

Proclamation No. ----- /2013

**NATIONAL INTELLIGENCE AND SECURITY SERVICE**  
**RE-ESTABLISHMENT PROCLAMATION**

WHEREAS it has become necessary to strengthen the National Intelligence and Security Service so as to protect and defend the sovereignty of the Federal Democratic Republic of Ethiopia, the constitution and constitutional order;

WHEREAS it has become essential to determine the power, duties and accountability of the National Intelligence and Security Service to promote the peace, development, democracy and good governance in the country;

WHEREAS it has become necessary to build a modern and strong National Intelligence and Security Service that is loyal and resilient to the constitution and constitutional order of the Federal Democratic Republic of Ethiopia and conscious of the national and international objective situations;

NOW, THEREFORE, in accordance with sub-articles (1) and (7) of Article 55 of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

**PART ONE**

**GENERAL**

**1. Short Title**

This Proclamation may be cited as the “National Intelligence and Security Service Re-establishment Proclamation No. -----/2013”.

**2. Definitions**

In this Proclamation unless the context otherwise requires:

- 1/ “employee” means any person who works for the National Intelligence and Security Service under regular or contractual employment or on the basis of secondment;
- 2/ “security clearance” means an inquiry into an individual’s loyalty, character, trustworthiness and reliability to ensure that he is eligible for the position he is nominated or for the post to be assigned;

- 3/ “intelligence and security equipments and devices” means equipments used to collect or prevent the collection of information, or devices used for providing security or communication service;
- 4/ “intelligence” means information collected, analyzed and disseminated to relevant government bodies in order to protect and safe guard the national security of the country;
- 5/ “court” means the Federal First instance Court or the Federal High Court or the Federal Supreme Court as the case may be;
- 6/ “person” means any natural or juridical person;
- 7/ Any expression in the masculine gender includes the feminine.

**3. Scope of Application**

This Proclamation shall be applicable throughout the country.

**PART TWO**

**NATIONAL INTELLIGENCE AND SECURITY SERVICE**

**4. Re-establishment**

- 1/ The National Intelligence and Security Service (hereinafter the “Service”) is hereby re-established with a ministerial status as an autonomous federal government office having its own legal personality.
- 2/ The Service shall be accountable to the Prime Minister.
- 3/ No other institution shall be established that provide similar intelligence and security service at the Federal and Regional State level.

**5. Head Office**

The Service shall have its head office in Addis Ababa and may have branch offices elsewhere, as may be necessary.

**6. Objective**

The objective of the Service shall be to protect and safeguard the national security of the country by providing quality intelligence and reliable security service.

**7. General Powers and Duties**

The Service shall have general powers and duties to:

- 1/ lead the work of intelligence and security service both inside and outside the country in a responsible manner;
- 2/ formulate national intelligence and security policies, and devise method for their implementation upon approval;
- 3/ prepare and submit to the Prime Minister an organizational structure that enable it to carry out its power and duties and implement same upon approval;
- 4/ establish and administer intelligence and security training and research institution;
- 5/ work in cooperation with relevant bodies to implement the power and duties entrusted to it by this Proclamation and provide the necessary intelligence and evidence to the concerned bodies;
- 6/ cooperate with similar foreign organizations, as may be necessary, receive or give intelligence and conduct joint operations;
- 7/ carry out other related activities to effectively discharge its power and duties.

**8. Intelligence Powers and Duties**

The Service shall have intelligence powers and duties to:

- 1/ investigate any internal and external activity intended to overthrow the constitution and the constitutional order unlawfully; follow up threats against the national economic growth and development activities, serious good governance problems and conspiracies and collect intelligence and evidence and present it to the appropriate body;
- 2/ head and coordinate national counter-terrorism cooperation and coordination, represent the country in international and continental counter-terrorism relation and cooperation as head and leading representative;

- 3/ follow up and investigate terrorism and extremism and collect intelligence and evidence in collaboration with relevant organs;
- 4/ follow up threats to economic security, and collect the necessary intelligence and present it to the appropriate body;
- 5/ follow up and investigate espionage activity against the interest of the country and its people, collect information and undertake counter-espionage activity;
- 6/ follows up and collect intelligence and evidence on other serious crimes which are threats to the national interest and security, in collaboration with other relevant organs;
- 7/ in order to protect national security and prevent threats to national security, conduct surveillance, in accordance with court warrant, on any person suspected of criminal activities referred to under sub-article (1), (3), (4), (5) or (6) of this Article by entering into any place and by employing various mechanisms.

