



NATIONAL SECURITY REFORM
AND INTELLIGENCE ACT, 2011

APPROVED AUGUST 31, 2011

PUBLISHED BY AUTHORITY
MINISTRY OF FOREIGN AFFAIRS
MONROVIA, LIBERIA

PRINTED SEPTEMBER 8, 2011



Republic of Liberia
THE HONORABLE HOUSE OF REPRESENTATIVES

Capitol Building
 P.O. Box
 Monrovia, Liberia



-2011-

SIXTH SESSION OF THE FIFTY-SECOND LEGISLATURE OF THE REPUBLIC OF LIBERIA


SCHEDULE OF HOUSE'S ENROLLED **BILL NO.13** ENTITLED:

"NATIONAL SECURITY REFORM AND INTELLIGENCE ACT, 2011"

PRESENTED TO THE PRESIDENT OF THE REPUBLIC OF LIBERIA FOR EXECUTIVE APPROVAL

APPROVED THIS 31st DAY OF August A.D. 2011

AT THE HOUR OF 5:00 P.M.


 THE PRESIDENT OF THE REPUBLIC OF LIBERIA

THE LOVE OF LIBERTY BROUGHT US HERE

REPUBLIC OF LIBERIA

NATIONAL SECURITY REFORM AND INTELLIGENCE ACT, 2011

Contents	1
PREAMBLE	1
DEFINITIONS	2
SECTION 1: AMENDMENTS AND REPEALING CLAUSE	2
SECTION 2: SECURITY INSTITUTIONS AS RECOGNISED UNDER THE NATIONAL SECURITY ARCHITECTURE	2
SECTION 3: NATIONAL SECURITY COUNCIL	3
SECTION 4: NATIONAL SECURITY ADVISOR	5
SECTION 5: ESTABLISHMENT OF COUNTY AND DISTRICT SECURITY MECHANISM	6
SECTION 6: THE SECURITY AND INTELLIGENCE AGENCIES	7
SECTION 7: SECRECY	7
SECTION 8: LEGISLATIVE OVERSIGHT	13
SECTION 9: WARRANTS	13
SECTION 10: PROCEDURES OF COMPLAINTS	14
SECTION 11: FINANCIAL	15
SECTION 12: RETIREMENT AND DEATH BENEFITS	16
SECTION 13: MISCELLANEOUS	17
SECTION 14: TITLE OF ACT	17
SECTION 15: EFFECTIVE DATE	17

PREAMBLE

It is enacted by the Senate and the House of Representatives of the Republic of Liberia in Legislature assembled.

DEFINITIONS

- a) **NSA** – means the National Security Agency
- b) **EPS** – means the Executive Protection Service, which replaces the Special Security Service (SSS) under this Act
- c) **LNP** – means Liberia National Police
- d) **LNFS** – means Liberia National Fire Service
- e) **MOJ** – means Ministry of Justice
- f) **MoD** – means Ministry of National Defence
- g) **NSC** – means the National Security Council
- h) **CSC** – means the County Security Council
- i) **DSC** – means the District Security Council
- j) **Intelligence Agency** – means the internal and external intelligence agency established under this Act
- k) Threats to national security interests of Liberia include the following:
 - i. Activities of espionage or sabotage carried out or contemplated against the Republic of Liberia or are detrimental to the interests of the country.
 - ii. Activities carried out within or outside the country that are influenced by foreign individual(s) or another state aimed at undermining the national security interests of Liberia as enshrined in the national security strategy of Liberia. These may include deceptive or clandestine activities and involve a threat to the Liberian state or a foreign state.
 - iii. Activities undertaken within or related to Liberia in support of a threat or use of acts of violence against the country with a political objective or against a foreign state.

SECTION 1: AMENDMENTS AND REPEALING CLAUSE

The Act of 1979 creating and establishing the Ministry of National Security (MNS) and the Act of 1998 establishing the National Bureau of Investigation (NBI) are hereby repealed. The Act of 1974 creating the National Security Agency (NSA); the 1999 Act establishing the National Security Council; and the Act of 1966 establishing the Special Security Service (SSS) are hereby amended and replaced by this Act.

