

*In Loving Memory*  
*of*



**Senior Counsel**  
**NZAMBA KITONGA E.B.S., M.B.S.**

SUNRISE: 1956 SUNSET: 2020





# NZAMBA KITONGA FUNERAL PROGRAM

**REQUIEM MASS, HOLY FAMILY BASILICA (NAIROBI)**

**THURSDAY 5TH NOVEMBER, 2020 – 1.15PM – 2.30PM**

**CELEBRANT: Father Fredrick Chege**

1. 1st Reading: Mwathi Kitonga.
2. 2nd Reading: Mukami Kitonga.
3. Gospel: Father Fred.
4. Prayers of the faithful: Betty, Rachel, Syombua.
5. Offertory Hymn: Utukuzwe Ewe Baba Mungu.
6. Host and Wine.
  
7. Eulogy: Ivia Kitonga.
8. Special Tribute: Mwathi Kitonga, Kavengi Kitonga, Mukami Kitonga, Carol Mbuvi, Brothers and Sisters.
9. Tributes / Speeches:
  - (a) President of the Law Society of Kenya – Mr. Nelson A. Havi.
  - (b) Chairman of the Senior Counsel Bar - Mr. Fred Ojiambo, SC.
  - (c) Ms. Nancy Njeri Kiagayu - Representative Class of 1978.
  - (d) The Hon. Attorney General - Justice (Rtd.) Kihara Kariuki, E.G.H.
  - (e) The Chief Justice of the Republic of Kenya – David K. Maraga.
  - (f) Hon. Kalonzo Musyoka - Classmate.
  - (g) Rt. Hon. (Eng.) Raila Odinga, E.G.H.
  - (h) Uhuru Kenyatta, C.G.H., President of the Republic of Kenya.
  
10. Vote of Thanks: Muthusi Kitonga.
11. Recessional Hymn: Chakutumaini Sina.



# NZAMBA KITONGA FUNERAL PROGRAM

MUTITU WA - NDOOA, KITUI COUNTY

SATURDAY 7TH NOVEMBER, 2020

**MASTER OF CEREMONY: Isaac Kalua**

**CELEBRANT: Bishop of Kitui Diocese- Joseph Mwangela**

1. 7.30 am Departure from Wilson Airport.
2. 9.30 am Arrival at Mutito Wa - Ndooa, Kitui.
3. 10.00 am Arrival at Home (Prayer Service for family members only).
4. 10.30am Requiem Mass at Mutito Primary School.
5. Speeches:
  - Family.
  - Hon. Nimrod Mbai.
  - Hon. Kalonzo Musyoka.
  - Hon. Governor Charity Ngilu.
  - Rt. Hon. (Eng) Raila Amollo Odinga, E.G.H.
6. Burial.
7. Vote of thanks.



# Eulogy

## NZAMBA KITONGA

We are all here to celebrate a remarkable man who accomplished a great deal in his lifetime.

First and foremost, Nzamba was a man who loved the law and all it encompassed. He distinguished himself as a legal luminary, and a constitutional law stalwart who was a key pillar in the country's constitutional journey. He was a great humanist who held a strong sense of human rights, commitment to the rule of law and promotion of access to justice for all. He was a father, brother, uncle, cousin, dear friend and a benevolent mentor to many. He served the Bench and the Bar effectively, enthusiastically and with distinction and dedicated himself to building our nation and her institutions.

Of the Aoni Clan, Nzamba was son of Kitonga, son of Muthangya and son of Kavuu. Born on 10th April, 1956 in Mombasa, he was the 5th of twelve siblings. His father Hon. Chief James Kitonga and mother, the Late Martha Mwathi Kitonga named him Nzamba, which means '*shujaa*' in Kiswahili. He lived up to that name throughout his life. There was nothing he could not accomplish if he put his mind, strength and force to it.

His academic journey began at Mombasa at Buxton Primary School. After eight years education, he moved on to Kitui Seminary for his secondary education. It was at this time, he grounded his faith in the Catholic religion. Having passed well he proceeded to Kangaru High School for A level. Two years later he joined the University of Nairobi. At the time, Nzamba's father was a Member of Parliament. However, as Professor Kivutha Kibwana recalls, Nzamba was very low key. He never talked about himself or family. In fact, his father was surprised on visiting the university to find out his son was one of the student union leaders. It was a controversial position then.

In his career spanning over four decades, Nzamba achieved many firsts in his legal profession. After a two-year stint at K. Mwaura & Company in Nairobi and Ndeto Mututo Advocates in Kitui, he established his own legal practice in 1981 at twenty-five years of age. Two years later, 1983, he expanded his foot print into Mombasa and a further six years later he founded the head office in Nairobi. He grew his firm with tenacity, hard work and faith.

