

Name of Panel: **The Death Penalty in America**

Date | Time | Location: October 27, 2023 | 10:00 a.m. EDT | Virtual

Description:

Join the European Law Institute Fundamental Rights Law Special Interest Group and the American Constitution Society for a discussion of the death penalty in the United States. Throughout the world, the death penalty is in decline. Since 1976, more than 75 countries have abolished the death penalty, with many others abolishing it in practice if not in law. While this trend is reflected in the U.S., with more states choosing to abolish the death penalty and fewer executions year over year, there are corners of the country in which the death penalty persists and support runs strong.

Beyond making it an outlier among its democratic peers in the international community, death penalty regimes in the U.S. present serious human rights issues, including marked racial disparities, arbitrary application, inhumane conditions of confinement, torturous executions methods, and the ever-present threat of imminent execution itself.

How might these realities advance the growing movement to abolish the death penalty throughout the United States? What role can international allies play in supporting these efforts?

Agenda: 10:00 to 11:30 a.m. (1.5 hours of CLE)

- Introduction (5 min)
- Speakers' Presentations (40 min)
- Panel Discussion (25 min)
- Q&A (15 min)
- Conclusion (5 min)

Panelists:

[Russ Feingold](#), President, American Constitution Society (*moderator*)

[John Bessler](#), Professor of Law, University of Baltimore School of Law

[Professor María-Teresa Gil-Bazo](#), PhD, Faculty of Law, University of Navarra (Spain); Co-Chair, European Law Institute Fundamental Rights Group

[Alexis Hoag-Fordjour](#), Dean's Research Scholar, Assistant Professor of Law, and Co-Director of the Center for Criminal Justice, Brooklyn Law School

[Boštjan Zalar](#), Senior High Court Judge, Administrative Court of the Republic of Slovenia, President of the European Chapter of the International Association of Refugee and Migration Judges (IARMJ-Europe); Co-Chair, European Law Institute Fundamental Rights Group

Materials:

Alexis Hoag-Fordjour, *Valuing Black Lives: A Case for Ending the Death Penalty*, 51 COLUM. HUM. RIGHTS L. REV. 983 (2020).

John D. Bessler, *A Torturous Practice: Prohibiting the Death Penalty's Use Through a Peremptory Norm of International Law*, U. OF OXFORD DEATH PENALTY RSCH. UNIT (May 4, 2023).

John D. Bessler, *Taking Psychological Torture Seriously: The Torturous Nature of Credible Death Threats and the Collateral Consequences for Capital Punishment*, 11 NE. U.L. REV. 1 (2019).

JOHN D. BESSLER, *THE DEATH PENALTY'S DENIAL OF FUNDAMENTAL HUMAN RIGHTS*, CAMBRIDGE UNIV. PRESS (2022).

John D. Bessler, *Torture and Trauma: Why the Death Penalty Is Wrong and Should Be Strictly Prohibited by American and International Law*, 58 WASHBURN L.J. 1 (2019).

Charter of Fundamental Rights of the European Union 326/02 of Oct. 26, 2012, 2012 O.J. (L 326) 2.

G.A. Res. 77/222, *Moratorium on the use of the death penalty* (Dec. 15, 2022).

Jeffrey Fagan et al., *Getting to Death: Race and the Paths of Capital Cases After Furman*, 107 CORNELL L. REV. 1565 (2022).

Scott Phillips & Justin Marceau, *Whom the State Kills*, 55 HARV. CIV. RIGHTS-CIV. LIBS. L. REV. 585 (2020).

Rushton Davis Pope, *How They Get Away with Murder: The Intersection of Capital Punishment, Prosecutor Misconduct, and Systemic Injustice*, 72 EMORY L.J. 1531 (2023).