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THE NATIONAL SECURITY AND CENTRAL INTELLIGENCE ACT, 2017

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SCHEDULE

PART I – PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires-

"Agency" means the Central Intelligence and Security Agency established under section 15;

"Chieftom Security Committees" means the Chieftom Security Committees established under section 8;

"classified information" means any information of a particular security classification whose unauthorised disclosure would prejudice national security;

"Council" means the National Security Council referred to in section 2;

"District Security Committees" means the District Security Committees established under section 7;

"Joint Intelligence Committee" means the Joint Intelligence Committee established under section 10;

"Joint Maritime Committee" means the Joint Maritime Committee established under section 11;

"National Security Council Coordinating Group" means the National Security Council Coordinating Group established under section 9;

"National Security Coordinator" means the National Security Coordinator referred to in section 25;

"Office of National Security" means the Office of National Security referred to in section 25;

"Provincial Security Committees" means the Provincial Security Committees established under section 6;

"security services" means such services connected with the security of Sierra Leone as the Council shall determine;

"special operations" include sting operations and other operations that may add value to security information and intelligence collected on a daily basis;

"Strategic Situation Group" means the strategic situation Group responsible for analysing Security Information referred to in Paragraph (c) of Subsection (3) of section 9;

"Transnational Organised Crime Unit" means the Transnational Organised Crime Unit established under section 12.

PART II - ESTABLISHMENT OF NATIONAL SECURITY COUNCIL

2. (1) There shall continue to be in existence, the body known as the National Security Council. National Security Council.

(2) The Council shall consist of-

- (a) the President, as Chairman;
- (b) Vice President, as Deputy Chairman;
- (c) Minister of Finance;
- (d) Minister of Foreign Affairs;
- (e) Minister of Internal Affairs;
- (f) Minister of Information and Communications;
- (g) Minister of Defence;
- (h) Attorney-General and Minister of Justice;
- (i) Minister of Mineral Resources;
- (j) Minister of Agriculture and Food Security;

- (k) Minister of Social Welfare Gender and Children's Affairs;
- (l) Minister of Health and Sanitation;
- (m) Secretary to the President;
- (n) The National Security Coordinator;
- (o) Inspector-General of Police;
- (p) Chief of Defence Staff;
- (q) Director-General, Central Intelligence and Security Agency; and
- (r) Chief of Staff, Office of National Security, who shall serve as secretary.

Proceedings
of Council.

3. (1) The President shall preside at meetings of the Council and in his absence the Vice-President shall preside.

(2) The President shall, after consultations with the Council, invite such person or persons, as he considers necessary, for any deliberations of the Council.

(3) A person invited to participate in the deliberations of the Council under subsection (2) shall not vote on any matter for decision before the Council.

(4) The Council shall meet at least once a month at such time and place as the Chairman shall determine.

(5) The Council shall regulate the procedure of its meetings.

Functions
of Council.

4. (1) The object for which the Council is established is to provide the highest forum for the consideration and determination of matters relating to the security of Sierra Leone.

(2) Without prejudice to the generality of subsection (1), it shall be the responsibility of the Council-

- (a) to consider and take appropriate measures to safeguard the internal and external security of Sierra Leone through the integration of domestic and foreign security policies in order to enable security services, departments and agencies of Government to co-operate more effectively in matters relating to national security;
- (b) to direct the operations of-
 - (i) the Joint Intelligence Committee referred to in section 10;
 - (ii) the Provincial Security Committees referred to in section 6;
 - (iii) the District Security Committees referred to in section 7;
 - (iv) the Chiefdom Security Committees referred to in section 8;
 - (v) the Joint Maritime Committee referred to in section 11;
 - (vi) the National Security Council Co-ordinating Group established under section 9;
 - (vii) the Central Intelligence and Security Agency referred to in section 15;
 - (viii) the Transnational Organised Crime Unit referred to in section 12;
- (c) to approve major plans and recommendations by the Ministry of Defence;

- (d) to monitor all external military support to Sierra Leone;
- (e) to act as a War Cabinet as and when required;
- (f) to take appropriate measures regarding consideration of policy matters of common interest to Ministries, Departments and Agencies; and
- (g) to do all such things as will contribute to the attainment of the security of Sierra Leone.

(3) Without prejudice to the generality of subsection (1), the Council shall have such other committees as it considers necessary for the better discharge of its functions under this Act.

Restriction on access on to information. 5. Without prejudice to the Right to Access Information Act, 2013, the right to access information from the Council shall not apply to -

- (a) classified information and sources;
- (b) information deemed necessary for the maintenance and preservation of national security; and
- (c) information, the disclosure of which is prejudicial to ongoing investigations or security operations.

PART III- SECURITY AND INTELLIGENCE COMMITTEES

Provincial Security Committees 6. (1) There shall continue in existence a security and intelligence committee for each province which shall be known respectively as a Provincial Security Committee.

