

Rwanda

## Presidential Order determining Responsibilities and Functioning of the Security Committee

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## Rwanda

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## Presidential Order 107 of 2014

Published in Official Gazette 30 on 28 July 2014

**Assented to on 10 July 2014**

**Commenced on 28 July 2014**

*[This is the version of this document from 28 July 2014.]*

**We, KAGAME Paul,**

President of the Republic;

Pursuant to the Constitution of the Republic of Rwanda of 04 June 2003 as amended to date, especially in Articles 112, 121 and 201;

Pursuant to Law n° 14/2013 of 25/03/2013 determining the organisation and functioning of Provinces, especially in Article 17;

Pursuant to Law n° 87/2013 of 11/09/2013 determining the organisation and functioning of the national decentralised administrative entities, especially in Articles 86 and 198;

On proposal by the Minister of Local Government;

After consideration and approval by the Cabinet, in its session of 28/03/2014;

**HAVE ORDERED AND HEREBY ORDER:**

### Chapter One General provisions

#### Article One – Purpose of this Order

This Order determines responsibilities, structure and functioning of Security Committees at the levels of Provinces, City of Kigali, District and Sector.

#### Article 2 – Opinions and decisions

The Security Committee at these levels provided for by Article One of this Order shall give opinions and takes all decisions aiming at ensuring the security of people and assets in accordance with the law.

### Chapter II Responsibilities of the Security Committee

#### Article 3 – Responsibilities

The Security Committee develops strategies and makes decisions on the problems that may jeopardise security in the following areas:

1° security in schools;

- 2° problems likely to trigger divisionism and discrimination, genocide ideology and other crimes against humanity;
- 3° problems related to vagrancy, prostitution, drugs abuse and other problems likely to be at the origin of insecurity for the population and their assets;
- 4° problems related to the utilisation of major and feeder roads when this may jeopardise the security of people and all assets.
- 5° issues of health, education, environment, famine, any epidemics and any other event that may have consequences on the security of the population and their assets.

The Security Committee shall take decisions that can be immediately implemented where security disturbers aim at killing the population, destroy infrastructure and in case of any other activities thwarting the national development and the welfare of the population.

### **Article 4 – Providing advice**

The Security Committee shall advise the Executive Organ at the level of the concerned administrative entity on the decisions to be taken and implemented urgently as long as they are not contrary to the laws.

### **Article 5 – Examination of issues and non-interference in other responsibilities**

The Security Committee shall have the right to examine an individual case whenever it is established that somebody is implicated in the disturbance of security.

In the performance of its duties, the Security Committee shall avoid interfering in issues irrelevant to its duties or taking decisions about them.

## **Chapter III Functioning of the Security Committee**

### **Article 6 – Professional secrecy**

The Security Committee members shall be civil servants and keep secrecy even after they have ceased carrying out such duties.

### **Article 7 – Resources persons for the Security Committee and ad hoc special sub-committees**

While in session, the Security Committee may invite to its meeting for consultation anybody they think may provide input to their activities be of some help in their duties.

It may split into ad hoc subcommittees and consult other competent organs for special responsibilities on account of special duties.

### **Article 8 – Quorum**

The Security Committee sits when at least two-thirds (2/3) of its members are present.

### **Article 9 – Venue of meetings**

The Security Committee shall meet at the head office of concerned administrative entity on the date and time determined by its Chairperson.

The Security Committee meeting shall be chaired by its Chairperson; the person replacing him/her in case of absence or prevention for an important reason shall be one provided for in particular provisions of the Law n° 87/2013 of 11/09/2013 determining the organisation and functioning of each concerned administrative entity.

### **Article 10 – In-camera meetings**

Security Committee meetings shall be held in camera.

Any person who discloses secrets of the Security Committee shall be prosecuted and punished in accordance with relevant laws.

Where necessary, the Security Committee may decide to temporarily suspend whoever has disclosed the secrets from attending its meetings.

The authority receiving the report from the Security Committee of the administrative entity shall examine the measure taken and approve or change it in a period not exceeding fifteen (15) days from the date s/he was informed about it.

### **Article 11 – Discussion leading**

The Security Committee Chairperson shall lead discussions during the meeting and ensure that the provisions of this Order are respected.

### **Article 12 – Obligation to attend meetings**

Attending Security Committee meetings shall be compulsory for members. The latter shall not be represented with the exception of the Chairperson who shall be replaced in accordance with the provision of Article 9 of this Order.

Absence shall be communicated to and approved by the Security Committee Chairperson where there is serious and important reason for not attending.

### **Article 13 – Convening of the meeting**

Inviting the Security Committee members to an ordinary meeting shall depend on the agenda and this should be done at least ten (10) days before the meeting takes place.

The invitation shall indicate the venue and date of the meeting.

However, the Security Committee may convene as a matter of urgency where necessary. In this case, the provisions of Paragraph One of its Article shall not apply.

Members of the Security Committee wishing to register an item on the agenda shall inform the Chairperson before the adoption of the agenda.

### **Article 14 – Decision making process**

Decisions from the Security Committee meeting shall be taken by full consensus of members present. Where consensus is not reached, opinions given by each member shall be entirely recorded in the report as they were given.

