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THE NATIONAL SECURITY AND CENTRAL INTELLIGENCE ACT, 2015.

ARRANGEMENT OF SECTIONS

Sections.

PART I – PRELIMINARY

1. Interpretation.

PART II – ESTABLISHMENT OF NATIONAL SECURITY COUNCIL

2. National Security Council.
3. Proceedings of Council.
4. Functions of Council.
5. Joint Intelligence Committee.

PART III – SECURITY AND INTELLIGENCE COMMITTEES

6. Provincial Security Committees.
7. District Security Committees.
8. Chiefdom Security Committees.
9. National Security Council Coordinating Group.
10. Joint Maritime Committee.

PART IV – TRANSNATIONAL ORGANISED CRIME UNIT

11. Transnational Organised Crime Unit.
12. Advisory Board.
13. Management Board.
14. Director.

PART V – CENTRAL INTELLIGENCE AND SECURITY AGENCY

15. Central Intelligence and Security Agency.
16. Functions of Central Intelligence and Security Agency.
17. Powers of Central Intelligence and Security Agency.
18. Annual operations report.
19. Financial provisions.
20. Director-General.

21. Deputy Director-General.
22. Tenure of office.
23. Other employees.
24. Power of arrest.
25. Undercover or sting operation.

PART VI – OFFICE OF NATIONAL SECURITY

26. Office of National Security.
27. Qualification for appointment as National Security Coordinator.
28. Deputy National Security Coordinator.
29. Tenure of office.
30. Other employees.
31. Private security companies.

PART VII – WARRANTS

32. Application for warrant.
33. Effect of warrant.
34. Information without warrant.

PART VIII – COMPLAINTS TRIBUNAL

35. Investigation of complaints.
36. Complaints tribunal.
37. Hearing of complaints.
38. Proceedings at hearing.
39. Notice of hearing.
40. Decision of tribunal.

PART IX – FINANCIAL PROVISIONS

41. Expenses.
42. Accounts and audit.

PART X – MISCELLANEOUS PROVISIONS

43. Oaths.
44. Disclosure of information.
45. Disclosure before Parliament.
46. Privileged information.
47. Regulations.
48. Repeal.

SCHEDULE

No.

2015



Sierra Leone

A BILL ENTITLED

The National Security and Central Intelligence Act, 2015.

Short title.

Being an Act to repeal and replace the National Security and Central Intelligence Act, 2002, to provide for the internal and external security of Sierra Leone and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I – PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires –

“Central Intelligence and Security Agency” means the Central Intelligence and Security Agency referred to in section 15;

“Council” means the National Security Council referred to in section 2;

“Chiefdom Security Committees” means a Chiefdom Security Committees established under section 8;

“Director-General means the Director- General of the Central Intelligence and Security Agency appointed under section 20 ;

“Deputy Director-General means the Deputy Director-General of the Central Intelligence and Security Agency appointed under section 21;

“District Security Committees” means a District Security Committees established under section 7;

“Joint Intelligence Committee” means the Joint Intelligence Committee established under section 5;

“Joint Maritime Committee” means the Joint Maritime Committee established under section 10;

“Minister” means the Minister responsible for internal affairs;

“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 27;

“Office of National Security” means the Office of National Security referred to in section 26;

“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;

“Transnational Organised Crime Unit” means the Transnational Organised Crime Unit established under section 11.

PART II – ESTABLISHMENT OF NATIONAL SECURITY COUNCIL

2. (1) There shall continue to be in existence, the body known as the National Security Council established by section 2 of the National Security and Central Intelligence Act, 2002. ^{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) Inspector-General of Police;
- (j) Chief of Defence Staff;
- (k) Minister of Mineral Resources;
- (l) Minister of Agriculture and Food Security;
- (m) Minister of Gender and Children's Affairs;
- (n) Minister of Health and Sanitation;
- (o) Secretary to the President;
- (p) the National Security Coordinator;
- (q) Director-General, Central Intelligence and Security Agency; and
- (r) Chief of Staff, Office of National Security, to 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.

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. Functions of Council.

