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Dr Bharat Malkani

Lecturer

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About

Dr Malkani researches and teaches in the fields of human rights and criminal justice, with a particular focus on the death penalty. He is the Co-ordinator of Birmingham Law School's Pro Bono Group, which he established in 2009. The Pro Bono Group provides free legal services for the local community, and enables students to gain experience of the law in practice, to complement their studies.

Feedback and office hours

In the first semester of 2014-2015, my Office and Feedback Hours will be:

Wednesdays, 11am -12pm and

Fridays 12pm - 1pm

Students are welcome to see me during these hours without an appointment. If you need to see me outside these hours, please email me to arrange another time, or just knock on my door (although I can't guarantee that I'll be available)

Qualifications

- LLB (Bristol)
- LLM (Nottingham)
- PhD (Bristol)

Biography

Bharat Malkani joined Birmingham Law School in September 2008 whilst completing his doctorate at the University of Bristol, which he completed in 2009. Prior to commencing his PhD, Bharat worked at the American Bar Association (Juvenile Justice Center) in Washington DC, where he helped co-ordinate an ultimately successful national campaign to have the death penalty for juvenile offenders abolished in the United States of America. He authored an *amici curiae* brief on the relevance of international human rights law to the interpretation of the US Constitution, which was cited by the US Supreme Court when abolishing the death penalty for juvenile offenders in *Roper v. Simmons* (2005). While at Bristol, Bharat helped set up the first Innocence Project in the UK, which enables students to research and investigate claims of miscarriages of justice.

Teaching

- Human Rights & Criminal Justice (LLB and LLM, module leader)
- International Human Rights Law (LLB and LLM, module leader)
- The Death Penalty in Law and Practice (LLM, module leader)
- Sentencing and Penal Policy (LLM)
- Criminal law (LLB)

Postgraduate supervision

Dr Malkani is keen to supervise postgraduate research students whose research interests lie in the following areas:

- The Death Penalty
- Human Rights Law
- International Law
- Criminal Law and Criminal Justice

Current doctoral supervision

Dr Malkani is currently supervising three doctoral students undertaking research in the following areas:

- Environmental philosophy in international law: a study of environmental philosophical perspectives in decisions of the ICJ
- The concept of life imprisonment
- Social justice, poverty, and international human rights law

Research

Bharat Malkani is interested in the relationship between human rights law and the criminal justice system, with a particular focus on the death penalty and penal policy. His doctoral thesis considered how domestic courts use international and foreign human rights law.

In February 2012 Dr Malkani recorded a podcast with the University of Birmingham **Ideaslab (http://www.ideaslab.bham.ac.uk/ideaslab_podcast.htm)** on the topic of Human Rights: noble concept or a shield for terrorists?

(http://www.adobe.com/go/getflashplayer)

Other activities

- Bharat is currently the Pro Bono Coordinator at Birmingham Law School

Publications

Chapters in Books

- 'The Judicial Use of International and Foreign Law in Death Penalty Cases: A Poisoned Chalice?' *in* Austin Sarat (ed.) *Is the Death Penalty Dying?* (Volume 42 Studies in Law, Politics and Society, Elsevier: Oxford 2008)

Articles

- 'The Obligation to Refrain from Assisting the Use of the Death Penalty' (2013) 62(3) *International and Comparative Law Quarterly* 523-556
  (Dr Malkani was awarded the 2013 Young Scholar Prize by the Editorial Board of the ICLQ for this article)
- 'Sentencing children who kill: one giant leap for the US Supreme Court, one small step for international human rights law' (2012) 12 *Human Rights Law Review* 801-813
- 'A rights-specific approach to section 2 of the Human Rights Act' (2012) 5 *European Human Rights Law Review* 516-528
- 'Article 8 of the European Convention on Human Rights and the decision to prosecute' (2011) 12 *Criminal Law Review* 943-956
- 'Human rights treaties in the English legal system' [2011] *Public Law* 554-577
  (This article has been translated into Japanese by Jun'ichi Satoh of Osaka Sangyo University. See (2013) 18 Journal of Osaka Sangyo University 225)

Other

- '**50 Years Since the Last Execution, Can the UK Help End the Death Penalty Worldwide? (https://theconversation.com/50-years-since-the-last-execution-can-the-uk-help-end-the-death-penalty-worldwide-30430)**' The Conversation, August 13, 2014
- '**The British Government Should Do All It Can to Protect Andargachew Tsege (http://www.huffingtonpost.co.uk/dr-bharat-malkani/andargachew-tsege_b_5634725.html)**' The Huffington Post, August 1, 2014
- **'Botched Executions Show There's no Such Thing As Humane Capital Punishment' (https://theconversation.com/botched-executions-show-theres-no-such-thing-as-humane-capital-punishment-26248)** *The Conversation,* May 2, 2014
- **'12 Years a Slave: What a Story about Slavery Can Teach us About Today's Death Penalty' (http://www.huffingtonpost.co.uk/dr-bharat-malkani/12-years-a-slave_b_4533485.html)** *The Huffington Post*, January 3, 2014
- **'Too Many Innocent People are Languishing on Death Row' (https://theconversation.com/too-many-innocent-people-are-languishing-on-death-row-18962)** *The Conversation*, October 9, 2013
- **'The Legacy of Slavery in the Modern Death Penalty' (http://scholarshipofblackness.tumblr.com/tagged/modern-death-penalty)** *University of Birmingham: Scholarship of Blackness (for Black History Month)*, October 3, 2013
- **'Does International Law Forbid Complicity in the Death Penalty?' (http://opiniojuris.org/2013/08/15/emerging-voices-does-international-law-forbid-complicity-in-the-death-penalty/)** *Opinio Juris,* August 15, 2013
- **'Warren Lee Hill and the ghosts of death penalty past, present and future' (http://www.huffingtonpost.com/dr-bharat-malkani/warren-lee-hill-and-the-ghosts_b_3611082.html)** *The Huffington Post*, July 18, 2013
- **'Is complicity with the death penalty illegal?' (http://ukhumanrightsblog.com/2013/07/17/is-complicity-with-the-death-penalty-illegal-dr-bharat-malkani/)** *UK Human Rights Blog*, July 17, 2013
- **'The Government's Shameful Treatment of Lindsay Sandiford' (http://www.huffingtonpost.co.uk/dr-bharat-malkani/lindsay-sandiford-shameful-treatment_b_3324817.html)** *The Huffington Post*, May 25, 2013
- **'Immigration Bill - a quick fix?' (http://www.birmingham.ac.uk/research/impact/perspective/immigration-bill-bharat-malkani-2.aspx)** *Birmingham Perspectives*
- **'Policing the Police' (http://www.birmingham.ac.uk/research/impact/perspective/policing-the-police-bmalkani.aspx)** *Birmingham Perspectives*

Expertise

Human rights and criminal justice, with particular focus on the death penalty; the relationship between international human rights law and domestic law.

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