

# Who Guards the Guardians?

*A poem about the role of the Independent Police Investigative Directorate in denying the gateway right to protest and to access justice*

*Stanley Malematja*

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To me, Justice is like a fancy building with a humongous **'RIGHT OF ADMISSION RESERVED'** sign on it. As I keep on enduring the brutal attack on my human rights, access to justice remains a dream as I kick and scream, justice to me is inaccessible.

The right to protest is my constitutionally guaranteed right

This right paves a way to access my other human rights

This is my gateway right

Although I get brutalised during exercising my gateway right

The government does hear my cry

My right to access to justice is in jeopardy

This is because the guardians are unguarded

I rely on them to bring me justice

But all they bring is injustice, this a cold reality

I am denied access to justice and I exercise my gateway right in fear

Police brutality is rife

I dodge rubber bullets and live ammunition projected from an assault rifle

And the guardians do nothing about it

The police are not being held accountable

My complaints enter the IPID system and instantly go out the guardian's window

My human dignity was stripped away in broad daylight

I was stopped and searched, insulted, assaulted, pepper-sprayed, handcuffed and thrown into a holding cell

I was kept in captivity like an animal

My angelic demands landed me in the pits of hell

My demand for access to water landed me in a desiccated place

I was denied medical attention and told to bare the pain

What for?

For demanding that the government provide water for my village

I was brought before a court of law and labelled a criminal

The pain was excruciating I pleaded not guilty but to be taken to hospital

I saw men wearing the same uniform as the men who assaulted me

The shocking part is they are still roaming the streets

What for?

To protect?

No, to assault those who cannot obey their thirst

I am the victim, I was assaulted for demanding the government to provide water for my village

We are tired of sharing a dirty stream with our livestock

The presiding officer looked at my bruised and swollen body

He did not ask what caused my disturbing physical appearance

He rather told me that I am released pending further investigation

My aching body was gracious to be outside the pits of hell

My mind was fixated on the bottle of water in front of the presiding officer

I was tempted to ask for a sip and quench my thirst

Then it hit me really hard that I am in this situation because I asked for sip from the government that I voted into power

The pain of not having access to water is agonising

I looked at the presiding officer and said I was badly assaulted by those who ought to protect me

The pain of being assaulted by the police is excruciating

I am being horribly assaulted by the government that I voted into power

Go straight to the IPID and report the police conduct, said the presiding officer

Who or what is that, I asked

They independently investigate the wrongful and criminal conduct of those who are supposed to protect you

I thought this was good news, finally those who did me wrong will be chained with the accountability shackles

I rushed to the watchmen, the guardians of the guardians

The Independent Police Investigative Directorate

Finally, I will get justice

Not knowing that the watchmen are just going to turn a blind eye to my plight

I tried to open the eyes of the watchmen but the eyelids are tight

My rights are simply stripped away and I call this a constitutional mutilation

The watchmen are not there to see if the police serve and protect me

They are rather there to watch policemen beat me to a pulp

They say launch a civil claim

Well, these police must be as civil as they claim

Where do I get money for the costly civil litigation?

**Custos custodum**, guardians of guardians, the watchmen

You constantly turn a blind eye to complaints of police brutality

You are a barrier to my access to justice

Now the police walk all over me because of your incompetent practice

Multiple complaints are piled up in your office

IPID, you are standing between me and justice  
You are the 'right of admission reserved' sign on the justice building  
IPID, are you independent?  
Before you answer that, tell me if you are relevant?  
Do you even understand your position in this constitutional dispensation?  
Or, are you positioned to support human rights defenders' brutalisation?  
Investigate: do not instigate the brutalisation of human rights defenders  
IPID, you are the gatekeeper of my access to justice  
IPID, you are derailing our constitutional train  
IPID, you are adding to my pain  
IPID, is my pain disdain?  
IPID, listen to me  
The police attacked me in broad daylight  
I did not fight, I only asserted my rights  
Surely, as the watchmen, you can see this  
Or are you waiting on Lady Justice to remove her blindfold and show you this?  
Or are you just ignoring me because ignorance is bliss?  
Watchmen, your failure to investigate and hold the police accountable causes grave injustice  
This is an unconstitutional practice  
IPID, you are barricading my access to justice  
IPID, you are blatantly refusing to hold the police accountable

Now I live in fear, I am afraid to seek a better life  
I am afraid to demand access to water  
It is that demand that turned me into victim of police brutality  
IPID, you are barricading my constitutional right to protest  
The thirst of my community led to my veins being punctured, by fists, kicks, batons and handcuffs  
Independence and impartiality are foreign to IPID  
Integrity and honesty are foreign to IPID  
Transparency and openness are foreign to IPID  
Equity and fairness are unfamiliar to IPID  
Courtesy and commitment are strangers to IPID  
The guardians are unguarded; the police are on a rampage  
I dare you to demand access to water if you want to see the police turn savage  
I dare you to exercise your constitutional right to protest if want to see the police turn barbaric  
Now I exercise my constitutional right to protest in fear  
It matters not whether I am peaceful and unarmed  
IPID plus the South African Police Service are equivalent to a disaster package

I placed my trust heavily on IPID  
Relied on the guardians to free from the brutal police bondage  
Now I sit nursing my wounds with my dignity wrapped up in bandages  
I relied on IPID to aid me to access justice  
It turns out that IPID is actually a barricade  
Who guards the guardians?  
The watchmen do as they please  
Do I not deserve access to justice?  
Is IPID simply allowing the police to escape with murder?

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The guardians are at the door of the Justice building and they won't let me in  
The watchmen control the justice jigsaw puzzle and they say my complaint does not fit in  
Must I kick the door down?  
Must I ignore the 'RIGHT OF ADMISSION RESERVED' sign?  
What if they find the police inside the building?  
Thirsty as I am to access Justice, I still fear for my life  
I knocked on the Justice door and the watchmen said 'we are coming'  
To date, no one came  
The guardians are unguarded and they do as they please  
My right to access to Justice remains a dream  
The government is denying me access to water  
IPID is denying me access to justice  
The government is denying me my constitutional right to protest  
Welcome to Bizana Ndakeni, a place where access to human rights is denied  
A place where the Constitution is defied  
The battle for access to human rights is far from over  
I am denied access to water, denied access to justice and denied my right to protest  
My dehydrated mind, dry and cracking lips resemble the struggle that my village is facing  
Man-made wells and Godly made streams are all affected by climate change  
I hope for a government change where the Constitution is promoted  
Then justice will be accessed and water will be accessed

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*Stanley Malematja is an attorney with the Right2Protest Project.*