(2) Each Provincial Security Committee shall consist of the following members-

- (a) the Resident Minister, as Chairman;
- (b) the Provincial Secretary, as Deputy-Chairman;
- (c) the Deputy Provincial Secretary;
- (d) the most senior military commander in the region;
- (e) the most senior Police Commander in the region;
- (f) the Senior District Officer;
- (g) two members nominated by the Chairman after consultation with other members;
- (h) two representatives from civil society, as co-opted members;
- (i) the Regional Commander, National Fire Force;
- (j) the Regional Commander Sierra Leone Correctional Services;
- (k) the Regional Immigration Officer;
- (l) the Deputy Master and Registrar for the region;
- (m) the Provincial Security Coordinator who shall serve as Secretary.

(3) Each Provincial Security Committee shall be responsible for the coordination of security at the regional level.

(4) Where the Chairman and the Deputy-Chairman of a Provincial Security Committee are unavailable for a meeting, the Provincial Security Coordinator shall, in consultation with other members, nominate a Chairman from among those present.

- (5) Each Provincial Security Committee shall -
- (a) perform such functions as the Council shall assign; and
 - (b) provide information to the Council on the existence or likelihood of any security threat to the province, country or the Government.

(6) A Provincial Security Committee shall in the performance of its functions be under the supervision of the Council through the Office of National Security.

(7) Each Provincial Security Committee shall regulate the procedure at its meetings.

District
Security
Committees.

7. (1) There shall continue to be in existence a security and intelligence committee for each district which shall be respectively known as "District Security Committee".

(2) Each District Security Committee shall consist of the following members-

- (a) the Senior District Officer or District Officer as Chairman;
- (b) the most senior police commander in the district;
- (c) the most senior military commander in the district;
- (d) the District Fire Officer;
- (f) the Officer-in-Charge of the Correctional Centre in the District;
- (g) two persons nominated by the Chairman after consultation with other members;
- (h) two representatives from civil society as co opted members;

- (i) the District Immigration Officer;
- (j) the Chief Administrator of the District Council;
- (k) the Chairman Council of Paramount Chiefs for the District; and
- (l) the District Security Coordinator who shall serve as Secretary.

(3) Each District Security Committee shall be responsible for the coordination of security at the district level..

(4) Where the Chairman and the Deputy-Chairman of a District Security Committee are both unavailable for a meeting, the District Security Coordinator shall in consultation with other members nominate a Chairman from among those present.

(5) Each District Security Committee shall perform such functions as the Council shall assign to it.

(6) A District Security Committee shall in the performance of its functions be under the supervision of the appropriate Provincial Security Committee.

(7) Each District Security Committee shall regulate the procedure at its meetings.

8. (1) There is hereby established a security and intelligence committee for each chiefdom to be known as a Chiefdom Security Committee' Chiefdom
Security
Committees.

(2) Each Chiefdom Security Committee shall consist of the following members-

- (a) the Paramount Chief, as Chairman;
- (b) the Chiefdom Speaker;
- (c) the most senior police commander in the chiefdom;

- (d) the most senior military commander in the chiefdom;
- (e) the Local Court Clerk;
- (f) the Chiefdom Councillor;
- (g) two representatives from civil society as co-opted members;
- (h) the Central Chiefdom Administrative Clerk; and
- (i) the Chiefdom Security Coordinator who shall serve as secretary.

(3) Each Chiefdom Security Committee shall be responsible for the coordination of security at the chiefdom level.

(4) Where the Chairman and the Deputy Chairman of a Chiefdom Security Committee are both unavailable for a meeting, the Chiefdom Security Coordinator shall in consultation with other members nominate a chairman from amongst those present.

(5) Each Chiefdom Security Committee shall perform such functions as the Council shall assign to it.

(6) A Chiefdom Security Committee shall in the performance of its functions be under the supervision of the appropriate District Security Committee.

(7) Each Chiefdom Security Committee shall regulate the procedure at its meetings.

9. (1) There is hereby established a strategic security body to be known as the "National Security Council Coordinating Group".

(2) The National Security Council Coordinating Group shall consist of the following members-

- (a) the National Security Coordinator, as

National
Security
Council
Coordinating
Group.

Chairman;

- (b) the Chief of Defence Staff;
- (c) the Inspector General of Police;
- (d) Director-General, Central Intelligence and Security Agency;
- (e) the Joint Force Commander;
- (f) the Assistant Inspector-General of Police for Operations;
- (g) the Head of Strategic Situation Group, Office of National Security;
- (h) senior civil servants of other Ministries, Departments and Agencies as the Chairman in consultation with members may deem necessary; and
- (i) the Director-in-charge of Assessment, Office of National Security, who shall serve as secretary.

(3) The National Security Council Coordinating Group shall perform the following functions-

- (a) make policy recommendations for the attention of the Council;
- (b) assign responsibilities to Ministries, Departments and Agencies;
- (c) approve assessment documents from the Joint Intelligence Committee and proposals from the Strategic Situation Group;

- (d) examine National Threat Assessments for endorsement by the Council;
- (e) examine National Intelligence Requirements for endorsement by the Council; and
- (f) perform such other functions as the Council shall assign to it.

(4) The National Security Council Coordinating Group shall in the performance of its functions be supervised by the Council.

(5) The National Security Council Coordinating Group shall regulate the procedure at its meetings.

Joint
Intelligence
Committee.

10. (1) There is hereby established a Joint Intelligence Committee which shall consist of heads of all the intelligence services or agencies and other pertinent institutions.

