



**TARGETED.ARMY**

FOR TARGETED INDIVIDUALS / RIGHTS

ANTI-TORTURE LAW

# Anti-Torture Laws: The Absolute Ban And The U.S. Enforcement Map

Torture is prohibited without exception. Enforcement depends on where the conduct occurred, who acted, whose authority was used, and which criminal, civil, military, or international rule applies.



## RIGHTS BRIEF

Published July 24, 2026 • <https://targeted.army/content/rights/anti-torture-laws>



TARGETED.ARMY

1 / 8

targeted.army

Torture is prohibited under international law and across multiple parts of United States law. The prohibition is absolute, but enforcement is not governed by one universal statute.

This guide maps treaty rules, federal criminal law, detainee protections, war-crimes law, constitutional routes, civil remedies, classified-handling rules, and evidence requirements.

#### THE ABSOLUTE RULE

## No Exceptional Circumstance Authorizes Torture

The Convention Against Torture requires each state party to take effective legislative, administrative, judicial, and other measures to prevent torture. Article 2 states the controlling rule directly: war, threat of war, political instability, or any other public danger cannot justify torture. An order from a superior officer or public authority cannot justify it either.

The Convention's definition centers on severe physical or mental pain or suffering intentionally inflicted for a prohibited purpose—such as obtaining information, punishment, intimidation, coercion, or discrimination—when a public official acts, instigates the act, consents to it, or acquiesces in it. Article 16 separately requires prevention of other cruel, inhuman, or degrading treatment by or with official involvement.

The International Covenant on Civil and Political Rights reinforces the rule. Article 7 prohibits torture and cruel, inhuman, or degrading treatment or punishment and specifically bars nonconsensual medical or scientific experimentation.

These rules reach both physical and mental suffering. The legal analysis turns on intent, severity, purpose, custody or control, official involvement, location, and the governing source of law. Technology does not create an exception. A remote, electronic, chemical, sensory, medical, or other technical method must be evaluated through the same elements and evidence.

- The prohibition does not yield to war or public danger.
- A superior order does not create a defense under the Convention.
- Official consent or acquiescence can matter even when the official does not personally inflict the harm.
- Cruel, inhuman, or degrading treatment can be prohibited even when conduct does not meet every element of the treaty definition of torture.

#### FEDERAL CRIMINAL LAW

## The Federal Torture Statute Is Powerful And Jurisdiction-Specific

Chapter 113C of Title 18 contains the federal torture statute. Section 2340 defines torture for that chapter as an act by a person acting under color of law who specifically intends to inflict severe physical or mental pain or suffering on a person within the actor's custody or physical control. The statute excludes pain or suffering incidental to lawful sanctions.

Section 2340A criminalizes torture committed or attempted outside the United States. Federal jurisdiction exists when the person who committed the offense is a United States national or is present in the United States, regardless of nationality. Conspiracy is also punishable. If death results, the statute authorizes imprisonment for any term of years or life and permits the penalties specified in the statute.



That geographic boundary matters. Sections 2340 and 2340A are not a universal criminal code for every abusive act inside the United States. Domestic official abuse can instead implicate constitutional protections, 18 U.S.C. §§ 241 or 242, state criminal law, custodial rules, military law, or other federal statutes, depending on the actor and conduct.

The right way to use the law is to match facts to the statute. Identify the location, the actor's claimed authority, custody or physical control, specific intent, severe harm, prohibited purpose, jurisdictional connection, and available evidence.

#### THE ENFORCEMENT MAP

## The Enforcement Route Changes With Jurisdiction

The same conduct can implicate different rules at the same time, but each route has its own elements, defendants, decision-makers, deadlines, and remedies. A precise map prevents a serious report from being sent into the wrong system.



The controlling route changes with location, custody, official status, armed-conflict context, and the remedy being sought.

The Detainee Treatment Act, codified at 42 U.S.C. § 2000dd, prohibits cruel, inhuman, or degrading treatment or punishment of a person in the custody or under the physical control of the United States Government, regardless of nationality or physical location. Section 2000dd-0 adds a government-wide custody rule and requires treatment consistent with the Army Field Manual for covered interrogations.

The War Crimes Act, 18 U.S.C. § 2441, criminalizes defined war crimes when its nationality or presence requirements are satisfied. Its current definitions include grave breaches of Common Article 3, including torture and cruel or inhuman treatment, in the armed-conflict context specified by the statute.



Domestic constitutional analysis depends on custody and government status. The Eighth Amendment governs punishment after conviction. Force against a pretrial detainee is analyzed under the Fourteenth Amendment, while force during an arrest or seizure is generally analyzed under the Fourth Amendment. Federal criminal civil-rights law can apply when an official willfully deprives a person of a protected right under color of law.

