

ACT

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THE NATIONAL SECURITY AND CENTRAL INTELLIGENCE ACT, 2023

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SCHEDULE

SIGNED this 18th day of January, 2023.

DR. JULIUS MAADA BIO,
President.

LS

No. 2



2023

Sierra Leone

**THE NATIONAL SECURITY AND CENTRAL
INTELLIGENCE ACT, 2023**

Short title.

Being an Act to repeal and replace the National Security and Central Intelligence Act, 2002 (Act No. 10 of 2002), to provide for the internal and external security of Sierra Leone and to provide 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 -

"Advisory Board" means the Advisory Board of the Transnational Organised Crime Unit referred to in section 7;

"Agency" means the Central Intelligence and Security Agency referred to in section 14;

"campaign finance" means monies used by a party or a candidate to fund campaign;

"Chieftom Security Committees" means the Chieftom Security Committees referred to in section 11;

"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;

"critical national infrastructure" includes the processes, systems, facilities, technologies, networks, assets and services, essential to the nation's health, safety, security or economic wellbeing and the effective functions of government;

"District Security Committee" means a District Security Committee referred to in section 10;

"Joint Intelligence Committee" means the Joint Intelligence Committee referred to in section 12;

"Joint Maritime Committee" means the Joint Maritime Committee referred to in section 13;

"National Security Council Coordinating Group" means the National Security Council Coordinating Group referred to in section 8;

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

"Mininter" means as referred to in section 16

"Office of National Security" means the Office of National Security referred to in section 24;

"Provincial Security Committee" means a Provincial Security Committee referred to in section 9;

"security service" means such services connected with the security of Sierra Leone, including -

- (a) protecting or safeguarding life and property;
- (b) giving advice to other security service sectors, on the protection or safeguarding of life and property or on the use of security equipment;
- (c) providing reactive or response service in connection with the safeguarding of life and property;
- (d) providing services aimed at ensuring order and safety on the premises used for sporting, recreational, entertainment or similar activities;
- (e) manufacturing, importing, distributing, selling or advertising, monitoring or security devices used for lawful security interception;

- (f) performing the functions of a private investigator;
- (g) providing security training or instruction to security service providers or prospective security service providers;
- (h) installing, servicing or repairing security equipment;
- (i) monitoring signals or transmissions from electronic security equipment;
- (j) managing, controlling or supervising the rendering of any of the services referred to in paragraphs (a) to (i);

"source agent" means a person or source that provides valuable information or intelligence to prevent or respond to critical issues affecting national security;

"source agent allowance" means an allowance paid by the Agency or Office of National Security to a source agent;

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

"Strategic Situation Group" means a cross sectoral team of experts that review intelligence assessments and strategic information from the National Security Council Coordinating Group and develop them into policy papers for consideration by the National Security Council;

"threat to the security of Sierra Leone" include-

- (a) acts of espionage or sabotage against Sierra Leone or 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;

"Transnational Organised Crime Unit" means the Transnational Organised Crime Unit referred to in section 6;

"vetting" means security clearance vetting and investigation of a person in a Government post or position which allows him to access very sensitive, top secret, confidential, restricted information, which if not properly handled will prejudice national security and integrity of the State; and

"vettable post" means a post or position in Government which allows the holder to have access to very sensitive information (top secret, secret, restricted, confidential) which if not properly handled will prejudice national security and integrity of the State.

PART II - THE NATIONAL SECURITY COUNCIL

National
Security
Council.

2. There shall continue in existence, the body known as the National Security Council, which shall consist of the President, as Chairman and the following other members -

- (a) the Vice President, as Deputy Chairman;
- (b) the Chief Minister;
- (c) the Minister of Finance;
- (d) the Minister of Foreign Affairs and International Cooperation;
- (e) the Attorney-General and Minister of Justice;
- (f) the Minister of Defence;
- (g) the Minister of Internal Affairs;
- (h) the Minister of Local Government and Rural Development;
- (i) the Minister of Information and Communications;
- (j) the Inspector-General of Police;

- (k) the Chief of Defence Staff;
- (l) the Director-General, Central Intelligence and Security Agency
- (m) the Secretary to the President; and
- (n) the National Security Coordinator, who shall also serve as the Secretary.

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

(2) The Chairman shall, after consultations with the Council-

- (a) invite such person or persons, as he may consider necessary, for any deliberations of the Council; or
- (b) constitute such committees, as he may consider necessary, for the better discharge of its functions under this Act.