(2) The main function of the Joint Intelligence Committee shall be to approve assessments of intelligence and other related information prepared or processed by the Office of National Security.

(3) Assessments approved by the Joint Intelligence Committee under subsection (2), shall be forwarded by the National Security Coordinator to members of the National Security Council Coordinating Group and to other Ministers and officials as appropriate.

Joint
Maritime
Committee.

11. (1) There is hereby established a maritime security committee to be known as the "Joint Maritime Committee".

(2) The Joint Maritime Committee shall comprise members of the following institutions-

- (a) the Office of National Security;

- (b) the Ministry of Fisheries and Marine Resources;
- (c) the Republic of Sierra Leone Armed Forces Maritime Wing;
- (d) the Sierra Leone Police;
- (e) the National Revenue Authority;
- (f) the Sierra Leone Maritime Administration;
- (g) the Sierra Leone Ports Authority;
- (h) the Immigration Department; and
- (i) the Ministry of Finance and Economic Development.

(3) The Joint Maritime Committee shall be divided into a Steering Group and an Operations Team.

(4) The Joint Maritime Committee shall perform the following functions-

- (a) protect Sierra Leone's fisheries and marine resources from illegal fishing;
- (b) ensure safety at sea through adequate and timely response to sea disasters;
- (c) protect Sierra Leone's coastline from threats emanating from illicit drug trafficking, smuggling, piracy, and other illegal marine based activities;
- (d) increase government revenue generation through increased royalties, taxes, fines and licences;

- (e) increase fisheries and marine resources for local consumption and demand;
- (f) control and protect the fisheries and marine resources including the monitoring, control and surveillance of the Inshore Exclusion Zone and the Exclusive Economic Zone of Sierra Leone; and
- (g) provide a safe, secure and regulated environment for vessels operating in Sierra Leone's territorial waters.

(5) The Joint Maritime Committee shall in the performance of its functions be supervised by the Steering Group of the Joint Maritime Committee referred to in subsection (3)

(6) The Joint Maritime Committee shall be headed by the National Security Coordinator who shall report to the Council on its activities.

(7) The Joint Maritime Committee shall have a coordinator.

PART IV—TRANSNATIONAL ORGANISED CRIME UNIT

Transnational Organised Crime Unit.

12. (1) There is hereby established a unit to be known as the Transnational Organised Crime Unit which shall be a sub-committee of the Council.

(2) The Transnational Organised Crime Unit shall in the performance of its functions be under the supervision of the Advisory Board referred to in section 13 and Management Board referred to in section 14.

Advisory Board.

13. (1) The Transnational Organised Crime Unit shall have an Advisory Board which shall consist of the following members-

- (a) the National Security Coordinator, as Chairman;
- (b) the Inspector-General of Police;
- (c) the Chief of Defence Staff;
- (d) the Director-General, Central Intelligence and Security Agency
- (e) the Permanent Secretary, Ministry of Internal Affairs;
- (f) the head of the Transnational Organised Crime Unit;
- (g) the Director of Public Prosecutions;
- (h) the Chief Immigration Officer;
- (i) the Director, Financial Intelligence Unit;
- (j) the Commissioner, Anti-Corruption Commission;
- (k) the Executive-Director, National Drug Law Enforcement Agency;
- (l) the Commissioner-General, National Revenue Authority;
- (m) the General-Manager, Sierra Leone Ports Authority;
- (n) the General-Manager, Sierra Leone Airports Authority;
- (o) the Registrar of the Pharmacy Board;

- (p) the Chairman of the Management Board of the Transnational Organised Crime Unit; and
- (q) the Chief of Staff, Office of National Security who would serve as secretary.

(2) The Advisory Board shall perform the following functions-

- (a) provide strategic directions for the operations of the Management Board referred to in section 14;
- (b) validate and approve the annual operational activity plan of the Management Board;
- (c) submit reports, administrative and operational proposals for the consideration and approval of Council; and
- (d) proffer advice to enhance the operations of the Transnational Organised Crime Unit.

Management Board.

14. (1) The Transnational Organised Crime Unit shall have a Management Board which shall consist of the following members-

- (a) the Assistant Inspector-General of Police attached to crime services, as Chairman;
- (b) the Joint Force Commander of the Republic of Sierra Leone Armed Forces;
- (c) the Chief of Operations of the Central Intelligence and Security Agency;
- (d) the Head of Legal and Justice Department of the Sierra Leone Police;

- (e) the Deputy Chief Immigration Officer;
- (f) the Head of Compliance and Operations of the Financial Intelligence Unit;
- (g) the Chief of Intelligence of the Anti-Corruption Commission;
- (h) the Head of Operations of the National Drug Law Enforcement Agency;
- (i) the Head of Interpol of the Sierra Leone Police;
- (j) the Assistant Commissioner of Revenue, Intelligence and Investigations of the National Revenue Authority;
- (k) the Head of Operations and Security of the Sierra Leone Ports Authority;
- (l) the Safety and Compliance Manager of the Sierra Leone Airports Authority;
- (m) the Head of Enforcement and Narcotic Control of the Pharmacy Board;
- (n) Head of the Transnational Organised Crime Unit; and
- (o) the Director in charge of Organised Crime Coordination in the Office of National Security who would serve as Secretary.

