As defined by the United Nations, any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as:

a. obtaining from him or a third person information or a confession;

b. punishing him for an act he or a third person has committed or is suspected of having committed;

c. intimidating or coercing him or a third person; or

d. for any reason based on discrimination of any kind,

when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment. No State may permit or tolerate torture or other cruel, inhuman or degrading punishment, even in exceptional circumstances such as a state of war or the threat of war, internal political instability or any other public emergency. Each State must take effective measures to prevent torture and other cruel, inhuman or degrading treatment from being practised with its jurisdiction, and to punish persons responsible for such acts.

The training of law enforcement personnel and other public officials who may be responsible for persons deprived of their liberty must ensure that they are informed of the prohibition against torture and other cruel, inhuman or degrading treatment or punishment.
Torture committed in time of war is considered to be a war crime [2].

See also Humane Treatment [3];

OUTLINE

Chapter 14, II.1. b) ee) definition of torture [4]

LEGAL SOURCE

general prohibition

PI, 75/2(a)(ii) [5]

CIHL, 90 [6]

in IAC

GCI, 12/2 [7] (see ICRC updated Commentary [8])

GCII, 12/2 [9] (see ICRC updated Commentary [10])

GCIII, 17/4 [11]

GCIV, 32 [12]

grave breach
United Nations Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment

CASES

Israel, Methods of Interrogation Used Against Palestinian Detainees

Mali, Conduct of Hostilities
Switzerland, The Immunity of General Nezzar [25]

Central African Republic, Coup d’Etat [26]

United States of America, The Death of Osama bin Laden [27]

Libya, Report of the Office of the UN High Commissioner for Human Rights (2014/15) [28]

United States, Jurisprudence Related to the Bombing of the U.S.S. Cole [29]

USA, Al-Shimari v. CACI Premier Technology, Inc. [30]

USA, Guantánamo, End of "Active Hostilities" in Afghanistan [31]

USA, Jawad v. Gates [32]

BIBLIOGRAPHIC RESOURCES

Suggested readings:


DROEGE Cordula, ““In Truth the Leitmotiv”: The Prohibition of Torture and Other Forms of Ill-Treatment in International Humanitarian Law”, in *IRR*, Vol. 89, No. 867, September 2007, pp. 515-541


Source URL: https://casebook.icrc.org/glossary/torture

Links
[8] https://ihl-