

Title 18 United States Code Section 2441. War Crimes.

(d) Common Article 3 Violations –

(1) Prohibited Conduct ...

(B) Cruel or Inhuman Treatment – ... serious physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions), including serious physical abuse, upon another within his custody or control.

(2) Definitions – ...

(D) the term **‘serious physical pain or suffering’** [means] ... bodily injury that involves –

- (i) a substantial risk of death;
- (ii) extreme physical pain;
- (iii) a burn or physical disfigurement of a serious nature (other than cuts, abrasions, or bruises); or
- (iv) significant loss or impairment of the function of a bodily member, organ, or mental faculty; and,

(E) the term **‘serious mental pain or suffering’** ... [means the serious and non-transitory mental harm (which need not be prolonged) caused by or resulting from

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- (i) the intentional infliction or threatened infliction of serious physical pain or suffering;
- (ii) the administration or application, or threatened administration or application, of mind-altering substances or other procedures calculated to disrupt profoundly the senses or the personality;
- (iii) the threat of imminent death; or
- (iv) the threat that another person will imminently be subjected to death, serious physical pain or suffering, or the administration or application of mind-altering substances or other procedures calculated to disrupt profoundly the senses or personality....]