(2) The Management Board shall perform the following functions-

- (a) provide directives to the Head of the Transnational Organised Crime Unit to-

- (i) implement operational plans and activities approved by the Advisory Board using multi-agency approach;
- (ii) respond to incidence of organised criminal activity that falls within the priority areas of the Transnational Organised Crime Unit;
- (b) develop strategies to combat and minimise the incidence of organised crime in Sierra Leone;
- (c) liaise with international security services through Interpol;
- (d) complement all statutory institutional efforts of the Transnational Organised Crime Unit and its partners through intelligence, enforcement and prosecution in combating organised crime in Sierra Leone;
- (e) solicit support from external partners for security agencies so as to enhance their operational effectiveness;
- (f) submit reports, administrative and operational proposals of the Transnational Organised Crime Unit to the Advisory Board for advice, approval, and onward submission to Council; and
- (g) perform such functions as shall be assigned by the Advisory Board.

PART V—CENTRAL INTELLIGENCE AND
SECURITY AGENCY

15. (1) There is hereby established a body to be known as the Central Intelligence and Security Agency. Central
Intelligence
and Security
Agency.

(2) The Agency shall perform the following functions-

- (a) collect and assess intelligence in respect of internal or external activities that may constitute threats against the security of Sierra Leone;
- (b) protect Sierra Leone against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking, money laundering or other serious crimes;
- (c) protect Sierra Leone against the activities of persons intending to overthrow the democratically elected Government of Sierra Leone or undermine the constitutional order by illegal, political, military, industrial or other means or through any other unconstitutional method;
- (d) protect Sierra Leone against any threat to her economic interest, whether internal or external; and
- (e) perform such other functions as the Council shall direct.

(3) In this section, "threats against the security of Sierra Leone" shall include-

- (a) espionage or sabotage that is against Sierra Leone or is detrimental to the interests of Sierra Leone or activities directed towards or in support of such espionage or sabotage;

- (b) foreign influenced activities within or relating to Sierra Leone that are detrimental, clandestine, deceptive or involve a threat to a person or the interest of Sierra Leone; or
- (c) activities within or relating to Sierra Leone directed towards or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Sierra Leone or a foreign state.

Powers of Central Intelligence and Security Agency.

16. (1) The Agency shall have all the powers necessary or expedient for the performance of its functions.

(2) Without prejudice to the generality of subsection (1), the Agency shall have power to-

- (a) cooperate with any person, body, organisation or authority for the performance of its functions;
- (b) implement measures to safeguard and promote national interests; and
- (c) detect and identify threats and potential threats to national security.

Ministerial responsibility.

17. The President may from time to time assign ministerial responsibility of the Agency to such Minister as the President shall consider appropriate.

Annual report.

18. (1) The Agency shall, within three months after the end of each year, prepare a report on the operations of the Agency for the approval of the Council.

(2) The report approved under subsection (1) shall be tabled before Parliament by a Minister, other than the Minister of Defence and the Minister of Internal Affairs, who may be appointed by the President as considered appropriate.

19. (1) The head of the Agency shall be the Director-General who shall be appointed by the President subject to the approval of Parliament. Director-General.

(2) A person shall not be qualified for appointment as Director-General unless the person -

- (a) is a citizen of Sierra Leone;
- (b) has not been convicted of a criminal offence;
- (c) has not held office in a political party;
- (d) holds a Master's or a Bachelor's degree from a recognised university; and
- (e) has at least ten years proven experience and expertise in intelligence and security matters or a related field.

(3) The Director-General shall -

- (a) be responsible for the efficient management of the Agency;
- (b) control and administer the Agency subject to such directions as the President or the National Security Coordinator may give;
- (c) take all reasonable steps to ensure that the actions of the Agency are limited to what is necessary for the proper performance of its functions under this Act or any other law and that no information is gathered by the Agency except as may be necessary for the proper performance of its functions; and

- (d) ensure that the Agency is not in the performance of its functions, influenced by considerations not relevant to such functions and that no act is performed that could give rise to any reasonable suggestion that the Agency is concerned in furthering, protecting or undermining the interests of any particular section of the population or of any political party or organisation in Sierra Leone.

Deputy
Director-
General.

20. (1) There shall be a Deputy Director-General of the Agency who shall be appointed by the President.

(2) A person shall not be qualified for appointment as Deputy Director-General unless the person -

- (a) is a citizen of Sierra Leone;
- (b) has not been convicted of a criminal offence;
- (c) has not held office in a political party;
- (d) holds a Master's or a Bachelors' degree from a recognised university; and
- (e) has at least 10 years proven experience and expertise in intelligence and security matters.

(3) The Deputy Director-General shall perform the following functions-

- (a) serve as the principal assistant to the Director-General;
- (b) have operational oversight to ensure that directors carry out the functions and tasks of their departments;
- (c) assist the Director-General in the administration of the organization; and

- (d) carry out such other responsibilities as shall be assigned by the Director- General.

21. (1) The Director-General and Deputy Director-General of the Agency shall hold office for a term of five years and shall be eligible for re-appointment for a further term of 5 years only. Tenure of office.

