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An exploration of theatre as activism as an anti-homophobia intervention amongst Zimbabweans living in South Africa : a practice led research project of The Trial of the Senior Citizen.

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THE TRIAL OF THE SENIOR CITIZEN SCRIPT – APPNDIX A

Characters

The Senior Citizen

Prosecutor

Judge

Defence Lawyer

Accused Person

Human Rights Specialist

Old man

Priest

Lesbian

The Jury/Audience

The stage is lit. The set consists of a judge's desk, neatly placed with a knob Kerry as a gavel. At the far corner there are two chairs and a desk facing the audience and parallel to the judge's desk. These are for the accused and the defence lawyer. At the opposite end is another chair and desk for the prosecutor.

The Senior Citizen wears a suit mixed with a traditional hat to present him as a character wearing his contradiction.

The Judge wears a black gown with a traditional Zulu hat called isicholo. The judge plays the characters of the human rights activist, the Priest, the old man.

The witnesses are identified by a single costume piece which the judge puts on when he transforms to different characters. The old man is identified by an old hat and a knob Kerry. Priest carries a bible and has his priestly collar on. The human rights activist wears a white

person's mask while the lesbian has artificial breasts and a scarf. The lesbian sits with the audience.

The set is an intimate one with members of the audience sitting as close as possible to the proceedings.

Lights on with the Prosecutor, the Senior Citizen and the Defence Lawyer's already seated. The Judge enters and all rise.

Memory: Good evening ladies and gentlemen and welcome to *The Trial of the Senior Citizen*. Please remember to switch off your cell phones or put them on silent. If your cell phone rings you may be found in contempt of court and I might be forced to deal harshly with you. This is a case of the people versus the Senior Citizen. We follow a legal system called the jury system where the accused is tried by prosecutors but judged by your people without any legal backgrounds. You listen to the facts of the matter and to your feelings that are based on the facts of the matter. Our Court Assistant will hand out pads for you to use for note taking. If you feel strongly that you do not want to take part in the judgement please feel free to abstain from taking part but you can still watch and please bear in mind that this is about someone's life. At the end of the trial we are going to have our jury foreman to supervise your deliberations.

The Court Assistant hands out notepads as the judge takes her sit.

Memory (*As Judge, hitting the gavel against the desk*) Silence in court. You may be seated. And may I call the court to order. During the proceedings no juror may consult another or chat with another. Mr Prosecutor, you may now present your first case for this session.

Prosecutor: (*Getting up and slowly walking towards the accused person*) Thank you your honour. Sir, you are the most senior citizen. Is that correct?

Defence: Objection your honour, my client is being tried in his personal capacity and not for his title.

Memory (*As Judge*) Objection overruled Mr Defence lawyer. The senior citizen is being tried both in his personal and official capacity. You must not separate the two. He stands for himself as well as his countryman.

Prosecutor (*As Prosecutor*) Now Mr Senior Citizen, what do you think of the record of your country in terms of oppression, discrimination and human rights in general?

SC: That is what we fought against. My party went to war to stop oppression and discrimination, so why would you ask me such a question?

Prosecutor: Good. And you wiped out all oppression and discrimination in your country?

SC: Yes. Yes. And you know that. And I don't understand why Europe and America would have the world believe otherwise. They can use lies in order to achieve a given purpose and get the public to believe that they are telling the truth, only for the public to discover later that they didn't tell the truth. And then the politicians have a way of justifying their actions. (*Joined by all chorally)* We don't want politics of that nature. You've got to be open and truthful. That's where we find the politics of Bush and Blair, you know, to be absolutely terrible, unacceptable. (*End of Chorus*) Where are their moral norms, their virtues of honesty and truthfulness, if they don't apply in what you tell people, what you believe, what you do? We are told that Saddam Hussein had weapons of mass destruction. And they know in their minds that they are telling lies. They invade Iraq and get the international community to actually believe that they are telling the truth. At the end of the day, they say no, now they have found that, no, he did not have weapons of mass destruction, which they had known before. In the meantime, they have caused lots of people to suffer and blood to flow. And they continue to kill people, the war continues, even after they have discovered that there are no weapons of mass destruction. The whole world knows that I and Joshua led a protracted struggle against imperialists in this country and defeated them. So what are you talking about?

Prosecutor: And who is Joshua if the court may know?

SC: U Mdala wethu. The founder of our liberation struggle. Why are you even trying me if you don't know about our history?