(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 5;
 - (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 National Security Council Co-ordinating Group referred to in section 9;
 - (vi) the Joint Maritime Committee referred to in section 10;
 - (vii) the Transnational Organised Crime Unit referred to in section 11;

(viii) the Central Intelligence and Security Agency referred to in section 15;

(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.

Joint
Intelligence
Committee.

5. (1) The Council shall have a Joint Intelligence Committee on which representatives of all the security services shall sit.

(2) The main function of the Joint Intelligence Committee shall be to approve assessments of intelligence and other related information prepared or processed by a joint assessment team within 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 Council and to other Ministers and officials as appropriate.

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

PART III—SECURITY AND INTELLIGENCE COMMITTEES

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

(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 officer in the region;

(e) the most senior Police officer 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 most Senior Regional officer, National Fire Force;

(j) the most Senior Regional officer Sierra Leone Correctional service;

(k) the Regional Immigration officer;

(l) the Chairman, Council of Paramount Chiefs in the region;

- (m) the Court Registrar;
- (n) the Council Administrator; and
- (o) the Provincial Security Coordinator who shall serve as Secretary.

(3) Each Provincial Security Committee shall—

- (a) perform such functions of the Council as the Council shall assign; and
- (b) provide early warning of the existence or likelihood of any security threat to the province, country or the Government.

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

(5) Each Provincial Security Committee shall have a coordinator.

(6) Each Provincial Security Committee shall regulate the procedure of 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 known as “District Security Committee”.

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

- (a) the (Senior) 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 prisons;
- (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 Council Administrator; and
- (j) the District Security Coordinator who shall serve as Secretary.

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

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

(4) Each District Security Committee shall have a coordinator.

(5) 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 “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 court clerk;
- (f) the Chiefdom Councillor;
- (g) 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 perform such functions as the Council shall assign to it.

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

(5) Each Chiefdom Security Committee shall have a coordinator.

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

National
Security
Council
Coordinating
Group.

9. (1) There is hereby established a strategic security Committee 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 Chairman;

- (b) the Chief of Defence Staff;
- (c) the Inspector General of Police;
- (d) the Joint Force Commander;
- (e) the Assistant Inspector General of Police
- (f) the Head of Strategic Situation Group;
- (g) senior civil servants of other ministries and agencies as the Chairman may deem necessary; and
- (h) the Director (Joint) Assessment Team, 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
Maritime
Committee.

10. (1) There is hereby established a security and intelligence 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 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 our 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.

11. (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 and the Management Board referred to in sections 12 and 13 respectively.

Advisory
Board.

12. (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 of the Central Intelligence and Security Agency
- (e) the Permanent Secretary, Ministry of Internal Affairs;
- (f) the Director of the Transnational Organised Crime Unit;
- (g) the Director of Public Prosecutions;
- (h) the Chief Immigration Officer;
- (i) the Director of the Financial Intelligence Unit;
- (j) the Commissioner of the Anti-Corruption Commission;

- (k) the Executive Director of the National Drug Enforcement Agency;
- (l) the Commissioner General of the National Revenue Authority;
- (m) the General Manager of the Sierra Leone Ports Authority;
- (n) the General Manager of the Sierra Leone Airport 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 of the Office of National Security to act 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 13;
- (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.

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

Management
Board.

- (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 the 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 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) Directors of the Transnational Organised Crime Unit; and
- (o) the Director in charge of Organised Crime Coordination in the Office of National Security.

(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; and
 - (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 advise, approval, and on ward submission to Council; and

- (g) perform such functions as shall be assigned by the Advisory Board

Director

14. (1) The head of the Transnational Organised Crime Unit shall be the Director who shall be appointed by the President subject to the approval of Parliament.

(2) The Director shall, subject to such instructions or directions as the Advisory Board and Management Board shall—

- (a) be responsible for the efficient management of the Transnational Organised Crime Unit;
- (b) take all reasonable steps to ensure that the actions of the Transnational Organised Crime Unit are limited to what is necessary for the proper performance of its functions;
- (c) ensure that no information is gathered by the Transnational Organised Crime Unit except as shall be necessary for the proper performance of its functions;
- (d) ensure that the Transnational Organised Crime Unit is not, in the performance of its functions, influenced by considerations not relevant to such functions; and
- (e) ensure that no act is performed that could give rise to any reasonable suggestion that the Transnational Organised Crime Unit is concerned in furthering, protecting or undermining the interests of any particular section of the population or of any political party or organization.

