

ACT

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**THE NATIONAL SECURITY AND CENTRAL
INTELLIGENCE ACT, 2002**

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SCHEDULE

SIGNED this 27th day of March, 2002.

ALHAJI AHMAD TEJAN KABBAH,
President.

LS

No. 10



2002

Sierra Leone

**The National Security and Central Intelligence
Act, 2002**

**Being an Act to provide for the internal and external security
of Sierra Leone; and for other related matters.**

Short title.

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ENACTED by the President and Members of Parliament in this
present Parliament assembled. Date of com-
mencement.

PART I—PRELIMINARY

Interpretation.

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

“CISU” means the Central Intelligence and Security Unit continued in existence under section 11;

“Council” means the National Security Council established by section 2;

“Director-General” means the Director-General of CISU;

“DISEC” means a district security committee;

“employee” means a person under employment by any body established or, as the case may be, continued in existence by or under this Act, whether by transfer, secondment or otherwise;

“JIC” means the Joint Intelligence Committee referred to in section 5;

“Judge” means a Judge of the Superior Court of Judicature;

“PROSEC” means a provincial security committee;

“ONS” means Office of National Security;

“security services” means such services connected with the security of the State as the Council may determine.

PART II—ESTABLISHMENT OF NATIONAL SECURITY COUNCIL

Establishment
of National Security Council.

2. (1) There is hereby established a body to be known as National Security Council.

(2) The Council shall consist of:—

- (a) the President, as Chairman;
- (b) the Vice-President, as Deputy Chairman;
- (c) the Minister of Finance;
- (d) the Minister of Foreign Affairs;
- (e) the Minister of Internal Affairs;
- (f) the Minister of Information and Broadcasting;
- (g) the Deputy Minister of Defence;
- (h) the Minister of State for Presidential Affairs;
- (i) the Inspector-General of Police;
- (j) the Chief of Defence Staff; and
- (k) the National Security Co-ordinator, who shall also be 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 President may, after consultation with the Council, invite such person, 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 shall be determined by the Chairman.

(5) Subject to this section, the Council shall regulate the procedure at 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;
- (b) to ensure the gathering of information relating to the security of Sierra Leone and the integration of the domestic and foreign security policies so as to enable the security services and other departments and agencies of Government to co-operate more effectively in matters relating to national security;
- (c) to direct the operations of—
 - (i) the Joint Intelligence Committee referred to in section 5;
 - (ii) PROSEC and DISECS; and
 - (iii) the Central Intelligence and Security Unit referred to in section 11;
- (d) to approve any major plans and recommendations by the Ministry responsible for defence;
- (e) to monitor all external military support to Sierra Leone;
- (f) to act as a War Cabinet as and when required; and
- (g) to do all such things as will contribute to the attainment of the object of the Council, stated in subsection (1).

5. (1) For the better discharge of its functions under this Act, the Council shall have such committees as it considers necessary, in addition to the following:—

Committees of Council.

- (a) a Joint Intelligence Committee on which representatives of all the security services shall sit;
- (b) the PROSECS; and
- (c) the DISECS.

(2) The function of the JIC is to approve assessments of intelligence and other related information prepared by the security services and processed by a joint assessment team.

(3) Assessments approved by the JIC under subsection (2) shall be forwarded by the National Security Co-ordinator to the members of the Council and to other Ministers and officials as appropriate.

PART III—PROVINCIAL AND DISTRICT SECURITY COMMITTEES

6. (1) There shall be a security and intelligence committee for each province and district of Sierra Leone, to be known as PROSEC and DISEC respectively which shall operate as committees of the Council and shall perform the functions conferred on them by this Act.

Establishment of provincial and district security committees.

(2) A PROSEC shall, in the performance of its functions, be answerable to the Council.

(3) A DISEC shall, in the performance of its functions, be answerable immediately to the appropriate PROSEC.

7. (1) A PROSEC shall consist of —

Members of PROSEC.

- (a) the Resident Minister, as Chairman;
- (b) the Provincial Secretary as Deputy Chairman;

- (c) the Deputy Provincial Secretary;
- (d) the local military commander as designated by the appropriate authority;
- (e) the Regional Police Commander;
- (f) the Senior District Officer;
- (g) two other members nominated by the Chairman of PROSEC after consultation with the other PROSEC members;
- (h) the Provincial Security Co-ordinator, ONS, who shall be Secretary.

(2) A PROSEC shall regulate the procedure at its meetings.

Functions of
PROSEC.

8. A PROSEC shall, in relation to the province—

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

Membership
and procedure
of DISEC.

9. (1) A DISEC shall consist of—

- (a) the District Officer, as Chairman;
- (b) the Chairman, District Council as Deputy Chairman;
- (c) Chairman, Town Council;
- (d) the Chief Police Officer;
- (e) the Chairman of the Council of Chiefs;

- (f) the local military commander as designated by the appropriate authority;
- (g) two other persons nominated by the Chairman of DISEC after consultation with the other DISEC members, and
- (h) the District Security Coordinator; ONS as Secretary.

(2) A DISEC shall regulate the procedure at its meetings.

10. A DISEC shall, in relation to the district—

Functions of DISEC.

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

PART IV—CENTRAL INTELLIGENCE AND SECURITY UNIT

11. (1) There shall continue to be in existence a Central Intelligence and Security Unit under the authority of the President.

Establishment of Central Intelligence and Security Unit.

(2) The CISU shall be headed by a Director-General appointed under subsections (1) and (2) of section 154 of the Constitution.

12. (1) The functions of CISU shall be—

Functions of CISU.

- (a) to collect and assess any intelligence respecting activities that may constitute threats against the security of Sierra Leone, whether internal or external;
- (b) to protect the State against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking, money laundering or other serious crimes;

- (c) to protect the State 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) to protect the State against any threat, whether internal or external, to Sierra Leone's economic interest; and
- (e) to perform such other function as the Council or the President may decide.

(2) In this section, "threats against the security of Sierra Leone" 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 to the interests of Sierra Leone and are clandestine or deceptive or involve a threat to any person; 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.

Functions of
Director-
General of
CISU.

13. The Director-General of CISU shall —

- (a) be responsible for the efficient functioning of CISU and the issuing of Standing Orders for that purpose and the internal management of CISU;

- (b) control and administer CISU, subject to such directions as the President or the National Security Co-ordinator, may give;
- (c) take all reasonable steps to ensure that the actions of CISU are limited to what is necessary for the proper performance of its functions under this Act or any other written law and that no information is gathered by CISU except as may be necessary for the proper performance of its functions; and
- (d) ensure that CISU 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 CISU is concerned in furthering, protecting or undermining the interests of any particular section of the population or of any political party or other organisation in Sierra Leone.

14. 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 CISU. Other employees of CISU.

15. The President may from time to time assign ministerial responsibility for CISU to such Minister as the President shall consider appropriate, other than the Minister of Defence and the Minister of Internal Affairs. Ministerial responsibility for CISU.

16. (1) The Minister assigned responsibility for CISU under section 15, shall within three months after the end of each year, cause to be prepared a report on the operations of CISU for the approval of the Council. Annual report to Parliament.

(2) The report approved under subsection (1) shall be tabled before Parliament by the Minister.

PART V — OFFICE OF NATIONAL SECURITY

Office of
National
Security

17. (1) The secretariat of the Council shall be known as the Office of National Security, and shall be headed by the National Security Co-ordinator appointed by the President subject to the approval of Parliament.

(2) A person shall not be appointed National Security Co-ordinator unless he possesses the relevant academic and professional qualification.

Functions of
National
Security Co-
ordinator.

18. (1) The National Security Co-ordinator—

(a) shall be—

- (i) the principal adviser to the President and the Government on issues pertaining to the security of the State;
- (ii) in charge of providing support and secretarial services to the Council;
- (iii) chairman of the Joint Intelligence Committee;
- (iv) the Government's primary co-ordinator for the management of national emergencies such as disasters, natural or artificial;

(b) is responsible for—

- (i) co-ordination 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 co-ordination of intelligence at national, provincial and district levels;
- (iii) the establishment of clear lines of demarcation between the security services and providing arbitration for disputes between them;

- (iv) the maintenance of a cordial and co-operative relationship between the national security community and civil society;
 - (v) the preparation and maintenance of the national security policy;
 - (vi) the supervision of security vetting, and for investigations for the security clearance of persons who hold or may hold vettable posts in government departments, ministries or agencies or who may have access to any sensitive or classified information so as to ensure a uniform vetting standard throughout the government;
 - (vii) the implementation of protective security procedures in government departments, ministries and agencies to ensure uniform high standards throughout government; and
- (c) shall perform such other functions as may be assigned by the President or the Council.

(2) The National Security Co-ordinator shall in the exercise of the functions conferred upon him under this Act, be subject to the general or special direction of the National Security Council.

19. (1) Subject to this Act, no person shall operate a private security company unless such person holds a licence issued by the ONS.

Control and licencing of private security companies.

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

(3) An application for a licence under this section shall be in such form as the ONS may 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) the financial resources and other equipment, including any arms and ammunition, whether or not licensed under the Arms and Ammunition Act, 1955, intended to be used for the business or operations of the company;
- (c) the particulars of the applicant and other promoters, directors, and other officers of the company, and
- (d) such other information as the ONS may require.

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

(5) In taking a decision under subsection (4), the ONS 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 and other promoters, directors or officers of the company to operate the licence, and
- (c) the public interest.

(6) Subject to this Act, where the ONS is satisfied with an application, it shall grant the licence to the applicant subject to such terms and conditions as it may specify, the breach of which terms and conditions shall entitle the ONS to revoke the licence.

(7) Where the ONS decides to refuse an application, it shall issue a written statement to the applicant stating the reasons for its decision:

Provided that where the applicant is aggrieved by the decision refusing to grant the licence, he may 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.

20. There shall be appointed by the Public Service Commission, on the recommendation of the National Security Co-ordinator, such other employees as shall be required for the efficient performance of the functions of the ONS.

Other employees of Office of National Security.

PART VI—WARRANTS

21. (1) Where the Director-General or an employee designated by him, has reasonable grounds to believe that a warrant is required to enable CISU to perform any of its functions under this Act, the Director-General or the designated employee may apply for the issue of a warrant.

Application for warrant.

(2) An application under subsection (1) shall be made—

(a) if in respect of the search of premises or the taking of anything therefrom, to a Judge or magistrate; and

(b) if in respect of the interception of communication, to a Judge.

Matters to be specified in application for warrant.

22. An application for a warrant shall specify—

(a) the facts relied upon to justify the belief, or reasonable grounds, that a warrant under this Part is required to enable CISU to investigate a threat against the security of Sierra Leone or generally, to perform its duties and functions under this Act;

(b) that the urgency of the matter is such that it would be impracticable to carry out the investigation using other investigative procedures or that without the warrant under this section, it is likely that information of importance relating to a threat against the security of Sierra Leone or generally, the performance of the duties and functions under this Act, would not be obtained;

(c) where the purpose is to intercept a communication—

(i) the type of communication proposed to be intercepted, the type of information, records, documents or things proposed to be obtained and the powers in paragraphs (a) and (b) of this subsection proposed to be used; and

(ii) the identity of the person, if known, whose communication is proposed to be intercepted or who has possession of the information, record, document or thing proposed to be obtained;

(d) the person or class of persons to whom the warrant is proposed to be directed;

(e) a general description of the place where the warrant is proposed to be executed; if a general description of that place can be given;

- (f) the period, not exceeding sixty days, for which the warrant requested is to be in force, where necessary;
- (g) any previous application made in relation to a person referred to in subparagraph (ii) of paragraph (c), the date on which the application was made, the name of the Judge to whom each application was made and the decision of the Judge in respect of the application.

23. (1) A warrant issued under section 21 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. ^{Effect of 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.

PART VII—COMPLAINTS TRIBUNAL

24. (1) Any person who is aggrieved by anything done by the Director-General or any other employee of CISU in the performance of the functions of CISU under this Act may lodge a written or oral complaint in respect thereof— ^{Investigation of complaints.}

- (a) to the Minister, where the complaint is against anything done by the Director-General; and
- (b) to the Director-General, where the complaint is against anything done by any other employee of CISU.

(2) The Minister 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) may, where—

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

submit a written complaint to the Chief Justice.