In case of endless and fruitless discussions, the meeting shall be postponed and resume the following day with a view to reaching consensus among members. Where no consensus is reached for the second time, the authority provided for by this Order and to whom the Security Committee report is transmitted shall be informed within twenty-four (24) hours, and also take the decision within two (2) days after consulting other competent administrative organs.

### **Article 15 – Signatories to the meeting report**

The Chairperson and the rapporteur of the Security Committee meeting shall sign on the report, recommendations or resolutions.

### **Article 16 – Collaboration among Security Committee members**

Security Committee members shall have joint and several liability regarding the discussion held together in the meeting. They shall be characterised by collaboration shown by confidentiality regarding the discussion that took place. In all the meetings they organise, Security Committee members shall have the right to express and explain their opinions so that the meeting shall take place in an atmosphere of democracy, tranquillity and search for truth and consensus-based decisions.

### **Article 17 – Approval of the report**

Approval of the report of the previous meeting of the Security Committee shall be first item on the agenda of the meeting. However, the report of the Security Committee meeting may be approved on the same date of the meeting.

### **Article 18 – Obligation to chair the convened meeting**

Where the Security Committee meeting has been convened, those competent to chair it shall in no way attend at the same time to duties preventing them from participating in the meeting they convened unless it is the reasons due to meetings convened by the Supreme Authority of the Country. In this case, the meeting shall be postponed.

### **Article 19 – Succession of agenda items covered in the meeting**

Agenda items shall be covered in the order they have been approved at the beginning of the meeting. An item not appearing on the agenda cannot be examined unless it is approved by the Security Committee members.

### **Article 20 – Behaviour in meetings**

The Chairperson shall ensure the respect of carefulness, politeness and tranquillity in Security Committee meetings based on the provisions of this Order.

Where a person seriously hampers the activities of the Security Committee, he/she shall be reported to the higher authority for action in accordance with the law.

### **Article 21 – Discussions about decisions**

Issues for which decisions have been taken shall not be raised again except upon request by at least three-fourths (3/4) of members present in the meeting or by the organ provided for by this Order, to which reports are transmitted.

### **Article 22 – Reports of meetings**

The report of the Security Committee meeting shall be prepared by its rapporteur. It shall indicate opinions expressed on each issue and the resolutions.

### **Article 23 – Distribution of the report**

Without prejudice to Article 14 of this Order, the draft of proceedings of the previous meeting shall be at the disposal of each Security Committee member at least twelve (12) hours before the following meeting convenes.



The report shall not be read out in the meeting. However, any Security Committee member shall have the right to propose corrections to be made on it.

Where proposed corrections are accepted, the rapporteur shall show in the meeting the new document taking on board all the latest corrections as approved by the Security Committee meeting. Such report shall not be presented again for further discussion.

### **Article 24 – Signing the report**

Approved proceedings, their copies and a list of resolutions shall be signed by the Chairperson of the Committee and the rapporteur; they shall be kept at a place dedicated for Security Committee documents.

## **Chapter IV Special provisions for each Security Committee**

### **Section One – Provincial Security Committee**

#### **Article 25 – Composition of the restricted Security Committee**

The restricted Provincial Security Committee shall be comprised of the following:

- 1° Governor of the Province: Chairperson;
- 2° Army Division Commander at the provincial level;
- 3° Region Police Commander at the provincial level;
- 4° Chief Intermediate Prosecutor serving in the Province;
- 5° Immigration and Emigration Chief Officer at provincial level;
- 6° National Security Service Chief Officer at provincial level;
- 7° Executive Secretary of the Province: rapporteur.

Where the rapporteur of the Security Committee is not available, Security Committee members shall elect a rapporteur among them.

#### **Article 26 – Composition of the broad Security Committee**

The broad Provincial Security Committee shall be comprised of the members of the restricted Security Committee plus District Mayors and other people it deems necessary.

#### **Article 27 – Convening of the Security Committee**

The Provincial Security Committee shall meet every three (3) months and whenever it is necessary.

#### **Article 28 – Provision of advice**

The Provincial Security Committee shall advise the Governor of the Province regarding the decisions to be taken and implemented as a matter of urgency, as long as they are not in contradiction with laws.

## **Article 29 – Security Committee Report**

Resolutions and recommendations from the Provincial Security Committee shall be submitted within seven (7) days from the date of the meeting to the Minister in charge of local Government; with copies to the Minister in charge of national security, the Minister in charge of defence, and the Minister in charge of justice.

## **Section 2 – Security Committee in the City of f Kigali**

### **Article 30 – Composition of the restricted Security Committee in the City of Kigali**

The following persons shall be members of the restricted Security Committee in the City of Kigali:

- 1° Mayor of the City of Kigali, Chairperson;
- 2° other members of the Executive Committee;
- 3° Army Division Commander of the Division in which the City of Kigali is located;
- 4° District Police Commander in the City of Kigali;
- 5° Police Commander in the City of Kigali;
- 6° Chief Intermediate Prosecutor in the City of Kigali;
- 7° Immigration and Emigration Chief Officer in the City of Kigali;
- 8° National Security service Chief Officer in the City of Kigali;
- 9° the Executive Secretary of the City of Kigali, who is the rapporteur of the Committee.