(3) A person shall not be qualified for appointment as Director 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 degree from a recognized university or a Bachelors' degree with relevant experience in intelligence and security matters; and
- (e) has at least ten years proven experience and expertise in intelligence and security matters.

(4) The Director shall hold office for a term of five years and shall be eligible for re-appointment once only.

(5) Notwithstanding subsection (4), the Director 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; or
- (c) inability to perform the functions of office due to physical or mental incapacity.

PART V—CENTRAL INTELLIGENCE AND SECURITY AGENCY

15. There shall continue to be in existence the Central Intelligence and Security Agency. Central Intelligence and Security Agency.

16. (1) The functions of the Central Intelligence and Security Agency shall be to— Functions of Central Intelligence and Security Agency.

- (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, whether internal or external, to Sierra Leone's economic interest; and
- (e) perform such other functions as the Council or the President shall decide.

(2) 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 any person or the interests 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.

17. (1) The Central Intelligence and Security Agency shall have all the powers necessary or expedient for the performance of its functions. Powers of Central Intelligence and Security Agency.

(2) Without prejudice to the generality of subsection (1), the Central Intelligence and Security Agency shall have powers 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.

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

(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 Central Intelligence and Security Agency shall be authorised to do the following— Financial provisions.

- (a) present its annual budget estimates to a select committee of Parliament, including officials of the Ministry of Finance;

- (b) appropriate funds through the Ministry of Finance and deposit them in its account; and
- (c) apply special procurement measures in accordance with subsection (3) of section 1 of the National Public Procurement Act, 2004.

Director-General

20. (1) The head of the Central Intelligence and Security Agency shall be the Director-General who shall be appointed by the President subject to the approval of Parliament.

(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 degree from a recognized university or a Bachelors' degree with relevant experience in intelligence and security matters; and
- (e) has at least ten years proven experience and expertise in intelligence and security matters.

(3) The Director-General shall, subject to such instructions or directions as the President or the National Security Coordinator shall—

- (a) be responsible for the efficient management of the Central Intelligence and Security Agency;
- (b) take all reasonable steps to ensure that the actions of the Central Intelligence and Security Agency are limited to what is necessary for the proper performance of its functions;

- (c) ensure that no information is gathered by the Central Intelligence and Security Agency except as shall be necessary for the proper performance of its functions;
- (d) ensure that the Central Intelligence and Security Agency is not, in the performance of its functions, influenced by considerations not relevant to such functions;
- (e) ensure that no act is performed that could give rise to any reasonable suggestion that the Central Intelligence and Security Agency is concerned in furthering, protecting or undermining the interests of any particular section of the population or of any political party or organization and.
- (f) control and administer the Agency

21. (1) There shall be a Deputy Director-General of the Central Intelligence and Security Agency who shall be appointed by the President. Deputy Director-General

(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 degree from a recognized university or a Bachelors' degree with relevant experience in intelligence and security matters; and
- (e) has at least ten 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.

Tenure of office.

22. (1) The Director-General and Deputy Director-General shall hold office for a term of five years and shall be eligible for re-appointment once only.

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

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

(3) Before the removal of the Director-General or Deputy Director-General under subsection (2), the President shall appoint a tribunal which shall consist of a Chairman and two other members, all of whom shall be persons qualified to hold or have held office as judges of the superior court of judicature.

(4) The removal of the Director-General and Deputy Director-General shall be referred to a tribunal referred to in subsection (3), which shall—

(a) investigate the circumstances giving rise to the proposed removal; and

(b) make recommendations to the President.

(5) 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 of his term.

23. There shall be appointed by the Public Service Commission on the recommendation of the Director-General such other employees as shall be required for the efficient performance of the functions of the Office of National Security. ^{Other employees.}

24. (1) An officer of the Central Intelligence and Security 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 Central Intelligence and Security Agency shall be notified to the National Security Coordinator.