(4) In this section, "Minister" means the Minister to whom responsibility for CISU has been assigned under section 15.

Complaints
Tribunal.

25. (1) The Chief Justice shall, on receipt of a complaint, appoint within a period of thirty days, a tribunal of three persons 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 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 wide knowledge of the issues in the complaint.

Hearing of
complaint.

26. (1) The Tribunal shall hear and determine a complaint referred to it by the Chief Justice subject to the other provisions of this Part.

(2) The Tribunal shall not determine any complaint which—

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

27. (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 concerned in the proceedings. Proceedings at hearing.

(2) The Tribunal may call such witness and request the production of such document 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 may 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 may be necessary.

28. (1) 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 thereof together with the substance of the complaint. Notice of hearing.

29. A person appearing before the Tribunal may be represented by a lawyer of his choice. Representation before Tribunal.

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

(2) Where the Tribunal decides that compensation in the form of money shall be paid to the complainant, the Tribunal shall direct that the money be paid from public funds.

31. An appeal against a decision of the Tribunal shall lie to the Court of Appeal. Appeal to Court of Appeal.

PART VIII—FINANCIAL AND MISCELLANEOUS
PROVISIONS

- Expenses of
Council and
Committees.
- 32.** The administrative expenses of the Council and the committees of the Council, including the salaries, allowances, gratuities and pensions of the employees who are not members of the public service shall be a charge on the Consolidated Fund.
- Accounts and
audit.
- 33.** (1) There shall be kept by each of the bodies referred to in section 31 books of account of the monies paid to them under that section and proper records in relation to such monies in a form approved by the Auditor-General.
- (2) The books of account shall be audited by the Auditor-General after each financial year.
- Oaths.
- 34.** (1) The National Security Co-ordinator, the Director-General and every other employee of ONS and CISU shall, before the commencement of their duties under this Act, take each of the oaths prescribed in the Schedule.
- (2) The National Security Co-ordinator, the Director-General and every other employee of ONS and CISU shall, on ceasing to be employees, be sworn out of office in accordance with the oath of secrecy prescribed in the Schedule, as suitably adapted for the purpose.
- Authorised
disclosure of
information.
- 35.** (1) An employee of ONS or CISU shall not disclose any information obtained in the performance of his duties under this Act except required under this Act or other enactment.
- (2) Notwithstanding subsection (1), ONS or CISU may permit the disclosure of information by an employee prior to the approval of the National Security Co-ordinator or the Director-General under this Act—
- (a) to 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) to the Minister of Foreign Affairs, if the information relates to the conduct of the international affairs of the country;
- (c) to the Minister of Defence or a person designated by him, if the information is relevant to the defence of the country;
- (d) to the Chief Justice, if the information is required by a competent court of judicature; or
- (e) to any Minister of State or person in the public service, if in the opinion of the National Security Co-ordinator or the Director-General, the disclosure of the information is essential in the public interest and the public interest outweighs any invasion of privacy that may result from the disclosure.

36. (1) Subject to the Constitution and section 35, no person shall disclose any information that he obtained or to which he had access in the performance of his duties under this Act or to which he had access in the administration or enforcement of this Act and from which there can be inferred the identity of—

Unauthorised disclosure of information and identity.

- (a) any other person who is or was a confidential source of information or assistance to CISU; or
- (b) any person who is or was an employee engaged in covert operational activities of CISU;

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

37. (1) An employee 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 the public interest; or
 - (ii) that disclosure of the evidence or of the contents of the documents will be injurious to the public interest; or
- (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 the State; or
 - (ii) that disclosure of the evidence or of the contents of the document will be prejudicial to the security of the State.

(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 the public interest or, as the case may be, prejudicial to the security of the State.

Privileged information.

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

Regulations.

39. (1) The Council may, 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 may provide for matters on discipline of employees.

SCHEDULE (Section 34)

FORMS OF OATH

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 /an employee) of CISU. 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 ONS or CISU or by reason of any office or employment held by me pursuant to the National Security and Central Intelligence Act, 2001. 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.

PASSED in Parliament this 12th day of March, in the year of our Lord two thousand and two.

J. A. CARPENTER,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. A. CARPENTER,
Clerk of Parliament.