WHEREAS, the strengthening of the National Intelligence and Security Service is necessary to protect and defend the sovereignty of the Federal Democratic Republic of Ethiopia, the constitution and constitutional order;

WHEREAS, it has became essential to determine the power, duties and accountability of the National Intelligence and Security Service so as to enable it to support the peace, development, democracy and good governance processes of the country;

WHEREAS, it has became 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 Article 55 (1) and (7) 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. 804/2013"

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 a process of inquiry and verification into an individual's loyalty, character, trustworthiness and reliability to ensure that he is eligible for the position he is to be nominated or for the post he is to be assigned;

3/ "intelligence" means information helpful to protect and defend the national security of the country and collected, analysed and prepared by the National Intelligence and Security Service to provide to the appropriate government bodies;

4/ "intelligence and security equipments and devices" includes materials used to collect or prevent the collection of information, or used for providing security or communication service;

5/ "court" means the Federal First Instance Court, the Federal High Court or the Federal Supreme Court, as appropriate;

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. 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 intelligence and security institution may be established 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 the following 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;
6/ follow up and collect intelligence and evidence;  
7/ carry out other related activities to effectively discharge its power and duties.

8. Intelligence Powers and Duties

The Service shall have the following intelligence powers and duties to:

1/ follow up and investigate any internal and external activity intended to overthrow the constitution and the constitutional order unlawfully, threats against the national economic growth and development activities, serious good governance problems and conspiracies, and collect intelligence and evidence 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;

4/ follow up threats to economic security, and collect the necessary intelligence and present it to the appropriate body;

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.
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, in cooperation with other appropriate organs, the necessary service for refugees based on the Refugee Proclamation;

3/ lead aviation security activities, provide aviation security services and coordinate other aviation security stakeholders 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 directive and standard for the security protection of high government officials of the country and high foreign officials and dignitaries, and ensure the proper provision of security protection to them;

6/ issue directive and standard for the protection of critical institutions;

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.
II. 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 powers and duties of the Service provided under this Proclamation;
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; and

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 the provision of Article 12 (2)(e) 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. Procurement and Administration of Property

1/ The Service shall, by itself, procure, administer and dispose property in accordance with the public procurement and property administration law.
2/ The Service may import intelligence and security equipments and devices free of customs duties and taxes.
3/ The Service may 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 the scale approved by the government;

2/ get various leaves, medical service and other appropriate benefits based on the Service’s employees administration regulation;

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 regulation, for criminal charges or civil suit instituted against him if the Service believes and ascertains that the act giving rise to criminal or civil liability 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;
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/ 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 and document as a result of his direct or indirect association with the mission of the Service.

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 may 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 and document as a result of his direct or indirect association with the mission of the Service.
21. The appropriate standing committee of the House of Peoples' Representatives shall oversee the overall activities of the Service.

22. Legislative Oversight

1. The appropriate standing committee of the House of Peoples' Representatives shall oversee the overall activities of the Service.

2. The Committee's oversight under sub-article (1) of this Article may not be conducted in a manner that jeopardizes the national security of the country.

23. Executive Oversight

The Prime Minister shall monitor and supervise the activities of the Service.

24. Judicial Oversight

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

25. Auditor General

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

PART FOUR
OVERSIGHT

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 provided under sub-article (1) or (2) of this Article shall be punishable in accordance with the relevant provisions of the Criminal Code.

28. Power to Issue Regulations and Directives

1/ The Council of Ministers may issue regulations necessary for the implementation of this Proclamation.

2/ The Service may issue directives necessary for the 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 may, in so far as it is inconsistent with this Proclamation, be applicable with respect to matters covered under this Proclamation.

30. Effective Date

This Proclamation shall enter into force on the date of publication in the Federal Negarit Gazette.

Done at Addis Ababa, this 23rd day of July, 2013.

GIRMA WOLDEGIORGIS
PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA