Torture: Defined
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TORTURE
Internationally torture is an illegal act

• But the definition of torture is a “murky” concept
• “Jus Cogan”
• Criminal acts are exposed to universal jurisdiction
Treaties and declarations fail to describe what is accurately meant by torture
• **Article 5 of the Universal Declaration on Human Rights**  
  “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”

• **Article 7 of the International Covenant on Civil and Political Rights**  
  “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular no one should be subjected without this consent to medical or scientific experimentation”

• **European Convention for the Protection of Human Rights and Fundamental Freedoms**  
  “No one shall be subjected to torture or to inhuman or degrading treatment or punishment”
Prohibition

• Crucial to humanitarian law

• Duty to protect the life, health and safety of civilians and other noncombatants
Examples of prohibited mistreatment

• Being forced to stand spread eagled against the wall
• Being subjected to bright lights or blindfolding
• Being subjected to loud noises
• Deprived of sleep, food or drink
Torture is shamed universally

Abu Ghraib

What constitutes torture
No present definition of Torture

- Governments will closely characterize torture
- Governments are able to continue to condemn torture
- Appropriate and clear definition
Conventional meaning of torture

• Public and accepted meaning

• Shared meaning

• Important to informed and engaged citizens
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Ordinary, general dictionary
- Torture as a noun and transitive verb
- Violation of law in the United States
6 Essential Elements of Torture
Infliction of severe physical or mental pain and suffering

• Main characteristic of torture

• United Nations Convention against Torture
Act or Omission

• United Nations Convention against Torture
• Depends on what establishes the act
• Examples
Intent

- The victim

- Two types of intent, direct and indirect
Specific Purpose

• Put into many definitions nationwide
• International definition
• Purpose limitation
A perpetrator

• Torture is not something that can be committed by itself
• At least one perpetrator
• Not just anyone can torture
Victim

• There is always a victim
• It has to be a human
• Argued having this be a crucial element
• Example
Thank you