(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 every 3 months 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 to -

- (a) consider and take appropriate measures to safeguard the internal and external security of Sierra Leone through integrated 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) direct the operations of committees of the Council, including -
 - (i) the Joint Intelligence Committee referred to in section 12;
 - (ii) the Provincial Security Committees referred to in section 9;
 - (iii) the District Security Committees referred to in section 10;
 - (iv) the Chiefdom Security Committees referred to in section 11,
 - (v) the Joint Maritime Committee referred to in section 13;
 - (vi) the National Security Council Co-ordinating Group established in section 8;

- (vii) the Central Intelligence and Security Agency referred to in section 14;
- (viii) the Transnational Organised Crime Unit referred to in section 6;
- (c) approve major security plans and recommendations by the Ministry of Defence;
- (d) monitor all external military support to Sierra Leone;
- (e) act as a War Cabinet as and when required;
- (f) take appropriate measures on policy matters of common interest to Ministries, Departments and Agencies; and
- (g) do all such things as will contribute to the attainment of the security of Sierra Leone.

5. Notwithstanding the Right to Access Information Act, 2013 (Act No.2 of 2013), the right to access information from the Council shall not apply to - Restriction on access to information.

- (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 - TRANSNATIONAL ORGANISED CRIME UNIT

Transnational
Organised
Crime Unit.

6. (1) There shall continue in existence, a sub-committee of the Council, known as the Transnational Organised Crime Unit which shall be responsible to -

- (a) submit reports, administrative and operational proposals for the consideration and approval of Council; and
- (b) proffer advice to enhance the operations of the Transnational Organised Crime Unit.

(2) The Transnational Organised Crime Unit shall have a Management Team, which shall be the governing body of the Unit, consisting of the Assistant Inspector-General of Police attached to Crime Services, as Chairman, and the following other members -

- (a) The Joint Force Commander, Republic of Sierra Leone Armed Forces;
- (b) The Chief of Operations, Central Intelligence and Security Agency;
- (c) The Head of Legal and Justice Department, Sierra Leone Police;
- (d) The Deputy Chief Immigration Officer;
- (e) The Head of Compliance and Operations, Financial Intelligence Unit;
- (f) The Chief of Intelligence, Anti-corruption Commission;
- (g) The Head of Operations, National Drug Law Enforcement Agency;

- (h) The Head of Interpol, Sierra Leone Police;
- (i) The Assistant Commissioner, Revenue, Intelligence and Investigations, National Revenue Authority;
- (j) The Head of Operations and Security, Sierra Leone Ports Authority;
- (k) The Safety and Compliance Manager, Sierra Leone Air Ports Authority;
- (l) The Head, Enforcement and Narcotic Control, Pharmacy Board of Sierra Leone;
- (m) The Head, Transnational Organised Crime Unit; and
- (n) The Director, Serious Organised Crime Coordination, Office of National Security, who shall serve as Secretary.

(3) The Management Team shall perform the following functions-

- (a) give directives to the Head of the Transnational Organised Crime Unit;
- (b) implement operational plans and activities approved by the Advisory Board using multi-agency approach;
- (c) respond to incidence of organised criminal activity that falls within the priority areas of the Transnational Organised Crime Unit;
- (d) develop strategy to combat or minimise the incidence of organised crime in Sierra Leone;

- (e) liaise with international security services through Interpol;
- (f) 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;
- (g) submit administrative and operational proposals of the Transnational Organised Crime Unit to the Advisory Board for advice, approval, and onward submission to Council; and
- (h) perform such functions as shall be assigned by the Advisory Board.

Advisory
Board.

7. (1) The Transnational Organised Crime Unit shall be supervised by an Advisory Board which shall consist of the National Security Coordinator, as Chairman and the following other members—

- (a) the Inspector-General of Police;
- (b) the Chief of Defence Staff;
- (c) the Director-General, Central Intelligence and Security Agency;
- (d) the Permanent Secretary, Ministry of Internal affairs;
- (e) the Head of the Transnational Organised Crime Unit;
- (f) the Director of Public Prosecutions;
- (g) the Chief Immigration Officer;

- (h) the Director, Financial Intelligence Unit;
 - (i) the Commissioner, Anti-Corruption Commission;
 - (j) the Executive-Director, National Drug Law Enforcement Agency;
 - (k) the Commissioner-General, National Revenue Authority;
 - (l) Executive Director, Sierra Leone Maritime Association;
 - (m) Executive Director, National Minerals Agency;
 - (n) General-Manager, Sierra Leone Ports Authority;
 - (o) General-Manager, Sierra Leone Airport Authority;
 - (p) Registrar, Pharmacy Board of Sierra Leone;
 - (q) Chairman, of the Management Team of the Transnational Organised Crime Unit; and
 - (r) Chief of Staff, Office of National Security who shall serve as Secretary.
- (2) The Advisory Board shall be responsible to -
- (a) provide strategic direction for the operations of the Management Team referred to in subsection (2) of section 6;

- (b) validate and approve the annual operation or activity plan of Management Team;
- (c) submit reports, administrative and operations proposals for the consideration and approval of Council; and
- (d) proffer advice to enhance the operations of the Transnational Organised Crime Unit.