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

(4) An officer of the Central Intelligence and Security Agency who exercises powers contrary to this section commits an offence and is liable on conviction to a fine not exceeding Le 20,000,000.00 (Twenty Million Leones) or imprisonment for a term not exceeding two years or to both such fine and imprisonment.

Undercover
or sting
operation.

25. (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—

- (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

Office of
National
Security.

26. (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.

(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 institution for the co-ordination of the management of national emergencies such as natural and artificial disasters;

- (c) coordinate intelligence;
- (d) maintain a cordial and co-operative relationship between the security services and civil society;
- (e) prepare and maintain the national security policy;
- (f) supervise security vetting and investigations for the security clearance of persons who hold or may hold vetable 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; and
- (g) implement protective security procedures in government departments, ministries and agencies to ensure uniform security standards through-out government.

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

Qualification
for appoint-
ment as
National
Security
Coordinator.

- (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 degree from a recognized university or a Bachelors' degree with relevant experience in intelligence and security matters; and
- (e) has at least ten years proven experience and expertise in intelligence and security matters.

(2) 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;
- (iii) Sierra Leone's primary coordinator for the management of national emergencies such as natural or artificial disasters.

(b) shall be responsible for—

- (i) coordination within the security sector, in particular, co-ordination 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 perform such other functions as shall be assigned to him by the President or the Council.

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

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

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

(3) The Deputy National Security Coordinator shall —

- (a) implement the national security policy as directed by the National Security Coordinator;
- (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.

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

(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; or
- (c) inability to perform the functions of 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 for which he had been appointed under subsection (1), he shall be paid salaries and other emoluments in lieu of the remaining period of the term.

Other
employees.

30. There shall be appointed by the Public Service Commission on the recommendation of the National Security Coordinator, such other employees as shall be required for the efficient performance of the functions of the Office of National Security.

Private
security
companies.

31. (1) Subject to this Act, no person shall operate a private security company unless he holds a licence issued by the Office of National Security.

(2) Any person who wishes to operate a private security company shall apply to the Office of National Security for a licence for that purpose.

(3) An application for a licence under subsection (2), shall be in such form as the National Security Coordinator shall prescribe and shall be accompanied by—

- (a) a certificate or other evidence that the applicant has registered a company for the purposes of the application;
- (b) a statement of the financial resources of the company and inventory of all equipment's, including any arms and ammunition, intended to be used for the business or operations of the company;
- (c) the particulars of the applicant, other sponsors, directors, and other officers of the company, and
- (d) such other information as the National Security Coordinator shall require.

(4) Upon receipt of an application under subsection (2), the National Security Coordinator shall within sixty days of such receipt, decide whether to grant a licence or refuse an application.

(5) Before granting a licence the National Security Coordinator shall take into account—

- (a) the adequacy of the resources and the validity of the mode of acquisition of the equipment, including any arms and ammunition to be used in the business or the operations of the company;
- (b) the character and fitness of the applicant, sponsors, directors and other officers of the company; and
- (c) the public interest.

(6) Where the National Security Coordinator is satisfied with an application, he shall grant the licence to the applicant subject to such terms and conditions as he shall specify and the breach of such terms and conditions shall entitle the National Security Coordinator to revoke the licence.

(7) Where the National Security Coordinator rejects an application, it shall issue a written statement to the applicant stating the reasons for his decision:

Provided that where the applicant is aggrieved by the rejection of his application for licence, he shall appeal to the Council whose decision shall be final.

(8) Any person operating a private security company immediately before the commencement of this Act, shall apply for a licence within three months of such commencement and shall cease operations if he has not secured a licence within six months of such commencement.

(9) For the purposes of this section, “private security company” means a company providing security services, including armed escort services to persons, homes, businesses or institutions, whether public or private.

(10) Any person operating a private security company which contravenes any of the provisions of the Act commits an offence and shall be liable on conviction to a fine of not less than ten million Leones (Le10,000,000.00) or to a term of imprisonment for not less than twelve months or to both such fine and imprisonment.