(2) Notwithstanding subsection (1), the Director-General or Deputy Director-General shall be removed from office by the President on any of the following grounds-

- (a) gross misconduct in the performance of his functions;
- (b) on conviction for a criminal offence; or
- (c) inability to perform the functions of office due to physical or mental incapacity.

(3) Where the Director-General or Deputy Director-General is removed from office before the end of the term to which he had been appointed under sub-section (1), he shall be paid salaries and other emoluments in lieu of the remaining period:

Provided that where the Director-General and Deputy Director-General is removed from office before the end of the term to which he had been appointed under subsection (1), he shall not be paid salaries and other emoluments in lieu of the remaining period if the grounds for removal falls under paragraphs (a) or (b) of subsection (2).

22. The Director-General shall in consultation with the Public Service Commission appoint such other employees as shall be required for the efficient performance of the functions of the Agency. Other employees.

23. (1) An officer of the Agency shall without warrant, arrest any person upon reasonable suspicion of having been involved or being about to be involved in an activity that is considered a threat to the security of Sierra Leone for further interrogation and prosecution under this Act. Power of arrest

(2) Without prejudice to subsection (1) any arrest to be effected by the Agency shall be approved by the National Security Coordinator.

(3) An officer of the Agency shall solicit the assistance of a police officer in effecting an arrest under this Act.

(4) Subject to subsection (1), an officer of the Agency, in any proceedings under this Act, may apply ex-parte to a Judge to order non disclosure of the identity of the officer.

(5) A Judge shall, on his own motion, hold in camera proceedings to determine whether to order measures to prevent disclosure to the public of the identity of the officer by such means including-

- (a) expunging the names and identifying information from the court's public records;
- (b) non-disclosure to the public of any records identifying the officer;
- (c) assignment of a pseudonym to the officer;
- (d) holding proceedings in camera.

(6) When making an order under subsection (4), a Judge shall where appropriate state whether the transcripts of those proceedings relating to the evidence of the officer to whom the measures relate shall be made available for use in any other proceedings before the court.

(7) Where protective measures have been ordered in respect of an officer in any proceedings, before the court, such protective measures shall continue to have effect mutatis mutandis in any other proceedings before the court unless and until they are revoked, rescinded, varied or augmented

(8) A party to any subsequent proceedings seeking to revoke, rescind, vary or augment protective measures shall apply to the court seized of the subsequent proceedings.

24. (1) Where the Director-General believes that a person is, or a group of persons are intending to or are already engaged in an activity that constitute a threat to the security of Sierra Leone, he shall give approval in writing, copied to the Inspector-General of police for-

Undercover or sting operation.

- (a) an undercover or sting operation to be carried out for a specific period if it is impracticable to collect such information or intelligence using other investigative procedures, intelligence and information gathering techniques; and
- (b) a specific person or a class of persons to carry out or participate in the undercover or sting operation.

(2) Notwithstanding any enactment to the contrary, a person or a class of persons approved by the Director-General under paragraph (b) of subsection (1) shall not incur criminal liability for taking part in such operation in accordance with the terms of the approval.

PART VI- OFFICE OF NATIONAL SECURITY

25. (1) There shall continue in existence the Secretariat of the Council known as the Office of National Security, which shall be headed by the National Security Coordinator appointed by the President, subject to the approval of Parliament.

Office of National Security.

(2) The functions of the Office of National Security shall be to-

- (a) provide support and secretarial services to the Council;
- (b) serve as the primary coordinator for the management of national emergencies such as natural and artificial disasters;

- (c) coordinate intelligence at national, provincial, district and chiefdom levels;
- (d) establish clear lines of communication between the security services and the provision of arbitration for disputes between them;
- (e) maintain a cordial and cooperative relationship between the security sector and the public;
- (f) prepare and ensure the implementation of national security policies and strategies;
- (g) supervise security vetting and investigations for the security clearance of persons who hold or may hold vettable post in government departments, ministries or agencies, who may have access to any sensitive or classified information, so as to ensure a uniform vetting standard throughout the government;
- (h) develop and implement protective security procedures in government departments, ministries and agencies to ensure uniform security standards through-out government;
- (i) work in collaboration with ministries departments and agencies to provide the enabling environment for good governance, socio-economic development, poverty reduction and conflict prevention and management;
- (j) ensure effective leadership and support for the proper functioning of the National Security Council Subcommittees;

- (k) issue licence to private security companies; and
- (l) make regulations to regulate private security companies.

26. (1) A person shall not be qualified for appointment as National Security Coordinator unless he-

Qualification for appointment.

- (a) is a citizen of Sierra Leone;
- (b) has not been convicted of a criminal offence as provided for by the Constitution;
- (c) has not held office in a political party;
- (d) holds a Master's degree or at least a Bachelors' degree from a recognised university; and
- (e) has at least 10 years proven experience and expertise in intelligence, security and other related fields.

27. (1) The National Security Coordinator-

Functions of the National Security Coordinator.

- (a) shall be-
 - (i) the principal adviser to the President and the Government on issues pertaining to the security of Sierra Leone;
 - (ii) Chairman of the Joint Intelligence Committee and other Subcommittees of the Council; and
 - (iii) Sierra Leone's primary coordinator for the management of national emergencies such as natural or man-made disasters.