Prosecutor: Are you talking about Joshua Nkomo the man who fled to England when you tried to arrest and kill him after telling the world that he had arms to destroy you and your party? So in which way are you holier than Bush and Blair Mr Senior Citizen? Didn't you go on to slaughter more than 20 000 of Joshua Nkomo's supporters because of the lies you peddled against him alleging that had weapons to destroy you and your government?

Defence: Objection your owner this is irrelevant history and my client and Joshua Nkomo's conflict was a political one. There was a guerrilla force of dissidents that wanted to overthrow the government. We don't want new and academic theories here.

Memory (As Judge): Objection overruled. You may continue Mr Prosecutor.

Prosecutor: What guerrilla force. Did Nkomo and the innocent people that were slaughtered by the Senior Citizen know anything about this force? Come on Mr Senior Citizen; admit it, you panicked and killed innocent people. You were mad were you not?

Defence: Objection. That is a baseless allegation. Why are you insulting my client?

Prosecutor: Your honour, the Senior Citizen is on record as having said that the killing of the people of Matabeleland was a moment of madness. I have no further questions.

Defence: My client never said that he was mad. He only said that it was a moment of madness. Mr Senior Citizen, confirm you are the one who liberated the people of your country through a nationalist movement and that you went on to sign a unity accord with the same Joshua Nkomo.

SC: Yes that is correct.

Defence: Confirm there was a dissident guerrilla force that threatened state security in Matabeleland and needed to be crashed?

SC: Everyone knows that there were dissidents. Even Joshua Nkomo knew that. If there were no dissidents how come when we signed the unity accord we extended an amnesty for the dissidents and they responded. Even today some of them still live peacefully in Zimbabwe. What would you have done if you were in my shoes? And how come up to

today no one has done anything to me? Is the whole world so foolish as not to do anything if I killed 20000 people?

Defence: Your Excellency is it true that every year you go to the late Joshua Nkomo's grave at the heroes' acre to put flowers?

SC: Of course it's true.

Defence: I have no further questions your honour**.**

Prosecutor: What drives you to fight this way all your life if I may ask?

SC: I hate this white supremacy. Why should one group of people consider themselves more superior to other groups simply because of their colour? Hmm?

Prosecutor: Mr Senior Citizen, are you aware that in your country minority tribes are terribly oppressed both culturally and economically to the extent that it is not imaginable that your country will ever have a Ndebele, Tonga or Kalanga President. Are you aware that the America you are attacking is now ruled by a black man? In your country you have managed to reduce minority tribes to professional deputies and second class citizen. Don't you think you are not qualified to even open your mouth and talk about that?

SC :(*Joined by all chorally)* What are you talking about? I lost eleven precious years of my life in a jail of a white man whose freedom and well-being I assured from the first day of Zimbabwe's independence. I gave white members of parliament who did not belong to my party ministerial positions as a way of saying to them let us build one country? (*End of Chorus)*. And did they care? Did they? They did not requite that. What else was I supposed to do?

Prosecutor: So everything you went on to do against them was a way of punishing them then for this unrequited love. *(Pause*) I put it to you that you are an angry and vengeful leader who is bent on settling personal scores from his past to the point of putting the lives of his citizens in danger of even death.(Pause) Why are you angry, and why are you not changing?

SC: Who is angry? We are not angry at all. We fight for our people.

Prosecutor: I put it to you that you are by upbringing an oppressive and self centred person who cannot tolerate difference.

Defence: Objection your Honour, that language is both insulting and a personal opinion.

Memory (As Judge): Objection sustained. Mr Prosecutor you may not use such language without evidence. We rely on evidence here.

Prosecutor: Your Honour I was going to follow through with evidence and may I proceed? Thank you. In 2008 during the elections your party violently killed between 200 and 300 innocent shona speaking people who expressed or displayed any difference with you in terms of party affiliation. Is that not true?

SC: What evidence do you have to prove that? That is not true. I never killed anyone. If people killed each other I was not there. You can't hold me responsible. Did you see me killing anyone? If I killed people how come the whole world did nothing?

Prosecutor: In the year 2000 you went on the rampage disorderly and violently invading white farmers in their farms in a malicious land grabbing campaign because you were having differences with Britain. In other words your rule has been about singling out a group of people who are different from you and persecuting them for your own ego and power and for settling scores and scoring points as the hero of Africa.