SECTION 2: SECURITY INSTITUTIONS AS RECOGNISED UNDER THE NATIONAL SECURITY ARCHITECTURE

- a) The Minister of Justice shall have authority through the appropriate agencies and officers to provide for the protection and maintenance of public safety, public order and the protection of the rights of persons in Liberia according to the prescriptions of the Constitution of the Republic of Liberia and any other law.
- b) This Act shall apply to all statutory law enforcement agencies: the Liberia National Police including the National Police Training Academy; the Bureau of Corrections and Rehabilitation; the Bureau of Immigration and Naturalization; the Drug Enforcement Agency; the Bureau of Customs and Excise; the National Fire Services; the Motor Vehicle Bureau; the National Security Agency and the Special Security Services (now replaced with the Executive Protection Service in this Act). An Act of Legislature shall regulate the functions and divisions of each of these agencies and such other agencies or offices as may be established for national security and public safety.
- c) Without prejudice to the Executive Law, this Act shall also apply to the Office of the National Security Advisor.
- d) The Liberia National Police shall provide for the protection of public safety and the rights of persons and all other agencies or institutions established for policing purposes shall be subject to the Liberia National Police.
- e) An Act of the Legislature shall specify the various functions and divisions of the Liberia National Police. The duties and responsibilities of the Liberia National Police shall include the duties and responsibilities previously carried out by the National Bureau of Investigation. All assets from the NBI shall be transferred to the LNP.
- f) The Bureau of Corrections and Rehabilitation shall administer all penal institutions, special and secure schools and other institutions that are used to house, detain and rehabilitate persons sentenced to imprisonment, including minors who have been adjudicated by a court under Section 11.1(b) of the Judiciary Law to be 'juvenile delinquents' in whatever form such imprisonment may take, but shall not include holding cells in police stations.

SECTION 1: AMENDMENTS AND REPEALING CLAUSE

The Act of 1979 creating and establishing the Ministry of National Security (MNS) and the Act of 1998 establishing the National Bureau of Investigation (NBI) are hereby repealed. The Act of 1974 creating the National Security Agency (NSA); the 1999 Act establishing the National Security Council; and the Act of 1966 establishing the Special Security Service (SSS) are hereby amended and replaced by this Act.

SECTION 2: SECURITY INSTITUTIONS AS RECOGNISED UNDER THE NATIONAL SECURITY ARCHITECTURE

- a) The Minister of Justice shall have authority through the appropriate agencies and officers to provide for the protection and maintenance of public safety, public order and the protection of the rights of persons in Liberia according to the prescriptions of the Constitution of the Republic of Liberia and any other law.
- b) This Act shall apply to all statutory law enforcement agencies: the Liberia National Police including the National Police Training Academy; the Bureau of Corrections and Rehabilitation; the Bureau of Immigration and Naturalization; the Drug Enforcement Agency; the Bureau of Customs and Excise; the National Fire Services; the Motor Vehicle Bureau; the National Security Agency and the Special Security Services (now replaced with the Executive Protection Service in this Act). An Act of Legislature shall regulate the functions and divisions of each of these agencies and such other agencies or offices as may be established for national security and public safety.
- c) Without prejudice to the Executive Law, this Act shall also apply to the Office of the National Security Advisor.
- d) The Liberia National Police shall provide for the protection of public safety and the rights of persons and all other agencies or institutions established for policing purposes shall be subject to the Liberia National Police.
- e) An Act of the Legislature shall specify the various functions and divisions of the Liberia National Police. The duties and responsibilities of the Liberia National Police shall include the duties and responsibilities previously carried out by the National Bureau of Investigation. All assets from the NBI shall be transferred to the LNP.
- f) The Bureau of Corrections and Rehabilitation shall administer all penal institutions, special and secure schools and other institutions that are used to house, detain and rehabilitate persons sentenced to imprisonment, including minors who have been adjudicated by a court under Section 11.1(b) of the Judiciary Law to be 'juvenile delinquents' in whatever form such imprisonment may take, but shall not include holding cells in police stations.

determined by the Chair, and attendance shall be restricted to members herein provided for in this Act but the President may, after consultation with the NSC, invite such person(s) as he or she may deem necessary to participate in meetings. The person(s) invited under this section shall not have voting powers.