- (b) shall be responsible for-
- (i) coordination within the security sector, in particular, coordination of funding and resources so as to ensure their most efficient use from a national perspective;
 - (ii) the coordination of intelligence at provincial, district, chiefdom, national and transnational levels;
 - (iii) the establishment of clear lines of communication between the security services and the provision of arbitration for disputes between them; and
 - (iv) the maintenance of a cordial and co-operative relationship between the security services and civil society;
- (c) shall by Regulations determine the categories of security classification including -
- (i) "top secret information" being information, the unauthorised disclosure of which, would cause grave damage to the interest of the State;
 - (ii) "secret information" being information, the unauthorised disclosure of which, would cause serious injury to the interest of the State;
 - (iii) "confidential information" being information, the unauthorised disclosure of which, would be prejudicial to the interest of the State;

- (iv) "restricted information" being information, the unauthorised disclosure of which, would be undesirable to the State; and
- (d) shall perform such other functions as shall be assigned to him by the Council.

(2) The National Security Coordinator shall be subject to the general or special directions of the Council in exercise of the functions conferred upon him under this Act.

28. (1) There shall be a Deputy National Security Coordinator who shall be appointed by the President. Deputy
National
Coordinator.

(2) A person shall not be appointed Deputy National Security Coordinator unless he holds a Masters' degree from a recognised university or a Bachelors' degree and has at least ten years relevant experience in intelligence and security matters.

(3) The Deputy National Security Coordinator shall -

- (a) supervise the implementation of national security policies and strategies;
- (b) coordinate and supervise all directorates within the Office of National Security and ensure that job objectives are met;
- (c) serve as principal adviser to the National Security Coordinator;
- (d) serve as the coordinator for all public relation matters of the Office of National Security; and
- (e) carry out such other responsibilities as shall be assigned by the National Security Coordinator.

Tenure of office.

29. (1) The National Security Coordinator and the Deputy National Security Coordinator shall hold office for a term of 5 years and shall be eligible for re-appointment for a further term of 5 years only.

(2) Notwithstanding subsection (1), the National Security Coordinator and the Deputy National Security Coordinator shall be removed from office on any of the following grounds-

- (a) gross misconduct in the performance of their functions;
- (b) on conviction for a criminal offence;
- (c) incompetence; or
- (d) inability to perform the functions of their office due to physical or mental incapacity.

(3) Where the National Security Coordinator or the Deputy National Security Coordinator is removed from office before the end of the term to which he had been appointed under subsection (1), he shall be paid salaries and other emoluments in lieu of the remaining period:

Provided that where the National Security Coordinator and the Deputy National Security Coordinator is removed from office before the end of the term to which he had been appointed under subsection (1), he shall not be paid salaries and other emoluments in lieu of the remaining period if the grounds for removal falls under paragraphs (a) or (b) of subsection (2).

Other employees.

30. Appointment of officers and other employees shall be done in consultation with the Public Service Commission.

PART VII -WARRANTS

Application for warrant.

31. (1) Where the Director-General has reasonable cause to believe that a warrant is required to enable the Agency to perform any of its functions, he shall apply for the issuance of a warrant.

(2) An application under subsection (1) shall be made to a Judge or Magistrate in respect of -

- (a) the search of premises, computers and other devices or the taking of property;
- (b) the interception of communication; and
- (c) the request for information on telephone call records to a telephone company;

(3) An application for a warrant shall specify-

- (a) the facts relied upon to justify the belief, or reasonable grounds, that a warrant is required to enable the Agency to investigate a threat against the security of Sierra Leone;
- (b) that the urgency of the matter is such that it would be impracticable to carry out the investigation using other investigative procedures;
- (c) that without the warrant, it is likely that information of importance relating to a threat against the security of Sierra Leone would not be obtained;
- (d) where the purpose is to intercept a communication-

- (i) the type of communication to be intercepted, including the type of information, records, documents or things to be obtained and the powers in paragraphs (a) and (b) to be used; and
- (ii) the identity of the person if known, communication information, record, document or thing to be intercepted or obtained;

- (e) the person or class of persons to whom the warrant is to be directed;
- (f) a general description of the place where the warrant is to be executed, if a general description of that place can be given;
- (g) the period, not exceeding 60 days, for which the warrant requested is to be in force, where necessary;
- (h) any previous application made in relation to a person referred to in subparagraph (ii) of paragraph (d); and
- (i) the date on which the application was made, the name of the Judge or magistrate to whom each application was made and the decision of the Judge or Magistrate in respect of the application.

Effect of
warrant.

32. (1) A warrant issued under section 31 shall authorise every person in a class of persons to whom the warrant is issued, to exercise the powers specified in the warrant for the purpose of intercepting communication, obtaining information, records, documents or things of the type specified in the warrant.

(2) The warrant shall further authorise the provision of assistance to the person exercising the powers specified in the warrant by any person who believes on reasonable grounds that the person to be assisted is exercising the powers in accordance with the warrant.

Information
without
warrant.

33. The Director-General shall write directly to an institution and request for information on a person or a group of persons without warrant if the circumstances are of such seriousness and urgency that the national security of Sierra Leone would be greatly compromised.