- Outside The United States: 18 U.S.C. §§ 2340–2340A may apply when its jurisdictional conditions are met.
- U.S. Government Custody Or Control: 42 U.S.C. §§ 2000dd and 2000dd-0 establish additional treatment rules.
- Armed Conflict: The Geneva Conventions, Common Article 3, the War Crimes Act, and military law can govern.
- State Or Local Official Conduct: Constitutional protections, 18 U.S.C. § 242, 42 U.S.C. § 1983, and state law can apply.
- Federal Official Conduct: Constitutional and statutory remedies must be assessed separately; available civil claims are more limited and highly fact-dependent.

#### CIVIL ACCOUNTABILITY

## Civil Remedies Depend On The Defendant And Source Of Authority

A criminal prohibition and a civil cause of action are different legal tools. A criminal statute authorizes government prosecution; it does not automatically give a private person the right to sue. Civil litigation requires an identified cause of action, a proper defendant, jurisdiction, timely filing, and a legally available remedy.

Section 1983 of Title 42 authorizes civil actions against persons who, under color of state law, deprive someone of rights secured by the Constitution or federal law. It most often applies to state and local officials. Municipal liability, personal involvement, immunity, causation, injury, and limitations rules must still be established.

The Torture Victim Protection Act creates a civil action against an individual who, under actual or apparent authority or color of law of a foreign nation, subjects a person to torture or extrajudicial killing. The Act contains an exhaustion requirement and a ten-year limitations period. It does not create a general civil action against the United States or every domestic official.

Claims against federal officials and the federal government follow different doctrines. Sovereign immunity, the narrow modern scope of implied constitutional damages actions, statutory exceptions, administrative exhaustion, and national-security doctrines can sharply limit relief. A legal theory should be selected after the actor and authority are identified—not before.

#### CLASSIFIED OPERATIONS

## Secrecy Cannot Convert Prohibited Conduct Into Lawful Conduct

Classification controls access to qualifying national-security information. It does not amend the Constitution, repeal a criminal statute, suspend a treaty obligation, or create authority that Congress withheld.



Executive Order 13526 prohibits classification in order to conceal violations of law, inefficiency, or administrative error; prevent embarrassment; restrain competition; or delay information that does not require protection. Executive Order 12333 directs intelligence activities within the Constitution and applicable law. Neither order grants authority to torture.

When records are classified, accountability must move through authorized channels. An inspector general, cleared counsel, a congressional intelligence committee, or another authorized recipient may be able to receive material that cannot lawfully be released in public.

Keep the legal principle and the handling rule together: secrecy is not immunity, and protected disclosure is not permission to remove, transmit, or publish classified information outside an authorized system.

## BUILD THE RECORD

# Build A Record That Can Survive Review

A strong anti-torture submission identifies conduct, official authority, purpose, severity, custody or control, location, injury, witnesses, source records, and jurisdiction. It preserves facts in a form that an investigator, inspector general, attorney, court, committee, or human-rights body can review.



A durable record preserves chronology, original evidence, official authority, custody, injury, witnesses, and every submission or response.

Start with a chronology. Record dates, times, places, participants, commands, statements, custody status, symptoms, treatment, witnesses, photographs, recordings, communications, access logs, device logs, medical records, and official responses. Preserve originals and hashes. Keep edited working copies separate.

Use the Evidence Tracker to organize incidents and the Files Library to preserve supporting material. Use the Writer to prepare a structured complaint or oversight letter. If records are classified or restricted, use only systems and recipients authorized to receive them.



Describe technical conduct in measurable terms: device, frequency, duration, power, distance, environmental conditions, observed effect, instrument, calibration, operator, raw file, and chain of custody. When a measurement is not yet available, document the observable event and preserve the path for later expert examination.

- Who acted, and under what actual or apparent authority?
- Where did the conduct occur?
- Was the person in custody or physical control?
- What purpose, command, threat, or discriminatory motive is documented?
- What physical or mental harm followed, and how was it recorded?
- Which criminal, civil, military, administrative, or international route matches those facts?

#### ACCOUNTABILITY CHANNELS

## Send The Record To A Body With Authority To Act

The correct recipient depends on the actor and remedy. Federal criminal civil-rights and human-rights offenses are investigated and prosecuted by authorized federal agencies. Inspectors general can review misconduct, abuse of authority, and violations within their jurisdiction. Congressional committees can conduct oversight. State authorities can investigate violations of state criminal law. Civil counsel can evaluate available causes of action and filing deadlines.