## **9. Security Powers and Duties**

The Service shall have security powers and duties to:

- 1/ provide and control immigration and nationality service to Ethiopians and foreigners in accordance with the Immigration and Nationality Proclamation; study and submit to the Prime minister service charge rates and implement same upon approval;
- 2/ provide the necessary service for refugees based on the Refugee Proclamation and in cooperation with other appropriate organs;
- 3/ lead aviation security activities, provide aviation security services and coordinate other aviation security stake holders in accordance with the Ethiopian Aviation Security Proclamation;
- 4/ provide security protection to the President and Prime Minister of the country as well as to Heads of States and Governments of foreign countries, in collaboration with other relevant organs;
- 5/ issue directives and standards for the security protection of key government officials of the country and foreign higher officials and dignitaries, and ensure proper provision of security protection to them;
- 6/ issue directives and standards for the protection of critical institutions;

- 7/ issue permits for the production, possession, use, import, sale, repair and disposal of explosives and control their movement;
- 8/ issues security clearance for key government employees after carrying out security clearance investigations;
- 9/ issue security clearance, after scrutiny, for private security organizations and their employees;
- 10/ determine and control the use and the issuance of licence for importation, exportation, sale, movement, possession, production and disposal of intelligence and security equipments and devices;
- 11/ oversee the issuance of national identification card;
- 12/ prepare and submit to the Government criteria for the classification and level of protection of confidential information, and follow up its implementation upon approval.

**10. Delegation**

The Service, when it finds it necessary, may delegate part of its powers and duties to appropriate government organs.

**11. Organization**

The Service shall have:

- 1/ a Director General to be appointed by the Prime Minister;
- 2/ intelligence organs;
- 3/ security organs;
- 4/ support organs; and
- 5/ the necessary staff.

**12. Powers and Duties of the Director General**

- 1/ The Director General shall be the chief executive officer of the Service and shall direct and administer the activities of the Service.
- 2/ Without prejudice to the generality of sub-article (1) of this Article, the Director General shall:

- a) exercise the power and duties of the Service provided for by this Proclamation;
  - b) employ and administer employees in accordance with the Service's employees administration regulations to be issued by the Council of Ministers;
  - c) prepare the annual work programs and budgets of the Service and implement same upon approval;
  - d) effect payments in accordance with the approved budget and work program of the Service;
  - e) designate personnel profiles, financial documents and accounts , payment receipts, work equipments, sources of information, methods, directives and work outputs as top secret and make inaccessible to any other body when there is reason to conclude that a secret that harms public interest and national security could leak;
  - f) represent the Service in its dealings with third parties;
  - g) report to the Prime Minister on the operations of the Service.
- 3/ The Director General may delegate part of his powers and duties to other officers and employees of the Service to the extent necessary for the efficient performance of the activities the Service.

### **13. Budget**

The budget of the Service shall be drawn from:

- 1/ appropriation of funds by the Government; and
- 2/ the following sources, to be utilized, upon the approval of the Prime Minister, for the accomplishment of its mission:
  - a) proceeds of disposal of its used assets and equipments;
  - b) 50 % of the fees collected from immigration and nationality affairs services;
  - c) from other income sources.

### **14. Books of Accounts**

- 1/ The Service shall keep complete and accurate books of accounts.

- 2/ The books of account and financial documents of the Service shall be audited by internal auditors.
- 3/ Without prejudice to paragraph (e) of sub-article (2) of Article 12 of this Proclamation, the books of accounts and financial documents of the Service shall be audited annually by the Auditor General or by an auditor designated by him.

**15. Procurements and Administration of Property**

- 1/ The Service shall, by itself, procure, administer and dispose property in accordance with the public procurement and property administration laws.
- 2/ The Service may import intelligence and security equipments and devices free of customs duties and taxes.
- 3/ The Service shall not be required to present customs declaration and documents to be attached thereto with respect to equipment and devices referred to in sub-article (2) of this Article, to present the goods for inspection and documents for examination.

**PART THREE**

**EMPLOYEES OF THE SERVICE**

**16. Taking an Oath**

Any person employed by the Service shall take oath to be loyal to the Constitution of the Federal Democratic Republic of Ethiopia and to the Constitutional order and to live up to the public will and professional responsibility.

**17. Rights of Employees**

Any employee of the Service shall have the right to:

- 1/ get salary based on scale approved by the Government;
- 2/ get various leaves, medical service and other appropriate benefits based on the Service's employees administration regulations;
- 3/ get retirement and invalidity pension benefits in accordance with the Public Servants' Pension Proclamation;

- 4/ get necessary legal support, in accordance with the Service's employees administration regulations, for criminal charges or civil suit instituted against him if the Service believes and ascertains that the crime is committed as a result of compelling circumstances while executing his duties under the law.