PART VIII—COMPLAINTS TRIBUNAL

34. (1) Any person who is aggrieved by anything done by the Director-General or any other officer of the Agency, in the performance of their functions shall submit a complaint in respect thereof to-

Investigation
of
complaints.

- (a) the Minister, where the complaint is against anything done by the Director-General or Deputy Director-General; and
- (b) the Director-General, where the complaint is against anything done by any other officer of the Agency,

(2) A person who has made a complaint under subsection (1) shall, where-

- (a) no action is taken on the complaint within the period specified; or
- (b) he is dissatisfied with the action taken by the National Security Coordinator or the Director-General, as the case may be;

submit a written complaint to the Chief Justice.

35. The Chief Justice shall on receipt of a complaint, appoint a tribunal consisting of-

Complaints
tribunal.

- (a) a Chairman who shall either be a High Court Judge, a retired High Court Judge or a lawyer who is qualified to be appointed a High Court Judge; and
- (b) two other persons one of whom shall be a person with extensive knowledge of the issues in the complaint, within a period of 30 days, to hear and determine the issues in the complaint.

Hearing of complaint.

36. (1) The Tribunal shall hear and determine a complaint referred to it by the Chief Justice under section 35.

(2) The Tribunal shall not determine any complaint that-

- (a) it considers frivolous, vexatious or is not made in good faith;
- (b) is the subject matter of an action before a court; or
- (c) it considers to be prejudicial to national security.

Proceedings at hearing.

37. (1) The Tribunal may exclude from its proceedings persons, other than the parties to the proceedings and their lawyers, where it considers it necessary in the interest of defence, public safety, public order, public morality or the protection of the private lives of persons connected to the proceedings.

(2) The Tribunal shall call such witnesses and request the production of such documents as it considers necessary in the interest of justice.

(3) Witnesses appearing before the Tribunal shall be paid such travelling and other allowances as the Chief Justice shall determine.

(4) The Tribunal shall give a fair hearing to all persons appearing before it and for that purpose, the rules of the High Court shall apply to proceedings of the Tribunal with such modifications as shall be necessary.

(5) A person appearing before the Tribunal shall be represented by a lawyer of his choice.

Notice of hearing.

38. The Tribunal shall not commence the hearing of a complaint referred to it by the Chief Justice unless it has submitted to the National Security Coordinator or the Director-General, as the case may be, a written notice together with the substance of the complaint.

39. (1) On conclusion of the hearing of a complaint, the Tribunal shall notify the Minister or, as the case may be, the Director-General of its decision. Decision of Tribunal.

(2) Where the Tribunal decides that monetary compensation is necessary to be paid to the complainant, the Tribunal shall direct that the money be paid from public funds.

(3) An appeal against a decision of the Tribunal shall lie to the Court of Appeal.

PART IX- FINANCIAL PROVISIONS

40. (1) The administrative expenses of the Agency and the Office of National Security including salaries, allowances, gratuities, severance, pensions, end of service benefit for employees and the funding of special operations shall be charged on the Consolidated Fund. General expenses.

(2) End of service benefits shall take effect from the date of entry of an employee into the Agency and the Office of National Security.

41. (1) There shall be kept by the Agency and the Office of National Security, proper books of account and other records in relation to their activities, property and finances in a form approved by the Auditor-General. Accounts and audit.

(2) The books of account kept under subsection (1), shall not later than 2 months after the end of each financial year, be audited by the Auditor-General or an auditor appointed by him.

(3) The Agency and the Office of National Security shall-

- (a) present their respective annual budget estimates to a select committee of Parliament, including officials of the Ministry of Finance; and
- (b) apply special procurement measures in accordance with subsection (3) of section 1 of the National Public Procurement Act, 2004.

PART X- MISCELLANEOUS PROVISIONS

Oaths.

42. (1) The Members of the Council referred to in section 2 and the members of the National Security Council Coordinating Group referred to in section 9, shall subscribe to the oath of secrecy and the oath of allegiance or affirmation set out in the Schedule.

(2) The National Security Coordinator, the Director-General of the Agency and every other officer shall subscribe to the oaths prescribed in the Schedule before commencement of their duties.

(3) The National Security Coordinator, the Director-General and every other officer shall, on ceasing to be officers, be sworn out of office in accordance with the oath of secrecy prescribed in the Schedule as suitably adapted for the purpose.

Confidentiality.

43. A member of the Council shall not, without the consent of the Council in writing, publish or disclose to any person, the contents of any document, communication or information which relates to his functions and duties under this Act.

Disclosure of information.

44. (1) An officer of the Office of National Security or the Agency shall not disclose any information obtained in the performance of his duties except the Office of National Security or the Agency permit the disclosure of information to-

- (a) a public officer who has authority to investigate an alleged contravention of law or to the Attorney-General and Minister of Justice, if the information is required by him for an investigation;
- (b) the Minister of Foreign Affairs, if the information relates to the conduct of the international affairs of the country;

- (c) the Minister of Defence or a person designated by him if the information is relevant to the defence of the country;
- (d) the Chief Justice if the information is required by a competent court of judicature; or
- (e) any Minister or person in the public service if in the opinion of the National Security Coordinator or the Director-General of the Agency, the disclosure of the information is essential to public interest and which outweighs any invasion of privacy that may result from the disclosure.

