosto de 2011

Acción Urgente No. 4

***Harassment of the family of David Potenciano Torres, torture survivor**

Human Rights Center Fray Bartolomé de Las Casas (Frayba) expresses concern about the risk to the liberty, personal integrity and safety of ***Jorge Luis MENDOZA TORRES, María Luisa TORRES MENDOZA, Rosario POTENCIANO DAMIÁN (father of David)***, relatives of the youth ***David POTENCIANO TORRES** *(hereinafter David Potenciano), 21-year-old survivor of torture and confinement in the State Center for Social Reinsertion of Sentenced Prisoners No. 14, El Amate (CERSS No. 14, El Amate) in Cintalapa, Chiapas.

David Potenciano's family has expressed to this Human Rights Center their fear of arrest as a form of intimidation for taking legal action to defend David Potenciano, and for going to human rights organizations to denounce his arbitrary detention and torture by members of the State Preventive Police (PEP) and the judicial police (MP) assigned to the Special Prosecutor on Organized Crime (FECD) of the Attorney General of the State of Chiapas (PGJE).

In the city of Tuxtla Gutierrez, Chiapas, in July 2011, the family of David Potenciano noticed a white van with no number plates, tinted windows, and several men on board repeatedly watching the house of the family. According to information available to Frayba from the various proceedings that the family undertook for the release of David Potenciano, they had been followed and watched by members of the FECD. So they have a well-founded fear of his being attacked and arbitrarily deprived of his liberty, thus breaching his right to freedom, and personal integrity and safety.

Added to this, the family of David Potenciano claim that officials of the Second Court of Criminal Judicial District of Tuxtla Gutierrez who carried out the criminal proceedings, as well as the prison authorities, maintained an arrogant and biased attitude towards them, and also obstructed and unreasonably delayed the proceedings. Moreover, in the prison system officials of CERSS No. 14, El Amate abused their powers, limiting family members' free access and communication with David Potenciano.

In light of the above, the Center for Human Rights calls for:

- o The immediate cessation of the acts of harassment and surveillance being committed against ***Jorge Luis MENDOZA TORRES, María Luisa TORRES MENDOZA, and Rosario POTENCIANO DAMIÁN***, who have denounced human rights violations committed by FECD personnel, the arbitrary deprivation of liberty and the torture of David Potenciano;
- o The immediate release of David Potenciano, as was dictated by the Second District Judge in the State of Chiapas who granted the injunction and protection of the federal courts in amparo



- 692/2011 on June 24, 2011, considering that there was no evidence for the Judge of Provisional Measures of the State of Chiapas to support his being held;**
- o The immediate release of David Potenciano, as was dictated by the Second District Judge in the State of Chiapas who granted the injunction and protection of the federal courts in amparo 692/2011 on June 24, 2011, considering that there was no evidence for the Judge of Provisional Measures of the State of Chiapas to support his being held;**
 - o A serious, independent, impartial and comprehensive investigation to hold those responsible for the arbitrary deprivation of liberty and torture inflicted on David Potenciano Torres.

Background

David Potenciano Torres was arrested on May 25, 2011, in the city of Palenque, Chiapas by members of the FECD who raided his home. He was taken to the facilities of the PEP in the same city where they blindfolded him, bound him hand and foot, and forced mineral water up his nose, while accusing him of being a member of the Zetas and having participated in the murder of the President of the Northern Zone Ranchers Union, Fonz Pedro Ramos. David Potenciano was transferred to the Attorney of the Selva District PGJE, where he was beaten, repeatedly had a plastic bag placed over his head, and was forced to sign documents the contents of which he could not read. On May 26, was taken to the facilities of the FECD in Tuxtla Gutierrez, where he was made to sign documents and the next day was deposited in the Quinta Pitiquitos despite having an injunction ordering the PGJE to release him, then taken to CERSS No. 14, El Amate, accused of homicide, injury and organized crime.

It must be noted that the relatives of David Potenciano reported the lack of impartiality and independence of institutions in this case, resulting from the friendship and cronyism existing between the late Pedro Ramos Fonz and the Chiapas state governor Juan Sabines Guerrero. This relationship is well known in the region and in the state of Chiapas. They also note that the governor of Chiapas was present at the funeral of Mr. Pedro Fonz in Palenque, Chiapas.

From the time of his arrest, the family of David Potenciano have denounced the human rights violations, and have proved the innocence of the prisoner through legal recourse.

Send appeals to:**

Lic. Juan José Sabines Guerrero
Gobernador Constitucional del Estado de Chiapas
Palacio de Gobierno del Estado de Chiapas, 1er Piso
Av. Central y Primera Oriente, Colonia Centro, C.P. 29009
Tuxtla Gutiérrez, Chiapas, México
Fax: +52 961 61 88088 – + 52 961 6188056
Extensión 21120. 21122
Correo electrónico: secparticular@chiapas.gob.mx

Dr. Noé Castañón León
Secretario General de Gobierno del Estado de Chiapas
Palacio de Gobierno del Estado de Chiapas, 2do Piso
Av. Central y Primera Oriente, Colonia Centro, C.P. 29009
Tuxtla Gutiérrez, Chiapas, México



Conmutador: + 52 (961) 61 2-90-47, 61 8-74-60
Extensión: 20003
Correo electrónico: secretario@secgobierno.chiapas.gob.mx

Dr. Juan Gabriel Coutiño Gómez
Presidente del Tribunal Superior de Justicia del Estado de Chiapas
Libramiento Norte Oriente No. 2100, Fracc. El Bosque C.P. 29047 T
Tuxtla Gutiérrez, Chiapas
+ 52 (961) 61-6-53-50

Lic. Raciél López Salazar
Procuraduría General de Justicia de Chiapas
Libramiento Norte Y Rosa Del Oriente, No. 2010, Col. El Bosque
C.P. 29049 Tuxtla Gutiérrez, Chiapas
Conmutador: 01 (961) 6-17-23-00. Telefon: + 52 (961) 61 6-53-74, 61 6-53-76, 61 6-57-24,
61 6-34-50
Correo electrónico: raciel.lopez@pgje.chiapas.gob.mx

Rpte. En México de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos.

Dirección: Alejandro Dumas #165
Col. Polanco Delegación Miguel Hidalgo
C.P 11560 México D.F
Tel: + 52 (01 55) 5061-6350 Fax: 5061-6358
Correo electrónico: oacnudh@ohchr.org

Dr. Santiago Canton
Comisión Interamericana de Derechos Humanos
Washington, D.C. 20006
USA
Fax 1-202-458-3992
Correo electrónico: cidhoea@oas.org

Centro de Derechos Humanos Fray Bartolomé de Las Casas, A.C.
Calle Brasil 14, Barrio Mexicanos,
29240 San Cristóbal de Las Casas, Chiapas, México
Tel: 967 6787395, 967 6787396, Fax: 967 6783548
Correo: accionurgente@frayba.org.mx