Defence: Objection your Honour. This is a baseless submission with no evidence at all.

Memory (As Judge): Mr Prosecutor do you have any evidence to prove your submissions? (*Looks in the direction of the prosecutor who nodes in the affirmative*) Ok, objection overruled, you may continue.

Prosecutor: Your Honour, that is recorded history and it is a fact. I have no further questions your Honour.

Blackout for thirty seconds as Henry Olonga's song; Zimbabwe plays.

Prosecutor: Mr Senior Citizen, Do you support the health for all vision which your government pursues and talks about every year.

SC: Yes Surely Yes. That is our vision and we support it.

Prosecutor: When you say our vision who is this we?

SC: It is obvious that I am talking about the people of my country. I am talking about all my countrymen and I mean all my people.

Prosecutor: Have you ever been deeply in love?

Defence: Objection that is personal information. It is trivial. There is no relationship between my client's views about health for all and his family and love life.

Memory (As Judge): Mr Prosecutor I will only allow you to pursue that argument if it is related to your submissions. You may continue for now.

SC: That's why I got married twice, isn't it?

Prosecutor: What does it mean to love somebody?

SC: Ah, well, that is to be natural, isn't it? You love somebody and you want to marry someone because you are desirous of having a partner in life. Having children gives your love real application, if you have a heart. The heart must exude itself by showing love to your children; other children as well, and to people as a whole.

Prosecutor: Confirm you were denied permission to bury your son as a prisoner during the liberation struggle?

Defence: Objection that experience was a bad one for my client and you cant be taking him back to that traumatic experience.

SC: Don't worry, I can handle that. Yes I was.

Prosecutor: How did that make you feel?

SC: How else could it have made me feel? How can someone be so callous as to deny another human being the right to bury his own son.(With a sad countenance) Surely we may differ about things but when it comes to life and death issues and our beloved children it is

only humane to have a heart. At three years I didn't know what my son looked like and I will never know.

Prosecutor: That is sad indeed. And I am sure you wouldn't do that to anyone.

SC: Never. I know my values.

Prosecutor: You honour I wouldn't want to bother this court with this but I wish to remind the Senior Citizen of a similar incident after independence where he denied a Cde Dumiso Dabengwa permission to visit his dying friend, a Mr Lookout Masuku. That's just for the court to know what kind of a turncoat we are dealing with

Defence: Objection your Honour. This is insulting.

Memory (As Judge) Mr Prosecutor you cannot raise issues you are not willing to substantiate here. This is a court of law and we deal with evidence.

Prosecutor: I will pursue the issue no further your honour. Now, Mr Senior Citizen, being the most senior citizen of your country, do you view yourselves as the father of the national family?

SC: Of course of course I am.

Prosecutor: Do you treat all members of this family called your country, of whom you are the father, equally?

SC: Well that is an obvious thing. Who wouldn't?

Prosecutor: Is there anything that would make you deny any of your children medical attention? I mean anything?

SC: Nothing. Nothing at all. That will go against our values. We don't discriminate against anyone.

Prosecutor: Are you aware that HIV/AIDS is a serious disease that is life threatening if not treated?

SC: Of course who doesn't? That is why we have programmes all around the country that aim to give access to free treatment for all our people.

Prosecutor: Are you aware that your government and society excludes gay people...

Defence: (Interrupting him) Objection. This issue is taboo in my country. We don't discuss such nonsense in my country. Are we here to embarrass the Senior Citizen?

Memory (As Judge): Objection overruled. The accused person is the most senior citizen and that gives this court the right to talk about anything. You may continue Mr Prosecutor.

Prosecutor: I will repeat my question. Are you aware that your government and society excludes gay people from HIV/AIDS awareness, prevention, treatment and care programme?

Frank (As SC): That is nonsense. That does not make sense in my country.

Prosecutor: Now, Mr Senior Citizen, Are you aware that since the 1995 book fair, Gays and Lesbians, GALZ in short, have seen an increase in black homosexual membership meaning that homosexuality exists in your country even if you deny it?

SC: That is not true. That is not acceptable in my country. How can people who don't exist in my country get medication? That one is not negotiable. As long as it is known that they are like that anyone who gives them medication will pay for it.

Prosecutor: Are you aware that by so doing many gay men have died silently through ignorance and multiple stigmatizations of homosexuality and seropositivity?

SC: I don't care what happens to those who do that. Even if they die.