In case the rapporteur of the Security Committee is absent, Security Committee members elect a Secretary among themselves.

### **Article 31 – Composition of the broad Security Committee in the City of Kigali**

The broad Security Committee in the City of Kigali is comprised of the members of the restricted Security Committee plus Mayors of Districts from the City of Kigali and other people it deems necessary.

### **Article 32 – Convening of the Security Committee**

The Security Committee in the City of Kigali shall meet once a month and whenever it is necessary.

### **Article 33 – Provision of advice**

The Security Committee in the City of Kigali shall advise the Executive Committee of the City of Kigali regarding the decisions to be taken and implemented as a matter of urgency, as long as they are not in contradiction with laws.

### **Article 34 – Functioning of the Security Committee during the election period**

During the period of the elections of the members of the Advisory Committee in the City of Kigali, Security Committee meetings are convened and chaired by the Executive Secretary of the City of Kigali.

In this case, Security Committee members elect among them a Secretary.

## **Article 35 – Security Committee report**

Resolutions and recommendations from the Security Committee at Kigali City level are submitted within seven (7) days from the date of the meeting to the Minister in charge of local government, with a copy to the Ministers in charge of internal security, army and justice as well as the Chairperson of the Council.

## **Section 3 – District Security Committee**

### **Article 36 – Composition of the restricted Security Committee**

The restricted District Security Committee shall be comprised of the following:

- 1° District Mayor, Chairperson;
- 2° Other members of the District Executive Committee;
- 3° District Army Commander;
- 4° District Police Commander;
- 5° Chief Intermediate Prosecutor in the District jurisdiction;
- 6° District Security Officer;
- 7° District Emigration and Immigration Officer;
- 8° Rwanda Correctional Service District Director;
- 9° District Administration Security Support Organ (DASSO) Coordinator;
- 10° a member of the National Women's Council at District level in charge of security;
- 11° an advisor in the National Youth Council at District level in charge of information and communication;
- 12° the Executive Secretary of the District, who is the rapporteur

Where the rapporteur of the Security Committee is not available, Security Committee members shall elect a rapporteur among them.

### **Article 37 – Broad District Security Committee members**

The broad District Security Committee is comprised of the members of the restricted Security Committee plus Executive Secretaries of Sectors making up the District and other people it deems necessary.

### **Article 38 – Convening of Security Committee meetings**

Meetings of District Security Committee shall take place once a month and whenever it is necessary.

### **Article 39 – Provision of advice**

The District Security Committee shall advise the District Executive Committee regarding the decisions to be taken and implemented urgently, as long as they are not in contradiction with the law.

### **Article 40 – Security Committee reports**

The Report from the District Security Committee is submitted to the Governor of the Province or the Mayor of the City of Kigali concerned, with a copy to the Minister in charge of local government in his remit and to the President of the District Council.

## **Section 4 – Sector Security Committee**

### **Article 41 – Composition of the Security Committee**

The restricted Sector Security Committee shall be comprised of the following:

- 1° Executive Secretary of the Sector, Chairperson;
- 2° Sector Army Officer;
- 3° Sector Police Officer;
- 4° Coordinator of the Administration Security Support Organ (DASSO), at the Sector level;
- 5° Presidents of Mediation Committees;
- 6° A staff in charge of community civil queries who is the rapporteur of the meeting.

Where the rapporteur of the Security Committee is not available, Security Committee members shall elect a rapporteur among themselves.

### **Article 42 – Broad Security Committee**

The broad Sector Security Committee shall be comprised of the members of the restricted Sector Security Committee plus Executive Secretaries of the Cells making up this Sector and other people it deems necessary.

### **Article 43 – Sitting of the Security Committee**

The Sector Security Committee meetings shall take place once a month and whenever it is necessary.

### **Article 44 – Provision of advice**

The Sector Security Committee advises the Sector Executive Secretary regarding the decisions to be taken and implemented urgently, as long as they are not contrary to the law.

### **Article 45 – Reports of Security Committee meetings**

The report of the Sector Security Committee meeting shall be submitted in five (5) days at the latest, from the date of the meeting, to the Mayor of the District where the Sector is located, with a copy to the Governor of the Province or the Mayor of the City of Kigali concerned and the Chairperson of the Bureau of the Sector Council.

## **Chapter V Miscellaneous and final provisions**

### **Article 46 – Instructions of the Minister in charge of local Government**

Subject to the provisions of this Order, the Minister in charge of local Government may institute guidelines aiming at preserving security in different administrative entities.

### **Article 47 – Repealing provision**

All prior provisions contrary to this Order are hereby repealed.

**Article 48 – Authorities responsible for the implementation of this Order**

The Prime Minister, the Minister of Local Government, the Minister of Internal Security, the Minister of Defence and the Minister of Justice/Attorney General are entrusted with the implementation of this Order.

**Article 49 – Commencement**

This Order shall come into force on the date of its publication in the Official *Gazette* of the Republic of Rwanda.