PART IV—SECURITY AND INTELLIGENCE COMMITTEES

National
Security
Council
Coordinating
Group.

8. (1) There shall continue in existence, a body known as the National Security Council Coordinating Group which shall consist of the National Security Coordinator, as Chairman and the following other members-

- (a) the Deputy National Security Coordinator;
- (b) the Chief of Defence Staff;
- (c) the Inspector General of Police;
- (d) the Director-General, Central Intelligence and Security Agency;
- (e) Director-General, Sierra Leone Correctional Service;
- (f) the Chief Fire Officer;
- (g) the Chief Immigration Officer;
- (h) the Joint Force Commander;
- (i) the Assistant Inspector-General of Police for Operations;
- (j) the Head of Strategic Situation Group, Office of National Security;

- (k) senior civil servants of other Ministries, Departments and Agencies as the Chairman in consultation with members may deem necessary;
 - (l) Director-General, Sierra Leone Civil Aviation Authority;
 - (m) Executive-Director, National Protected Area Authority;
 - (n) Director-General, National Disaster Management Agency;
 - (o) Director-in-charge of Assessment, Office of National Security, as Secretary.
- (2) The National Security Council Coordinating Group shall be a strategic security body which shall be responsible to -
- (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.

(3) For the performance of its functions under subsection (2), the National Security Council Coordinating Group shall be supervised by the Council.

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

Provincial
Security
Committee.

9. (1) There shall continue in existence a security and intelligence committee for each province, known respectively, as Provincial Security Committee consisting of the Resident Minister, as Chairman and the following other members-

- (a) the Provincial Secretary as Deputy-Chairman;
- (b) the Deputy Provincial Secretary;
- (c) the Brigade Commander in the region;
- (d) the Police Commander in the region;
- (e) the Regional Commander, Sierra Leone National Fire force;
- (f) the Regional Commander Sierra Leone Correctional Services;
- (g) the Regional Immigration Officer;
- (h) the Senior District Officer;
- (i) the Regional Case Officer, Central Intelligence and Security Agency;
- (j) the Deputy Master and Registrar for the region;
- (k) the Regional Chairman, Council of Paramount Chiefs;

- (l) 2 members nominated by the Chairman, after consultation with other members;
- (m) the Regional Coordinator, National Disaster Management Agency;
- (n) the Provincial Security Coordinator, responsible for the coordination of security and intelligence at the provincial level, shall serve as Secretary.

(2) 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 member from amongst those present to be Chairman.

(3) A Provincial Security Committee under subsection (1), shall -

- (a) provide to the Council, through the National Security Coordinator, early warning of the existence or likelihood of any security threat to the province, country or the Government; and
- (b) perform such other function as may be assigned to it by the Council.

(4) A Provincial Security Committee shall, in the performance of its functions under this Act, be subject to the general or special directions of the National Security Council Coordinating Group.

(5) A Provincial Security Committee shall meet every 2 weeks, at such place and time as the Chairman, in consultation with the Provincial Security Coordinator, may determine.

(6) A Provincial Security Committee shall regulate the procedure of its meetings.

District
Security
Committee.

10. (1) There shall continue in existence, a security and intelligence committee for each district, known respectively as District Security Committee consisting of the Senior District Officer, as Chairman and the following other members-

- (a) District Council Chairman, as Deputy-Chairman;
- (b) the Local Unit Commander, Sierra Leone Police;
- (c) a representative of the local military commander as designated by the appropriate authority;
- (d) the District Case Officer, Central Intelligence and Security Agency;
- (e) the District Fire Officer, Sierra Leone National Fire Force;
- (f) the Officer-in-Charge of the Correctional Centre in the District;
- (g) 2 persons nominated by the Chairman after consultation with other members;
- (h) the District Immigration Officer;
- (i) the Chairman, Council of Paramount Chiefs for the District;
- (j) the District Coordinator, National Disaster Management Agency; and

- (k) the District Security Coordinator, responsible for the coordination of security and intelligence at the district level, shall serve as Secretary.

(2) Where the Chairman and the Deputy-Chairman of a District Security Committee are unavailable for a meeting, the District Security Coordinator shall, in consultation with other members, nominate a member from amongst those present to be Chairman.