(2) Subject to subsection (1), no person shall disclose any information that he obtained or had access in the performance of his duties, from which there can be inferred the identity of-

- (a) any other person who is or was a confidential source of information or assistance to the Agency or the Office of National Security; or
- (b) any person who is or was an officer engaged in operational activities of the Agency or the Office of National Security;

(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to imprisonment for a term not exceeding 10 years.

45. (1) An officer shall not be required to produce before Parliament any document or other evidence where-

- (a) the Speaker certifies-

Disclosure
before
Parliament.

- (i) that the document or other evidence belongs to a class of documents or evidence, the production of which is injurious to public interest; or
 - (ii) that disclosure of the evidence or of the contents of the documents will be injurious to public interest
- (b) the Council certifies-
- (i) that the document or other evidence belongs to a class the production of which is prejudicial to the security of Sierra Leone; or
 - (ii) that disclosure of the evidence or of the contents of the document will be prejudicial to the security of Sierra Leone.

(2) Where there is doubt as to the nature of a document or other evidence such as is referred to in subsection (1), the Speaker or the Council, as the case may be, shall refer the matter to the High Court for determination. Whether the production or the disclosure of the contents of the document or other evidence would be injurious to public interest or, as the case may be, prejudicial to the security of Sierra Leone.

Privileged information.

46. The provisions on disclosure of information are without prejudice to the privileges conferred on any person under any other law in relation to disclosure of evidence.

47. Any person who falsely holds himself out as an employee of the Agency or as an employee of the Office of National Security commits an offence and shall on conviction be liable to a fine not exceeding (Le20,000,000.00) or to imprisonment for a term not exceeding 5 years: Impersonation.

Provided that the person holds a written approval from either the Director-General or the National Security Coordinator or any other authorised persons to show patronage to the institutions aforementioned.

48. Any person who deliberately obstruct, hinder or assault an employee of the Agency or the Office of National Security while discharging their duties, commits an offence and shall be liable on conviction to a fine not exceeding (Le20,000,000.00) or to imprisonment for a term not exceeding 5 years or to both fine and imprisonment. Interference and obstruction of duty.

49. (1) The Council shall, by statutory instrument, make such regulations as it considers necessary for the effective implementation of this Act. Regulations.

(2) Without limiting the effect of subsection (1), regulations shall provide for matters on discipline of officers and regulation of private security companies.

50. The National Security and Central Intelligence Act, 2002 (Act No. 10 of 2002) is hereby repealed. Repeal.

SCHEDULE

SECTION 42

OATH OF OFFICE

(the Director or an Officer of the Central Intelligence and Security Agency)

I.....do (in the name of the Almighty God /Allah swear) (solemnly affirm) that I will faithfully and impartially to the best of my abilities perform the duties required of me as (the Director or an Officer) of the Central Intelligence and Security Agency. So help me God/Allah.

Signature:..... Dated the day of ...20/

OATH OF SECRECY ON TAKING OFFICE

I.....do (in the name of the Almighty God/Allah swear) (solemnly affirm) that I will not, without due authority, disclose or make known to any person any information acquired by me by reason of the duties performed by me on behalf of or under the direction of the Office of National Security or the Central Intelligence and Security Agency or by reason of any office or employment held by me pursuant to the National Security and Central Intelligence Act, 2016. So help me God/Allah.

Signature:..... Dated the day of ...20/

OATH OF ALLEGIANCE/AFFIRMATION

I.....do (in the name of the Almighty God/Allah swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Sierra Leone; to the President of Sierra Leone; to the Government of Sierra Leone, as by law established; that I will uphold the sovereignty and integrity of Sierra Leone; and that I will preserve, protect and defend the Constitution of the Republic of Sierra Leone. So help me God/Allah.

Signature:..... Dated the day of ...20/

MEMORANDUM OF OBJECTS AND REASONS

The purpose of this Bill is to provide for the internal and external security of Sierra Leone and for other related matters.

The Bill is divided into ten parts as follows–

Part I–provides for the interpretation of certain terms and expressions in the Bill.

Part II–provides for the continuance in existence of the National Security Council, proceedings of Council, functions of Council and the Joint Intelligence Committee.

Part III –provides for the continuance in existence of the Provincial, District and Chiefdom Security and Intelligence Committees, the establishment of the National Security Council Coordinating Group and the Joint Maritime Committee.

Part IV– provides for the establishment of a Transnational Organised Crime Unit with its Advisory and Management Boards, the appointment of a Director- General as head of the unit.

Part V–provides for the continuance in existence of the Central Intelligence and Security Unit to be known as the "Central Intelligence and Security Agency", its functions, powers, annual operations report, finance, the appointment of a Director-General and Deputy Director-General, their tenure of office, the appointment of other employees, Agencies power of arrest, and undercover and sting operations.

Part VI–provides for the continuance in existence of the Office of National Security, qualification for appointment as National Security Coordinator and Deputy National Security Coordinator, their tenure of office and the appointment of other employees.

Part VII- provides for application for warrants, effect of warrants and information without warrant.

Part VIII– provides for a complaints tribunal, investigation and hearing of complaints, proceedings at hearings, notice of hearing and decision of tribunal.