Defence: Objection your Honour, Defence is dragging my client's children into all this nonsense.

Memory (As Judge): Mr Prosecutor, please rephrase that.

Prosecutor: Are you aware of the implications of such a stance on the safety of the straight community, considering the fact that there are people who are bisexual and have sexual relations with straight People?

SC: (*Joined by all chorally))* I don't even know what you are talking about and I don't want to understand it. Never ever because to me it does not exist in my country. It is a white man's disease.

Prosecutor: And the church has been supportive in suppressing gay people hasn't it?

SC: Yes of Course.

Prosecutor: And if homosexuality came from Britain, where did the church come from? I have no further questions your honour.

Defence: Mr Senior Citizen, does your constitution protect the rights of gay people?

SC: No.

Defence: Who amends the constitution in your country?

SC: The people.

Defence: What have the people said about this Your excellency?

SC: Ah well they have made themselves clear on this issue. Even the Prime Minister Morgan knows that on that one I have spoken. I mean he has said it himself that 'the president has spoken on gay rights. Men who breathe on other men's ears. *Varume vanofemerana munzeve (Laughs scornfully*)

Defence: I have no further questions your Honour.

Prosecutor: Is it true that only the people change the constitution?

Frank (As SC): Ummm Ummm not exactly but some critical issues we may change in parliament as long as we agree.

Prosecutor: And you don't think the lives of gay people are critical? If your own son was...

Defence: Objection your Honour, Prosecution is once again dragging my client's family into this

Memory (As Judge): Object**ion** sustained. Please rephrase that.

Prosecutor: If someone as close to you as your own blood was in this position, do you think you would still view this whole thing the same way?

SC: *(Silence for a while and then says*) No! Yes. I cannot have a son like that? This never happens in our culture.

Prosecutor: If homosexuality never existed in your culture, how do you explain the many stories of same sex told by the elderly of your community? Stories of ancestral wives and all such stories.

Defence: Objection. That is hearsay and we cannot use that in court. That cannot be true. Are we going to be bogged down on such issues your honour?

Memory (As Judge): What is the source of your submission Mr. Prosecutor?

Prosecutor: May I bring in a witness your Honour?

Memory (As Judge): Go ahead.

Music as judge transforms to old man.

Defence: Objection your honour, the witness is bringing a weapon into court.

Memory: (As Old man) This is not a weapon a weapon but something that I use to defend myself when I am attacked. (Proceeds to the witness stand) My name is Titus Jahalamajaha Sibanda.

Prosecutor: Thank you for that one. And sir what can you tell us about inxwala as a ceremony among the Ndebele people.

Memory (As Old man) Inxwala? No we cannot talk about that in public my boy.

Prosecutor: Just tell us briefly what used to happened.

Memory (As Old man): (*Raising his voice*) That is exactly what I am saying. How can we talk about such things in public? We don't talk about that in public fora.

Prosecutor: Mr Sibanda, have you ever been married?

Memory (As Old man): (Getting agitated) Why do you ask me such a question? Are we here to discuss my private life? What has my marriage got to do with this issue?

Prosecutor: I don't know. You tell me why all your life you never married? Was it a matter of choice?

Frank (As Defence): Objection your honour. Marriage is a matter of choice. I don't see why prosecution should put that question to Sibanda.

Memory (As Judge): Sustained. That question is too personal.

Prosecutor: Were there any homosexual activities in the past?

Memory (As Old man): (*As witness. Getting worked up. Gets going*) You cannot call me here to embarrass me and my past. I am going. (*Leaves angrily*).

Prosecutor: I guess I can't have any further questions for the witness your Honour.

Lucky Dube's different colours plays old man transform back to judge

Prosecutor: Mr Senior Citizen, you are on record as having called gay people worse than dogs and pigs. Do you maintain that?

SC: Yes and I will never change. Animals know which animal is male and which one is female. So what's wrong with these people? I mean even birds know the difference.

Prosecutor: Are you aware of the effects that statement has had on other African leaders? Are you aware of what the Namibian and Zambian presidents went on to say after your careless statement? Your honour it sad that when these irresponsible leaders sneeze, the whole continent catches a fever. Look at what Uganda is doing and the effects that has had in Malawi and Swaziland. And even for South Africa, the paragon of human rights to send a journalist like John Qwelane as an ambassador to cover the Ugandan issue when he is a

known homophobe flies in the face of justice. Look at the effect this has had on the Prime Minister of the Senior Citizen's country. *(Pause)* Are you aware that this is a serious human rights issue?