(3) A District Security Committee under subsection (1), shall -

- (a) provide to the Council, through the National Security Coordinator, early warning of the existence or likelihood of any security threat to the district province, country or the Government; and
- (b) perform such other function as may be assigned to it by the Council.

(4) A District Security Committee shall, in the performance of its functions under this Act, be subject to the general or special directions of the appropriate Provincial Security Committee.

(5) A District Security Committee shall meet every week, at such place and time as the Chairman, after consultation with the District Security Coordinator, may determine.

(6) A District Security Committee shall regulate the procedure of its meetings.

11. (1) There is hereby established a security and intelligence committee for each chiefdom which shall be known respectively as Chiefdom Security Committee which shall consist of the Paramount Chief, as Chairman and the following other members-

Chiefdom
Security
Committee.

- (a) the Chiefdom Speaker, as Deputy-Chairman;
- (b) the most senior police commander in the chiefdom;
- (c) the most senior military commander in the chiefdom;
- (d) the Local Court Clerk;
- (e) the Chiefdom Councillor;
- (f) 2 representatives from civil society as co-opted members;
- (g) the Central Chiefdom Administrative Clerk;
- (h) the Chiefdom Coordinator, National Disaster Management Agency; and
- (i) the Chiefdom Security Coordinator, responsible for the coordination of security and intelligence at chiefdom level, shall serve as Secretary.

(2) 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.

(3) A Chiefdom Security Committee shall serve as a security and intelligence committee and shall be responsible to -

- (a) provide information to the District Security Committee on the existence or likelihood of any security threat to the chiefdom, district, province, country or the Government; and

- (b) perform such other functions as the Council may assign.

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

(5) A Chiefdom Security Committee shall meet every 7 days, at such place and time as the Chairman in consultation with the Chiefdom Security Coordinator may determine.

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

12. (1) The Council shall have a Joint Intelligence Committee which shall consist of the heads of all intelligence services or agencies and other pertinent institutions which shall be responsible to approve assessments of intelligence and other related information prepared or processed by the Office of National Security.

Joint
Intelligence
Committee.

(2) The Joint Intelligence Committee under subsection (1), shall consist of the National Security Coordinator as Chairman and the following other members -

- (a) the Deputy National Security Coordinator;
- (b) the Director-General, Central Intelligence and Security Agency;
- (c) the Director, Defence Intelligence, Ministry of Defence;
- (d) the Head of Police Intelligence;
- (e) the Head of Operations, Operations, Planning and Policy Department, Sierra Leone Police;

- (f) the Chief of Intelligence, Anti-corruption Commission;
- (g) the Commanding Officer, Forces, Intelligence and Security Unit, Republic of Sierra Leone Armed Forces;
- (h) the Head, Transnational Organised Crime Unit;
- (i) the Director, Financial Intelligence Unit;
- (j) the Director, Border Security, Office of National Security;
- (k) the Director, Serious Organised Crime Coordination, Office of National Security;
- (l) the Director, in charge of Provincial Security Coordination
- (m) the Director, Assessment Directorate, Office of National Security shall serve as Secretary.

(3) The main functions of the Joint Intelligence Committee shall be to -

- (a) approve assessments of intelligence and other related information prepared or processed by the Office of National Security; and
- (b) assess the veracity of the intelligence and information received by intelligence agencies, and where the intelligence gathered are not clear the Joint Intelligence Committee shall direct that more intelligence be gathered; or where the intelligence gathered is clear, it shall brief the National Security Council or the National Security Council Coordinating Group or it shall give directive for the operationalisation of intelligence as appropriate.

(4) The Joint Intelligence Committee shall meet every 7 days, at such place and time as the Chairman may determine.

(5) Assessment approved by the Joint Intelligence Committee under subsection (3), 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.

13. (1) The Council shall have a Joint Maritime Committee which shall provide support to the Agency responsible for -

Joint
Maritime
Committee.

- (a) the protection of Sierra Leone's fisheries and marine resources from illegal fishing;
- (b) ensuring safety at sea through adequate and timely response to sea disasters;
- (c) the protection of Sierra Leone's coastline from threats emanating from illicit drug trafficking, smuggling, piracy, and other illegal marine based activities;
- (d) revenue generation through royalties, taxes, fines and licences;
- (e) effective management of fisheries and marine resources to meet local demand;
- (f) the monitoring, control and surveillance of the Inshore Exclusion Zone and the Exclusive Economic Zone of Sierra Leone; and
- (g) provision of safe, secure and regulated environment for vessels operating in Sierra Leone's territorial waters.