PART VII –WARRANTS

Application
for warrant.

32. (1) Where the Director-General has reasonable cause to believe that a warrant is required to enable the Central Intelligence and Security Agency to perform any of its functions, he shall apply for the issue 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 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 Central Intelligence and Security 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 sixty 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.

33. (1) A warrant issued under section 32 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.

34. 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.

Information
without
warrant.

PART VIII – COMPLAINTS TRIBUNAL

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

Investigation
of
complaints.

- (a) to the National Security Coordinator, where the complaint is against anything done by the Director-General or Deputy Director-General; and
- (b) to the Director-General, where the complaint is against anything done by any other officer of the Central Intelligence and Security Agency,

(2) The National Security Coordinator or the Director-General, as the case may be, shall examine the complaint and take such action as is appropriate within a period not exceeding thirty days from the date of receipt of the complaint.

(3) 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.

Complaints
tribunal.

36. (1) The Chief Justice shall, on receipt of a complaint, appoint a tribunal of three persons within a period of thirty days, to hear and determine the issues in the complaint.

(2) The Tribunal referred to in subsection (1) shall consist of—

- (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.

Hearing of
complaints.

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

(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.

38. (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. Proceedings
at hearing.

(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.

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

40. (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

Expenses.

41. (1) The administrative expenses of the Central Intelligence and Security Agency and the Office of National Security including salaries, allowances, gratuities, severance, pensions and end of service benefit for officers shall continue to be a charge on the Consolidated Fund.

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

Accounts and audit.

42. (1) There shall be kept by the Central Intelligence and Security 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.

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

PART X—MISCELLANEOUS PROVISIONS

43. (1) The National Security Coordinator of the Office of Oaths. National Security, the Director-General of the Central Intelligence and Security Agency and every officer of the Office of National Security and the Central Intelligence and Security Agency shall subscribe to the oaths prescribed in the Schedule before commencement of their duties.

(2) The National Security Coordinator of the Office of National Security, the Director-General of the Central Intelligence and Security Agency, 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.

44. (1) An officer of the Office of National Security or the Central Intelligence and Security Agency shall not disclose any information obtained in the performance of his duties except as provided under this Act. ^{Disclosure of information.}

(2) Notwithstanding subsection (1), the Office of National Security or the Central Intelligence and Security Agency shall, permit the disclosure of information by an officer.

(3) The National Security Coordinator of the Office of National Security or the Director-General of the Central Intelligence and Security Agency shall permit an officer to disclose 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 of the Office of National Security or the Director-General of the Central Intelligence and Security Agency, the disclosure of the information is essential to public interest and public interest outweighs any invasion of privacy that may result from the disclosure.

(4) Subject to subsection (1), no person shall disclose any information that he obtained or to which he 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 Central Intelligence and Security Agency or the Office of National Security; or
- (b) any person who is or was an officer engaged in operational activities of the Central Intelligence and Security Agency or the Office of National Security;

(5) Any person who contravenes subsection (1) commits an offence and is liable on conviction to imprisonment for a term not exceeding ten years.

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

(a) the Speaker certifies—

- (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 Supreme

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 a person under any other law in relation to disclosure of evidence.

Regulations. 47. (1) The Council shall, by statutory instrument, make such regulations as it considers necessary for the effective implementation of this Act.

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

Repeal. 48. The National Security and Central Intelligence Act, 2002 (Act No. 10 of 2002), is hereby repealed.

SCHEDULE (SECTION 43)

FORMS OF OATH OF OFFICE

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.

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, 2015. So help me God/Allah.

OATH OF ALLEGIANCE

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.

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, for 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, the appointment of other employees and private security companies.

Part VII - provides for application for warrants, effects 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.

Part IX - deals with financial provisions which include expenses and accounts and audit.

Part X - deals with miscellaneous provisions such as oaths, disclosure of information, disclosure before Parliament, privileged information, regulations and repeal of the National Security and Central Intelligence Act, 2002.

MADE this day of , 2015

J. B. DAUDA,
Minister of Internal Affairs.

FREETOWN,
SIERRA LEONE, 2015