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# **VOICE TO THE DYING: A PLEA FOR THE CONDEMNED ON DEATH ROW**

AUTHORED BY - ACHINTYA RAI & PARTH CHANDAK

## **Abstract**

This paper explores the experiences and rights of individuals on death row, highlighting the importance of recognizing their voices before execution. While capital punishment continues to be a subject of heated debate worldwide, one issue often overlooked is the lived reality of the condemned—their last words, final thoughts, regrets, and, in some cases, claims of innocence. Using India as a key reference point, alongside global trends, this paper argues for the institutional right to a final interview or testimony, ensuring that even those sentenced to death retain a sliver of human dignity. By advocating for systemic reform, this research proposes that the humanization of justice systems begins with acknowledging the voices we often choose not to hear.

## **Introduction**

Capital punishment is one of the most severe penalties a judicial system can impose. Across the world, thousands await execution—some for years or even decades. These are the people society has judged beyond redemption, often voiceless in the eyes of the public. Yet, behind every name on a death row list is a person—someone with a story, often untold. This paper seeks to advocate for "the voice of the dying": an opportunity for death row inmates to speak, be heard, and leave behind their truth.

The introduction of a structured, institutional mechanism to record or present final testimonies of those awaiting execution may redefine how we view justice, punishment, and redemption. Their stories are often lost in legal jargon and media headlines, yet they carry immense weight in understanding the human consequences of the justice system. The paper also seeks to highlight the emotional and societal weight of these voices—how they could serve as warnings, lessons, or even confessions that deserve to be documented and heard.

Popular media, such as Netflix docuseries *Conversations with a Killer* and *Indian Predator*, highlight the global fascination with the minds and motives of criminals. These series offer rare insights into the psychological and emotional state of offenders, often raising ethical questions about punishment and redemption. They underscore the need to listen to those who are condemned—not to glorify them, but to understand the systems that created them.

### **Death Row: A Global Snapshot**

According to Amnesty International, over 28,000 people worldwide were on death row as of the last global count. Countries such as China, Iran, Saudi Arabia, the United States, and Pakistan are among the top executioners. While legal processes vary, one common thread remains: many prisoners are kept in isolation for long periods, often denied meaningful human interaction, and executed without ever sharing their final thoughts.

In the United States, organizations such as the Marshall Project and the Equal Justice Initiative have documented stories of wrongful convictions, racial bias, and mental illness among the death row population. The U.S. also allows for final statements, often recorded and shared with the public. These statements offer a rare glimpse into the minds of individuals moments before their deaths, offering insight into their remorse, acceptance, denial, or final reflections on justice.

Netflix's *Conversations with a Killer: The Ted Bundy Tapes* and *The John Wayne Gacy Tapes* use real recordings and interviews to reveal not just the psychology of these notorious criminals, but also how society processes such extreme cases. These documentaries emphasize the significance of giving condemned individuals a chance to speak, even when their crimes provoke collective revulsion.

Meanwhile, in countries like Iran and Saudi Arabia, executions are often carried out swiftly, without transparency, and sometimes without informing the family. In such nations, the condemned rarely have the opportunity to share their side of the story, let alone offer a final testimony or reflection. This secrecy not only dehumanizes the condemned but also keeps society in the dark about potential injustices.

Several African nations retain the death penalty but have not executed anyone in recent years. These include Kenya and Zambia, where moratoriums exist but are not backed by legislative

abolishment. In such cases, inmates remain in a limbo of uncertainty, often for decades. This psychological torture further underscores the need for systems that allow the condemned to communicate their experiences and final thoughts.

### **India's Approach to the Death Penalty**

India retains the death penalty for the "rarest of rare" cases, as laid out in *Bachan Singh v. State of Punjab* (1980). While executions are rare—only a handful have occurred since independence—the country currently has over 400 prisoners on death row. A 2021 study by Project 39A (National Law University, Delhi) revealed that many inmates were first-time offenders, illiterate, or from marginalized backgrounds, indicating a systemic failure in equal access to justice.

One concerning trend in India is the lack of post-sentencing engagement. Once the final appeal is rejected, the inmate's life becomes one of silent waiting. Their voices, unless amplified by the media or human rights groups, are rarely heard again. Notably, India's prison system does not provide an institutional platform for a condemned prisoner to give a final interview, make a public statement, or even explain their side of the story.

The *Indian Predator* docuseries on Netflix presents chilling case studies from across India, such as *The Butcher of Delhi* and *The Diary of a Serial Killer*, which demonstrate how sensational cases can obscure deeper systemic issues. These documentaries, while focused on criminal acts, inadvertently highlight how final narratives are shaped more by media portrayal than by the voices of the individuals involved.