## **18. Duties of Employees**

Any employee of the Service shall have the following duties:

- 1/ to be loyal to the Constitution and the constitutional order, properly respect the secrecy of the Service, maintain personal integrity and spirit of team work, continuously upgrade his professional capacity;
- 2/ to execute the duties assigned to him by the Service at any place and time;
- 3/ not to engage in other employment activities without the knowledge and permission of higher officials of the Service or his immediate supervisors;
- 4/ not to disclose to any organ or individual, print, publish or disseminate, while working or after termination of his service and without the knowledge and consent of a higher official of the Service, secrets, methods, activities, structure, documents and other similar matters of the Service which he knew during his work;
- 5/ disclose and register with the Service the property under the ownership or possession of himself and his family, and his source of income and that of his family;
- 6/ discharge other duties that the Service may prescribe by its directives.

## **19. Personal Security Protection**

- 1/ Any official or employee of the Service who has been involved in key activities of the Service shall be provided with personal security protection upon his retirement or transfer to other institutions.
- 2/ The composition and size of the security force shall be determined by the body in charge of providing security protection service.

## **20. Immunity and Non-Compellability**

- 1/ Any official or employee of the Service after termination of his service or who has been transferred shall not be compelled in court proceeding or

commission of inquiry or other body to disclose information or produce any document that he knows or possesses in connection with his mission while serving in the Service.

- 2/ The immunity and non-compellability provided under sub-article (1) of this Article shall also be applicable to any person who has knowledge of information as a result of his direct or indirect association with the mission of Service.

## **21. Liability**

- 1/ Any employee of the Service shall be liable, in accordance with the appropriate law, if he:
  - a) abuses the powers and duties entrusted to the Service under this Proclamation; or
  - b) violates the code of conduct and professional responsibility that the Service issued.
- 2/ Whosoever, without being an employee of the Service, cheats or pretends or attempts to cheat or pretend in words or action in the name of the Service, an official or employee of the Service and obstruct the peaceful movement or daily activity of a citizen or an institution shall be punishable in accordance with the relevant provisions of the Criminal Code.

## **PART FOUR**

## **OVERSIGHT**

## **22. Legislative Oversight**

- 1/ The appropriate Standing Committee of the House of Peoples Representatives shall oversee the overall operations of the Service.
- 2/ The Committee's oversight under sub-article (1) of this Article shall not be conducted in a manner that jeopardizes the national security of the country.

## **23. Executive Oversight**

- 1/ The Prime Minister shall monitor and supervise the operations of the Service;

- 2/ The Council of Ministers shall issue regulations necessary for the Service to carry out its powers and duties in accordance with this Proclamation.

**24. Judicial Oversight**

The Service shall obtain court warrant in order to carry out the activities referred to under sub-article (7) of Article 8 of this Proclamation.

**24. Auditor General**

The Auditor General shall audit the books of accounts and financial documents of the Service in accordance with sub-article (3) of Article 14 of this Proclamation.

**PART FIVE**

**MISCELLANEOUS PROVISIONS**

**26. Logo**

The Service shall have its own logo which reflects its mission and objective.

**27. Duty to Cooperate**

- 1/ Any person shall have the duty to cooperate, when so requested, in furnishing intelligence or evidence necessary for the work of the Service.
- 2/ Any person requested to furnish intelligence or evidence pursuant to sub-article (1) of this Article shall have the duty to keep the request for or the furnishing of the intelligence or evidence as confidential.
- 3/ Whosoever intentionally or negligently fails to respect fully or partially the duties stipulated under sub-article (1) or (2) of this Article shall be punishable in accordance with the relevant provisions of Criminal Code.

**28. Power to Issue Regulations and Directives**

- 1/ The Council of Ministers may issue regulations necessary for the effective implementation of this Proclamation.
- 2/ The Service may issue directives necessary for the effective implementation of this Proclamation and regulations issued pursuant to sub-article (1) of this Article.

**29. Repealed and Inapplicable Laws**

- 1/ The Security, Immigration and Refugee Affairs Authority Establishment Proclamation No. 6/1995 is hereby repealed.
- 2/ No law shall, in so far as it is inconsistent with this Proclamation, be applicable in respect of matters provided for by this Proclamation.

**30. Effective Date**

This Proclamation shall enter into force on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Done at Addis Ababa, this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

GIRMA WOLDEGIORGIS  
PRESIDENT OF THE FEDERAL DEMOCRATIC  
REPUBLIC OF ETHIOPIA