His areas of practice include conveyance, corporate, property and commercial law, trade union, labour, local government, human rights, insurance and constitutional law. He undertook litigation in all areas of civil, criminal and commercial law. In 2002, Nzamba became a Member of the Chartered Institute of Arbitrators. The following year (2003) he was appointed Senior Counsel of the Republic of Kenya and obtained an International Criminal Law Practice conferment from The Hague, Netherlands. He was inducted into The Roll of Honor of Advocates by the Law Society of Kenya in 2004.

Nzamba served as a council member of the International Bar Association and a council member of the Law Society of Kenya from 1994 to 1999 holding the post of chairman from 1997 to 1999. He held the Vice Presidency of East Africa Law Society from 1998 – 2000 and the Presidency from 2000 – 2003. He was also a council Member of the N.G.O. Statutory Disciplinary Tribunal and Pan African Lawyers Union. He served as a council member on the council of Legal Education in Kenya and the Legal Sector Reform Committee / Task Force of Kenya and was the Chairman of the Kenya State Corporations Appeal Tribunal.

In 2001, Nzamba Kitonga convened the East African Legal Conference on Inland Waters, Marine and Shipping Laws. He was the Chief de Mission of the Investigative Task Force on Human Rights,

Electoral Violence and Discontent in Zanzibar from 2001 to 2002. He was also the Chief de Mission of The East African N.G.O. delegation to the United Nations World Conference on Racism held in Durban, South Africa in 2002. He was the Vice - Chairman of the Commission of Inquiry into the Goldenberg Affair from 2003 to 2005. He has served as an Alternate Chairman of the Advocates Disciplinary Committee. In 2008, he was the legal counsel to the Parliamentary Department Committee on Finance, Planning and Trade Investigating into the Grand Regency Saga. In the same year and the following he served as Chairman / Convenor of The Law Society of Kenya Committee on Constitutional Review. From 2009 – 2010 Nzamba served as the President of the COMESA Court of Justice.

From 2009 – 2010, Nzamba served as The Chairman of the Committee of Experts on Constitutional Review Process culminating in the promulgation of the Kenya's New Constitution of 27th August 2010.

At the time of his demise, he was the current United Nations monitor to The Genocide trials in Rwanda. He was an L.L.M student on International Criminal Law at Tanzania Open University. He was also on the International Criminal Court Counsel list.

In his childhood he was popularly known as 'koko' amongst his peers and family. This was a nickname given to him by his father to portray a rooster's way of life of crowing at the break of dawn. The name Nzamba means a cockerel hence a symbol of bravery, prudence, pride and strength.

*In life, there is a purpose for everyone you meet. In every chapter of Nzamba's life, he was supported, loved and cared for. He is survived by four beautiful children, James Ivia Kitonga, Mary Mwathi Kitonga, Kavengi Kitonga and Eve Mukami Kitonga and his partner Carol Mbuvi. His children describe him as very disciplined and humble. A gifted orator, he had a witty sense of humor. Everyone who knows him can attest to his intellect. Sharing his vast experience with younger lawyers was very important to him. His daughter Mwathi can attest to this. Often, she meets advocates who have been mentored by him and who hold him in high regard.*

His children further describe him as a disciplined and hard worker even up to his untimely demise. He religiously woke up at 5.30 a.m every day and left the house by 6.30 a.m to arrive at his office at 7.00 a.m a routine he has practiced all his life. Nzamba had a lot of integrity especially concerning money. He was always aware of his commitments and pledges and never wavered on any of them. If he promised something, his word was as good as done.

We offer humble gratitude to God to have witnessed his life. Above all, we were blessed to have enjoyed his spirit. He leaves behind a legacy that benefits not only his children but all Kenyans.

Nzamba Kitonga, may you rest in peace.

## **Awards**

2003 – Appointed Senior Counsel of the Republic of Kenya.

2004 – Induction into Roll of Honour of Advocates by the Law Society of Kenya.

2005 – Distinguished Service Award / Honorary President East African Law Society.

2006 – Awarded Moran of the Order of the Burning Spear (M.B.S.).

2010 – Awarded Elder of the Burning Spear (E.B.S.) for distinguished service to the Nation.

2010 – Declared Jurist of the Year by the International Commission of Jurists – Kenya Chapter.