Defence: Objection this has nothing to do with human rights. This is just meant to insult Africans and their values.

Prosecutor: Your honour, may I call a witness, a human rights specialist.

Lucky Dube's different colours plays as the Judge transforms into the human rights specialist in a white mask.

SC: Ah! They are calling in a white person.

Prosecutor: (To the witness) Would you like to tell the court your name?

Memory (As Human Rights Activist): I am Julius.

Prosecutor: Is the Senior Citizen right to condemn gay people and publicly call them worse than pigs and dogs?

Memory (As Human Rights Activist): No! He has no right. Everyone has got a right to choose how they live their private and personal lives (including sexual orientation). No one has a right to call others animals. Sexual rights are part of the freedoms that we are constantly fighting for; such as the right not to be discriminated against because of race (skin colour); sex (male/female); social class, religion, tribe, and taste, etc. If we can discriminate against gays and call them worse than pigs and dogs, then why should we blame white supremacists when they call black people monkeys? Why should we say what Tanzania is doing is wrong to kill albinos? How do we attack slavery? Where would we draw the line that this is the 'right' kind of discrimination?

Prosecutor: Are there specific verses in the Bible that say that Christians should condemn gay people?

Memory (As Human Rights Activist): I may not know that but I do know there are verses in the bible that show that homosexuality was practised on those days. However, I do not

understand the brief of your questions but why are we using the bible as a reference point? Are we forced to view the Christian Bible as the standard for all human kind?

Prosecutor: I will leave the bible. On a general note, how do you explain the existence of gay people?

Memory (As Human Rights Activist): (*As witness*) I think this question is loaded – because you are 'othering' gay people. By asking how we explain their existence, you are insinuating that they are 'the other', those-whose-existence cannot-be-explained-using-the-same explanations-we-have-for-heterosexual-people! For example, if I were to ask you: 'How do you explain the existence of heterosexual people?' wouldn't you think that question is ridiculous?

Prosecutor: Are gay people part of the history of Africa in general and Zimbabwe in particular?

Memory (As Human Rights Activist): They are part of our country as much as anyone else. Otherwise, we will buy into the idea being spread by Shona supremacists who argue that Ndebele are not Zimbabwean, or the 'royal' Ndebele supremacists among us who believe that 'amahole' or 'amaKhalanga' are not people. This kind of discrimination has led to deaths of about a million people in Rwanda, and thousands in Matabeleland in the 1980s – this vain belief that some people are more human than others; this othering of people by calling them animal names like 'cockroaches', 'pigs and dogs' so that you justify killing them.

Prosecutor: Would gay people offend anyone if they were given the right to practise their sexual activities?

Memory (As Human Rights Activist): Of course not, there are many heterosexual people who practise all sorts of offensive and atrocious sexual acts such as rape, paedophilia and necrophilia and they continue to be protected by their lawyers and families; why should sex between consenting adults of the same sex, in a private space, offend anyone?

Prosecutor: Is it right for the people of Zimbabwe to refuse to protect gay people in the national constitution?

Memory (As Human Rights Activist): This refusal is by itself unconstitutional. How are we going to stand up and say we have a bill of rights that says 'everyone has a right not to be discriminated against, except gays'? We might as well extend it to say everyone except, minority tribes, women, children, poor people, white people, albinos and so on. You must know that no one is free until we are all free.

Defence: Yes your honour, I do have a few questions for the witness. Julius please tell the court your qualifications.

Memory (As Human Rights Activist): I have a masters in social sciences and I am currently...

Defence: Very educated indeed. So tell me why with all your education you decide to come and take part in this. What else could be in it for you if this man *(pointing to the prosecutor)* did not pay you?
Prosecutor: Objection Your Honour. This is defamation of character.

Memory (As Human Rights Activist): Right now as I am here my family is in danger of being attacked anytime. How much money is worth that? I am here because I don't like what the Senior Citizen is doing to my country.

Defence: No further questions your honour but I wish to cross examine a witness.

Lucky Dube's different colours as the Human Rights Activist transforms into Priest.

Defence: Would you like to tell the court your name?

Memory (As Priest): I am father Mlauzi.

Defence: Is the church supportive of giving gay people rights in your country?

Memory (As Priest): No. That we don't support.

Defence: What should be the stance of the nation on this issue?