For conduct connected to a federal agency or contractor, identify the agency inspector general and the official who awarded, supervised, or audited the work. For Intelligence Community material, use an authorized classified complaint channel. For military conduct, use the Department of Defense Inspector General or the appropriate service channel. For state or local official conduct, preserve the basis for a civil-rights referral and any state remedy.

A submission should ask for a defined action: preserve records, open an investigation, identify the governing authority, secure audit logs, interview named witnesses, obtain specified records, prevent retaliation, issue findings, or refer a supported offense to the proper prosecuting authority.

The absolute ban is the starting point. Precision is what turns that rule into accountability: the right facts, the right law, the right recipient, and a record built to withstand resistance.

#### SOURCE LEDGER

## Primary Sources And Public Records

### **1. Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment**

United Nations Office of the High Commissioner for Human Rights • Accessed July 24, 2026

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

### **2. International Covenant On Civil And Political Rights**

United Nations Office of the High Commissioner for Human Rights • Accessed July 24, 2026

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

### **3. 18 U.S.C. Chapter 113C — Torture**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?edition=prelim&path=%2Fprelim%40title18%2Fpart1%2Fchapter113C>



#### **4. 42 U.S.C. § 2000dd — Prohibition On Cruel, Inhuman, Or Degrading Treatment**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?req=%28title%3A42+section%3A2000dd+edition%3Aprelim%29>

#### **5. 42 U.S.C. § 2000dd-0 — Additional Government-Wide Prohibition**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?edition=prelim&num=0&req=granuleid%3AUSC-prelim-title42-section2000dd-0>

#### **6. 18 U.S.C. § 2441 — War Crimes**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?req=%28title%3A18+section%3A2441+edition%3Aprelim%29>

#### **7. 18 U.S.C. § 242 — Deprivation Of Rights Under Color Of Law**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?req=%28title%3A18+section%3A242+edition%3Aprelim%29>

#### **8. 42 U.S.C. § 1983 — Civil Action For Deprivation Of Rights**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?req=%28title%3A42+section%3A1983+edition%3Aprelim%29>

#### **9. Torture Victim Protection Act Of 1991**

Office of the Law Revision Counsel, U.S. House of Representatives • Current Through 2024 Main Edition

<https://uscode.house.gov/view.xhtml?edition=prelim&path=%2Fprelim%40title28%2Fpart4%2Fchapter85>

#### **10. Eighth Amendment — Cruel And Unusual Punishment**

Congress.gov Constitution Annotated • Accessed July 24, 2026

<https://constitution.congress.gov/constitution/amendment-8/>

#### **11. Executive Order 13526 — Classified National Security Information**

The White House • December 29, 2009

<https://obamawhitehouse.archives.gov/the-press-office/executive-order-classified-national-security-information>

#### **12. Justice Manual — Torture, 18 U.S.C. § 2340A**

U.S. Department of Justice • Accessed July 24, 2026

<https://www.justice.gov/archives/jm/criminal-resource-manual-20-torture-18-usc-2340a>

#### **RELATED CONTENT**

## **Related TARGETED.ARMY Content**

Constitutional Rights • <https://targeted.army/content/rights/constitutional-rights>

Whistleblower Protections For Intelligence Agency Employees • <https://targeted.army/content/rights/whistleblower-protections-intelligence-agency-employees>

Demanding Transparency And Accountability • <https://targeted.army/content/rights/demanding-transparency-accountability>

Privacy Is A Human Right • <https://targeted.army/content/rights/privacy-is-a-human-right>

Evidence Tracker • <https://targeted.army/war/evidence>

Writer • <https://targeted.army/war/writer>



## LAWFUL ACTION

# Build An Accountability Record

Preserve original evidence. Identify the actor and authority. Match the facts to the correct law and jurisdiction. Send a defined request to a body with power to act.

## FORENSIC TRUST PACKAGE

# Keep The Complete Record Together

The downloadable package preserves the article, all three original images, this branded PDF, and a machine-readable integrity manifest in one ZIP archive.

- Article HTML And Structured Article JSON
- Three Publication Images With Captions And Alt Text
- Branded Article PDF
- SHA-256 Package Manifest

<https://targeted.army/content/rights/anti-torture-laws>

## Editorial Notice

TARGETED.ARMY presents information, testimony, research, historical material, and analysis from the perspective of targeted individuals and this community. Some readers, institutions, or organizations may dispute portions of the material presented. Readers are encouraged to review the supporting materials and reach their own conclusions. This page provides general educational information and is not individualized legal advice.