**31ST COMESA COUNCIL OF  
MINISTERS' MEETING**

19-20 NOV, 2012 AT  
COMMONWEALTH RESORT HOTEL, KAMPALA-UGANDA

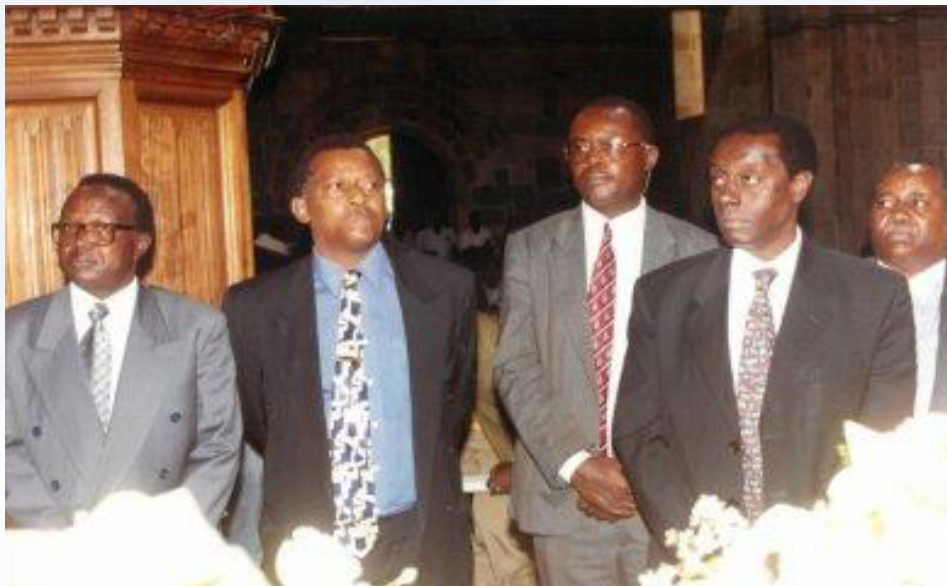


THE REPUBLIC OF KENYA  
**THE JUDICIARY**



**NZAMBA KITONGA SC, RECEIVES AN AWARD FROM THE CHIEF JUSTICE HON. DR. WILLY MUTUNGA  
DURING THE CJ'S DIALOGUE WITH SENIOR COUNSEL, AT SUPREME COURT GROUNDS, NAIROBI  
ON 29th JANUARY, 2014.**







# SONGS

## UNINYUNYIZIE MAJI

1. Uninyunyizie maji (Bwana) \*2  
Unioshe nitakate (kweli) Niwe mweupe kabisa \*2
2. Mimi ni mwenye dhambi (Bwana) \*2  
Unioshe nitakate (kweli) Niwe mweupe kabisa \*2
3. Natamani nije kwako (Bwana) \*2  
Unioshe nitakate (kweli) Niwe mweupe kabisa \*2
4. Naingia nyumba yako (Bwana) \*2  
Unioshe nitakate (kweli) Niwe mweupe kabisa \*2
5. Niuone uso wako (Bwana) \*2  
Unioshe nitakate (kweli) Niwe mweupe kabisa \*2
6. Nifurahi milele (Bwana) \*2  
Unioshe nitakate (kweli) Niwe mweupe kabisa \*2

## MISA CENTINARY

### UTUHURUMIE (MISA CENTINARY)

1. { Utuhurumie ee Bwana ee  
Ee Bwana (tuhurumie) ee Bwana  
Utuhurumie ee Bwana ee  
eh eh eh - ee Bwana, eh eh eh - ee Bwana } \*2
2. /s/ Ee Kristu tuhurumie, tuhurumie  
Uturumie ee, ee Kristu tuhurumie,  
ee Kristu tuhurumie  
/a/ Ee Kristu tuhurumie, tuhurumie,  
ee Kristu tuhurumie,  
Eee Kristu ee Kristu, ee Kristu tuhurumie  
/b/ Ee Kristu, ee Kristu, ee Kristu, ee Kristu,  
Ee Kristu utuhurumie \*2  
/t/ Ee Kristu tuhurumie tuhurumie  
Eeh eeh, Ee Kristu tuhurumie
3. Utuhurumie ee Bwana ee . . .

### UTUKUFU KWA MUNGU (MISA CENTINARY)

1. Utukufu kwa Mungu juu Mbinguni,  
Na amani iwe, kwa watu wenye  
Mapenzi mema duniani kote.  
(Tunakusifu) tunakusifu, tunakuheshimu  
Tunakuabudu, tunakutukuza
2. Tunakushukuru Mungu kwa ajili,  
Ya utukufu wako, mkuu ee Bwana  
Ni Mungu ndiwe mfalme wa mbinguni.
3. Ee Baba Mwenyezi Bwana Yesu Kristu,  
Ee mwana wa pekee, ee Mungu Mwana  
Kondoo wa Mungu mwana wake Baba

4. Mwenye kuondoa dhambi za dunia  
Utuhurumie, tuhurumie  
Maombi yetu Bwana uyapokee
5. Mwenye kuketi kuume kwa Baba  
Utuhurumie, kwa kuwa ndiwe  
Pekee yako ni mtakatifu
6. Peke yako Bwana peke yako mkuu  
Ewe Yesu Kristu, pamoja naye  
Roho Mtakatifu milele yote.