Memory (As Priest): The nation is right to condemn such behaviour. We will have the blessings of God.

Defence: I have no further questions your honour.

Memory (As Judge): Does prosecution have any questions for the witness?

Prosecutor: Yes your honour. If God blesses nations collectively for denying gay people their rights, how come Zimbabwe is on her knees economically and socially right now while South Africa, her neighbour is relatively better but their constitution protects gay people?

Memory (As Priest): Well that's for God to answer. I am not God. God works in mysterious ways my son.

Prosecutor: So why are you speaking on behalf of God if your answers are not certain? Is the Senior Citizen right to condemn gay people and publicly call them worse than pigs and dogs?

Memory (As Priest): As a national leader of a country that prides itself of being a Christian nation, he is right to condemn gay people.

Prosecutor: What Christian nation. Are you saying that your country is only about majority rule and never about the rights of the minority? What about those who are not Christians? Are they to suffer because they are few? I put it to you that that is Christian fundamentalism. We are a democracy here and not a theocracy and in a democracy sexuality is a human rights issue. Why are you not prosecuting all so called sinners and targeting homosexuals only. Why father! Answer me Father.

Memory (As Priest): In my opinion sexuality is a human rights issue in that it is one of the natural and fundamental human attributes. But homosexuality is sin.

Prosecutor: Some gay people say that they are naturally like that. What should happen with them?

Memory (As Priest): Some kleptomaniacs say they are genetically like that. What should happen with them as they steal? Some murderers say they are spiritually possessed and so spiritually like that. What should happen to them?

Prosecutor: (As Prosecutor) Kleptomaniacs steal from other human beings. Murderers are killers who rob people of their lives. Gay people do not rob anyone of anything. If anyone should be likened to a thief or murderer, it is you father! You rob gay people of their rights. You and the Senior Citizen are kleptomaniacs and killers. (Pause) Father Mlauzi, confirm you are the uncle of Farai Mlauzi who fled to the United States of America after it was discovered that he was gay and was facing arrest?

Memory (As Priest): (Looks down embarrassed) What does that have to do with this trial?

Prosecutor: Are you saying therefore that you have a nephew who is as good as a kleptomaniac and a murderer father. What should happen to him? How would you feel if he lived in Uganda? Would you support his killing? Is he worse than pigs and dogs father? Is it true that you bought his plane ticket for travelling to the United States?

Memory (As Priest): Farai is my nephew. What did you expect me to? I had no choice.

Prosecutor: You had no choice. (To the jury) The father had no choice. (Pause) Are you privy to the story of Canaan Banana and how he was accused of sodomy and later jailed? What is your comment on what he did and the way government later treated him when he died?

Memory (As Priest): I am aware of the story from the public media and general comments by the public. The sinful side's remedy is a personal matter between him and God. He, however, fulfilled the requirements of justice and got free on release from prison. My view is that the government could have treated him better in his last days, to complete the process of restoration of the offender and redemption of the repentant. Granted it could not do anything to him when he died. However, in my view, his remains, survivors, and

estate could have been better treated such that he would be laid to rest with dignity befitting the first ever President of his country.

SC: (*Joined by all chorally*) He was a rapist trying to make man his wives. He violated our culture. If he wanted to do that why didn't he do it with people who wanted to do it? Why do it with a man. A real man with a wife and a family? Making him a woman. Is that fair? I mean those poor men who different from him. They were normal. *(End of Chorus)*

Prosecutor: Why do you talk about women as if they are lesser beings? You are also a rapist because you want to force gay people into heterosexuality. Don't you think you are guilty of the same crime as the late Banana? If Mr Banana forced himself on straight people then you want to force your people onto gay people. Will it be fair therefore when you die if your countrymen don't bury you at the heroes' acre?

Defence: Objection your honour that is the worst insult ever. My client was the first black Prime Minister of his country.

Prosecutor: Cde Banana was the first President of his country, wasn't he?

Defence: But he was gay!

Prosecutor: So what! I have no further question your honour but I wish to call in my last witness. (Looks to the audience) Mavis please come forward.

Mavis does not stand up.

Prosecutor: Mavis, could you come forward please.

She still does not stand

Prosecutor: (*Now showing worry*) I am calling Mavis Gabagaba please.

Lesbian: (Slowly gets up.) My name Mavis Gabagaba

Prosecutor: Please come to the witness stand.

Lesbian: No I am not coming there.