In some recent high-profile cases, courts have acknowledged procedural lapses or mental health concerns but have stopped short of granting clemency or providing space for final expression. The prison manuals across Indian states remain outdated, with little room for innovation in preserving inmate dignity. In many cases, even the final moments of the condemned are heavily regulated, with minimal family interaction and no documentation of their last thoughts.

India's evolving legal landscape and its active civil society could play a crucial role in changing this. There is potential to create pilot programs in collaboration with human rights organizations, legal aid societies, and public broadcasters to provide a voice to those condemned.

## Why the Last Word Matters

Giving a death row inmate the chance to be heard before execution is not merely a sentimental gesture—it is a moral and legal necessity. These are some key reasons why the last word matters:

- **Preservation of dignity:** Even the condemned deserve to leave the world with a shred of human dignity. A recorded testimony, public interview, or final letter allows them to assert their humanity. This can also help humanize the criminal justice process and remind society that justice does not have to be devoid of compassion.
- **Possibility of wrongful conviction:** Numerous studies across jurisdictions show that innocent people have been executed. A final testimony may raise questions that could prompt last-minute reviews or even posthumous exonerations. It provides one last safeguard against irreversible error.
- **Psychological closure:** For the prisoner, the chance to express remorse, tell their truth, or simply speak can offer some form of emotional relief. For victims' families too, it may bring closure. It humanizes a process that is otherwise clinical and punitive. Sometimes, the final words of a prisoner can help family members understand the human side of the perpetrator, providing a path to healing.
- **Historical and societal value:** Testimonies from death row inmates can offer rare insight into the justice system's flaws, social inequality, and the psychological impact of incarceration and impending death. These records serve as evidence for reform and reflection for future generations. They may also become part of academic studies, documentaries, or memorial archives that chronicle the realities of state-administered executions.

Documentary series like those mentioned above demonstrate the cultural importance of final testimonies and the moral urgency of preserving these voices. They make a compelling case for why the final words of the condemned must not be erased.

## The Need for Institutional Change

Globally, few legal systems mandate or even permit final interviews or testimonies for death row inmates. Media interviews are often tightly controlled, and family visits may be limited to the final moments. There is a dire need to create structured, dignified platforms that allow for a final voice.

Such change does not require massive legislative overhauls. Pilot programs in collaboration with public broadcasters, legal aid cells, and prison reform NGOs can begin the process. These testimonials can be archived privately or shared publicly, depending on legal permissions and ethical considerations. This also opens the door for inclusion in public debates, education systems, and judicial training.

In India, prison manuals vary by state and often lack provisions for such engagement. Central legislation or a Supreme Court mandate could change that. Human rights organizations, journalists, and legal aid groups must advocate for procedural changes that ensure every condemned person has the chance to speak—publicly or privately—before execution. International frameworks, such as the ICCPR (International Covenant on Civil and Political Rights), already provide a basis for such rights.

Moreover, India can take cues from nations where inmate interviews are already permitted. Legal scholars and civil society must document the process, measure its impact, and use findings to persuade policymakers. Granting a final voice is not only a humane gesture; it is a democratic responsibility.

### **Conclusion: The Imperative of Listening to the Condemned**

In the intricate tapestry of justice, the voices of those on death row often remain unheard, their final thoughts and reflections lost to the annals of silence. This paper has underscored the profound significance of institutionalizing a platform for these individuals to share their narratives before execution. Such an initiative is not merely a gesture of compassion but a fundamental step toward a more humane and reflective justice system.

The global fascination with true crime narratives, as evidenced by popular media, highlights society's complex relationship with crime and punishment. Netflix's *Conversations with a Killer* series delves deep into the minds of infamous criminals, offering audiences a rare glimpse into their psyches. Similarly, *Indian Predator* brings to light the chilling accounts of India's most notorious offenders. These series do more than satiate public curiosity; they humanize individuals often reduced to mere headlines, emphasizing the multifaceted nature of criminal behavior and the systemic issues that may contribute to it.

By providing a structured avenue for final testimonies, we not only honor the intrinsic dignity

of every individual but also enrich our collective understanding of the societal, psychological, and systemic factors that culminate in such extreme outcomes. These narratives can serve as powerful tools for introspection, policy reform, and societal education.

In conclusion, the act of listening to the condemned is not an endorsement of their actions but a recognition of their humanity. As we continue to grapple with the moral complexities of capital punishment, integrating such practices can pave the way for a more empathetic and just society. Let us not allow these voices to fade into oblivion; instead, let them inform, educate, and perhaps, transform our approach to justice.

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