### MTAKATIFU (MISA CENTINARY)

- Mtakatifu Mtakatifu,  
Mtakatifu Bwana Mungu  
Mtakatifu Mtakatifu,  
Mtakatifu Bwana Mungu wa majeshi \*2
- Mbingu na dunia zimejaa utukufu  
Mbingu na dunia, mbingu na dunia  
Mbingu na dunia zimejaa utukufu wako  
Zimejaa utukufu wako  
{ Hosanna juu, hosanna juu  
Hosanna juu, hosanna juu mbinguni } \*2  
Mbarikiwa yeye ajaye kwa jina  
Mbarikiwa yeye, mbarikiwa yeye  
Mbarikiwa yeye ajaye kwa jina la Bwana  
Ajaye kwa jina la Bwana

### FUMBO LA IMANI (MISA CENTINARY)

- Fumbo la imani  
Fumbo la imani Yesu alikufa  
Fumbo la imani Yesu alifufuka  
Yesu atarudi tena, Yesu atarudi tena

### EE MWANAKONDOO (MISA CENTINARY)

1. Ee Mwanakondoo wa Mungu  
uondoaye dhambi za dunia ee,  
Ee mwana tuhurumie  
Mwanakondoo wa Mungu ee  
Ee mwana tuhurumie
2. Ee Mwanakondoo wa Mungu . . .
3. Mwanakondoo wa Mungu ee,  
Amani utujalie
4. Mwenye kuondoa dhambi zetu ee,  
Amani utujalie  
Utujalie amani ee  
A - a -amani, u-utujalie

# SONGS

## MOYO WANGU WAMTUKUZA

{(Moyo) Moyo wangu wamtukuza Bwana  
(Roho) Roho yangu inafurahi }\*2

1. Kwa kuwa amemwangalia, kwa huruma  
mtumishi wake  
Hivyo tangu sasa watu wote, wataniita  
mwenye heri
2. Kwa sababu Mwenyezi Mungu, amenifanyia  
makuu  
Jina lake ni takatifu,
3. Huruma yake ni kwa wote, wote wale  
wanaomcha Kizazi hata na kizazi,
4. Huyatenda mambo makuu, kwa nguvu za  
mkono wake Wenye kiburi hutawanywa,
5. Hushusha wote wenye vyeo, kutoka vitini  
vya enzi Nao wale wanyenyekevu, wote hao  
huwainua
6. Huwashibisha wenye njaa, na matajiri  
huwaacha  
Waende mikono mitupu,
7. Hulilinda taifa lake, teule la mtumishi wake  
Akikumbuka huruma yake,
8. Kama alivyowaahidia, babu zetu kuwaahidia  
Ibrahima na mzao wake,
9. Atukuzwe Baba na Mwana, naye Roho  
Mtakatifu Leo kesho hata milele,  
kwa shangwe milele amina

## TUNAKUSHUKURU MAMA MARIA

Tunakushukuru Mama Maria,

Kwa neema unazotujalia

Asante mama wa Yesu uliye na huruma

Uzidi kutuombea mpaka saa ya kufa

1. Mama wa Yesu, mama mfariji wetu  
Asante sana kwa kutusimamia
2. Neema zako zinatututia nguvu  
Asante mama Maria mtakatifu
3. Tuna furaha, tuna matumaini  
Kwa kuwa tunawe mama wa huruma
4. Mama wa Yesu, wee Mama Maria  
Tusaidie tushinde vishawishi
5. Katika mbingu ndiwe mbarikiwa  
Katika maisha ndiwe kinga yetu



# TRIBUTES

## CAROL MBUVI

I have no idea where to start. Never in my wildest dreams did I imagine I would sit to write a tribute to you. I always thought I would go before you as you were larger than life. Where would I be without your guidance and wise counsel? You have been my soul-mate, confidant, mentor and best friend encouraging me each step I took, and always ensured there was no dull moment with your great sense of humor. You loved unconditionally but also expected nothing short of that.

Your demand for excellence was non-negotiable and took pride in your achievements privately. You put me on the straight and narrow path demanding no less than success.