Prosecutor: You are required by this court to come to the stand. And this court guarantees you absolute protection even after this.

Lesbian: (*Laughs loudly***)** Protection? In my country? That's the joke of the year I am sure. (Laughs again) No! I am not coming there.

Prosecutor: (Goes to consult with the Judge) Ok Mavis, tell the court. What is your sexual orientation.

Lesbian: (*After brief silence***)** I am a lesbian.

Prosecutor: What does that mean Mavis?

Lesbian: Well it means that my sexual orientation is different from that of other women. I am attracted to other women.

Prosecutor: When did you discover that?

Lesbian: When did I discover this? Being lesbian is a part of me. It is not always about sex. I was like that I think from the time I was eight…

Defence: Objection! Why should we listen to the soap stories of this woman? The witness must get to the point.

Memory (As Judge) Sustained. Please get to the point

Lesbian: It stuck to me. As I grew older I said how come I am not feeling like other girls towards men? I got worried. I had not had sex then you see but I was already a lesbian. I had a boyfriend too but as time went on I felt that I wanted more to kiss the girls and have sex with them. I tried to resist that feeling for a long time and I even had a baby with a man at 19. It was later at 25 that I decided that I was going to be myself and I discovered that I was not alone in this orientation.

Prosecutor: How do you know the accused person?

Lesbian: *(After brief silence)* I know him as my senior citizen and as the person who made it difficult for me to say out how I felt sexually. I used to see him on television saying people

like me are only whites and that they were worse than dogs and pigs. That confused and hurt me more.

Prosecutor: Tell us briefly what sort of problems you have faced living in the country of the Senior Citizen as a lesbian?

Lesbian: Well, a lot. I am confused more than anything. What is more disturbing is being condemned and abused by someone who later comes forward and wants to hit on me later at night. This is so disheartening. Then these police who threaten to arrest us when we express our sexuality. A policewoman came to me and found me kissing my girlfriend and she wanted to arrest us. She let us go later and took my number. She then called me later and wanted to meet me and I knew from her tone what she wanted. And the pressure I get from society to be something else is just unbearable.

Prosecutor: Do you have any straight friends?

Lesbian: Me? Yes I do. Yes but recently a straight' friend' called me to say she could not continue with me as a friend because her church condemns what I am. So she cut our friendship, just like that.

Prosecutor: And how did this make you feel.

Lesbian: Do you really care how I feel. I mean does anybody care really? Anyway, it gives me terrible feeling of not belonging. I go to church you know but I am seriously considering stopping. I mean what's the point. I feel judged the moment I step in. So why should I bother. I wonder why God created something he doesn't want. You know I really don't want to go to the Metropolitan Community Church personally because I have a quest for belonging. I want to be part of the larger society. I have no problem people not understanding me but I desire acceptance.

Prosecutor: What would you say is your greatest desire in life?

Lesbian: My greatest desire? Well, to be loved and to be free to love. Is that asking too much?

Prosecutor: Does your mother know about this?

Lesbian: (*Gets agitated)* You see, that's the problem with you people. You call me here and you start talking about my mother. These newspaper people interviewed me one day and the next minute they run to my mother without even consulting me or preparing my mother for. Do you want to know what happened? She collapsed. So inconsiderate all of you. Nx mani. (*After brief silence)*Yes my mother knows about my sexual orientation. Well with my mom, it is kind of difficult. I love her and I know she loves me but she wants to change the concept of who I am. She would say that it is ok that I come out to the family but not to society. But you know my mother is close to a next door girl who is a transgender. She is so close to her but when I ask she says it is because she is not her daughter. My mother is also under pressure from society you know.

Prosecutor: But do you feel for her.

Lesbian: Yes of course I do feel for her you know. There are times when I think it gets so lonely for her and she wishes I was straight and had grand daughters for her. But this is who I am you know. If someone says to me I love you or I accept you but, they elevate themselves already you know and make you feel inferior. I don't like to be with someone who makes me feel inferior. They treat you like you have a disease.

Prosecutor: Now Mavis, society out there views you people as people who have a lot of money and are doing well materially. They think this is strange. What would you say to that?