As was the norm, strangers would approach to shake your hand and even buy you a drink in recognition of your good work. Unfortunately no matter how much fun we were having, the minute the waiter would serve a drink from a stranger, I knew it was time to leave as you never wanted to attract attention nor receive gifts from strangers. Your right to privacy was non-negotiable. I beg for forgiveness for failing you when you needed me most. I drove like a mad woman on the winding road between Mutito and Machakos when I realized your health was taking a downturn, but little did I know that God had different and greater plans for you. In the fullness of time and at God's appointed hour we will meet again. In the meantime I will forever treasure and cherish the memories of the great times we shared together.

I can never exhaust what I want to say about you, but I have to pen-off at this point as I pray to God to walk with me in this uncharted path which we will all take someday. I do not know where I will get strength from and will remain guided by the words from 1st Corinthians 10: 12-14 :- God is faithful, and he will not let you be tested beyond your strength, but with the testing he will also provide the way out so that you may be able to endure it.

Rest well my dear, till we meet again...

## MARY MWATHI KITONGA

*"To the man who taught me everything I know and made me everything I am—my Dad. It absolutely breaks my heart that I will have to spend the rest of my life without your love, support, guidance and, most especially, your sense of humor, which has always brightened up even the darkest of my days. There are no words to express how deeply your untimely passing has affected me and how it will always affect me. I will miss you with all my heart. This is truly the worst experience I have ever gone through and I will pray that with time I may be able to find some solace and peace. You were truly a great man, the greatest I will ever know. And having been able to call you my father, my mentor and my best friend is—and shall always be—my greatest honour and privilege. You have always guided me throughout my life, been a constant presence, a beacon of light, my place of refuge - from the time I took my very first steps as a child, to when I decided to follow in your footsteps by becoming an Advocate. I strongly believe that your spirit will continue to guide me as I continue to grow and journey along my path - my very own shining north star. I only hope that someday I will be able to fit in your great shoes, to have your great mind, and to do justice to the humbling legacy I have now inherited from you. It is in honor of your legacy that I, here, today and with this congregation as my witness, vow to work every day for the remainder of my life to try to achieve at least a small part of that which you have managed to accomplish. Though you are no longer with us, your spirit lingers on, and You will con-*

*tinue to be an inspiration to me, my siblings and our country's legal fraternity. I love you and I always will. Until we meet again, I will forever be your loving and proud daughter."*

## **KAVENGI KITONGA**

"It is unbelievable that this day has come to us, it has always been something that "happens to other people". To the country and the greater world, you are an illustrious lawyer but to me you were simply dad. For me it is the everyday things that I will remember, such as our heated Saturday catch-up conversations and arguments, the sound of the chair being pulled as you prepare to go to work, your scent in the room and the sarcastic humor and arguing over why I do not watch news and politics. Even on this sad day I can reflect with joy on many things: the 31 years we have spent together, you being able to see my growth both personally and career wise and the difficulties that we have successfully navigated. It is not lost on me that given our headstrong personalities we had our disagreements both large and small, looking back however, I can just surmise that for our major ones you were between a rock and a hard place. I know this because you said to me that you "love your children". Death is sad but even sadder is that it feels empty; I look at your shirts, your shoes, your cupboard and i'm in disbelief that you are not coming back in the evening from work. I have too many things to say and such little time. I conclude with ecclesiastes 7:1 "A good name is better than good oil, and the day of death is better than the day of birth". We are here because of your good name, even if I were to be half the person that you were, I will have done extremely well for myself. Love always."

## **MUKAMI KITONGA**

"Dearest Dad,

Words cannot begin to describe the heaviness I feel deep within my soul. You have always been there for me, and our family and never have I once lacked anything at any one point. I appreciate you; I always have and I always will. The strength of character, knowledge and wisdom you have displayed all through up until the end is one of a kind, and now I take it upon myself to continue to emulate you and to make you completely proud.

Dad, Death I believe is merely a transition of one state of existing to another thus your journey still continues, and I will keep you forever in my prayers.

Thus Dad, for me this is obviously not goodbye. May your spirit always guide and protect me, until we meet again. Love you always."

It is well, with my soul.



## SISTERS AND BROTHERS

The empty hole, the sleepless nights, the empty place, the broken family. If you are reading this, you may know how it feels to lose a brother.

Though we feel deeply saddened that "Koko" our big brother is gone, we are consoled by the fact that he made it to heaven by God's grace. He lived his life to the fullest and touched so many people during his time here with us, as evidenced by so many of you here today. Nzamba, it is very hard to say goodbye so we will just say so-long. The pages of your book will never be closed and we believe you are already resting in the sanctuary of the Lord. See you then at the sound of Heavenly Trumpets. Your suffering is over, rest in eternal peace!