Lesbian: (Laughs) Oh, so society thinks we have a lot of money and they find that strange. I am sure they think we get it from the devil nhe? We are normal human beings you know, who want significance and self esteem. If we are not careful we don't get much of that out of relationships. So what do you do? You are put under pressure to work hard. I want to make an impact and leave a legacy. Can you imagine turning 50 as a lesbian with nothing and no one? That is why some gay men commit suicide. It is because of society. I don't want to end up alone. There is nothing mystical about the success stories of gay men and lesbian women. Yes most of us are like that thanks to society.

Prosecutor: I have no further questions for the witness your honour.

Memory (As Judge): Does Defence have any questions for the witness?

Defence: Yes your Honour. Mavis, have you been in jail?

Lesbian: No.

Defence: Did you grow up with any girls in your family or you were the only girl with boys only?

Lesbian: I come from a family of three girls and two boys.

Defence: Have you ever been abused by a man sexually?

Lesbian: No but I think sleeping with a man before I understood myself was self abuse.

Defence: So you confirm you were once abused.

Prosecutor: Objection. The witness never said she was abused?

Memory (As Judge): Objection sustained. Miss Defence lawyer, the witness has made it clear that she was never abused but that sleeping with a man was self abuse. Does anyone of you have any questions for the witness?

Defence: Yes I have more issues with the witness. Mavis we are being serious here and remember this is about the Senior Citizen's life. This is about someone's life. This is something you can change isn't it?

Lesbian: I have been through difficult times all my life. Do you know that at some point I almost took my own life because of the treatment that I get from people who think that this is not a serious thing. Tell me, who, in their normal senses would want to commit suicide over a small matter?

Defence: Well you did.

Lesbian: I have lived a life of secrecy for too long. I could never speak about my father openly because I was afraid. Now I am not afraid. (Moves to the sage courageously, faces the audience boldly and speaks bravely) My mother tells me that Mr Senior Citizen's father came to live in my village, Tsholotsho and that the Senior Citizen's father is also my father.

All: What! He is also your father!

SC: No! I am not related to you. I cannot... I am not your brother. I am not related to this dog! I am not related to this pig! I am not related to this thing!

Memory (As Judge): Order! *(To Prosecutor and Defence)* Does anyone of you have any questions for the witness? Fine, the witness may leave. You may now address the audience in closing.

Prosecutor: Ladies and gentlemen here is a man we all thought was a liberator who turned out to be the most oppressive and discriminative leader ever. For him the colonial system was never enough hardship for the people of his country. He has killed innocent civilians. His minority rights record in his country is terrible. But he has the guts to stand up and condemn the world for trampling on the rights of other groups. Shall we sit back and say it doesn't concern us? And if we watch and do nothing, what is going to stop the next senior citizen from allowing such excesses?

Imagine if your own child was gay and it was wired in him to be attracted to the people of the same sex. And this child, your own child contracted HIV. Would you watch him die? I mean even if you did not approve of his sexual orientation. This man who has denied gay people HIV/AIDS treatment and care is responsible for the deaths of so many people. Mr Senior Citizen continues to watch large numbers of HIV positive lesbian woman and gay men die by denying them treatment as punishment for their sexual orientation. Ladies and gentlemen, how many people should one man be allowed to kill in his life time? I rest my case.

Defence: It is not true that my client is an oppressor. This man spent many years in prison for the liberation of his people. To then turn and call him an oppressor is the highest level of ungratefulness. Which other senior citizen in Africa has stood for the cause of his people than my client. This man was sent by God to defend the rights of his people. All this history they refer us to is a creation of Britain and their American allies bent on rubbishing the name of my client.

In my client's vocabulary the word gay does not exist. It is not just his personal decision that denies gay people treatment of HIV/AIDS. All the people of his country have said no. That includes the Prime Minister. I mean isn't that a plus for the Senior Citizen considering who

sponsors the Prime Minister. In other words the whole world has said no! Are you going to stand alone and blame him only for fulfilling his people's will? This man is innocent and his hands are tied. There is nothing he can do for gay people in his country. This is a man surrounded by so many religious people and is himself a catholic. Why do you want him to go against his priests, his religion and his people? My client is not alone in defence of rightness and you can only help him by declaring him innocent.

Memory (As Judge): We will now proceed to the jury deliberations and the foreperson will supervise.

Deliberations begin with the foreperson announcing that jurors may give themselves acting names for purposes of the deliberations which are part of the play. Jurors decide their verdict by completing the verdict forms given to them at the beginning of the play. The verdict is not announced but the facilitator announces that it shall be posted on notice boards on the following day.

The Trial of the Senior Citizen

Written and Directed

By

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