- d) **Meetings:** the NSC shall meet at least once every month at such place and time designated by the Chair.
- e) **Responsibilities:** the NSC has been established for the purpose of serving as the highest body for considering and determining national security issues or matters of the Republic of Liberia. Thus, it shall:
- i. advise the President of the Republic of Liberia on integrated domestic and foreign policies that will ensure national security;
 - ii. identify and define the national security goals of the Republic in relation to national power;
 - iii. initiate or discuss proposed national security policies including the consideration of alternative courses of action and to submit policy recommendations for the approval and timely action of the President;
 - iv. constitute, organize and supervise under the direction of the President the security and other agencies of government in a manner as to ensure their provision of intelligence, counter-intelligence and other information that shall be necessary to fulfill the responsibilities of the NSC;
 - v. ensure that security policy decisions, made by the NSC are implemented in a coordinated and integrated manner by all agencies of government involved;
 - vi. direct and monitor the operations of the National Security Agency, the County and District Security Councils, Liberia National Police and its intelligence unit, and Executive Protection Service;
 - vii. approve major policies and plans of the Ministry of National Defense, and monitor external military support to the country;
 - viii. when deemed necessary, serve as War Cabinet.
- f) **Trustees of State Secrets:** Every member, personnel or employee of the NSC shall be deemed a trustee of the secrets of the Republic and when entering upon the duties of the Council shall be, in case of the members sworn by the Chair and in the case of the personnel and employees, by the secretary, not to divulge any information which has come to his or her knowledge by reason of such membership or employment with the Council except as required in the course of duty. A violation of this Oath shall subject the offender(s) to a fine of One Hundred Thousand Liberian Dollars (L\$100,000.00) or up to ten years imprisonment or both. The Oath shall be binding and enforceable on every member, personnel or

employee of the Council for a period of twenty years after severance of his or her relationship with the Council.

g) **Supporting Group:** The President in his or her capacity as Chair of the NSC shall have as a supporting group for the implementation of the policy directives of the NSC, the following members:

- i. The Minister of Justice
- ii. The Minister of National Defense
- iii. The Director of the National Security Agency
- iv. The Director of National Police
- v. The Director of the Executive Protection Service
- vi. The Chief of Staff, Armed Forces of Liberia
- vii. The Commissioner, Bureau of Immigration and Naturalization
- viii. The National Security Advisor to the President
- ix. The G-2 Commander, Military Intelligence

SECTION 4: NATIONAL SECURITY ADVISOR

- a) There shall be established in the office of the President a National Security Advisor.
- b) **Duties and Responsibilities:** He or she shall be charged with the following duties and responsibilities:
 - i. serve as principal security advisor to the President;
 - ii. serve as secretary to the NSC by planning meetings including preparation of agendas for meetings, background papers, briefing notes and citations; record, store and retrieve summaries of the proceedings of the NSC; and handle the correspondences of the NSC as well as its reports and other relevant documents;
 - iii. ensure the coordinated and integrated implementation of the NSC's policy recommendations approved by the President of Liberia;
 - iv. appoint competent staff to carry out the work of the NSC in keeping with this Act, and

- v. Perform such other functions as may be assigned from time to time by the Chair.

SECTION 5: ESTABLISHMENT OF COUNTY AND DISTRICT SECURITY MECHANISM

- a) A County and District Security Council shall be established in each County and District of Liberia.
- b) The County and District Security Councils that are referred to under this Act as CSC and DSC shall serve and operate as Committees of the NSC and hence be answerable to it; they shall perform such functions and duties as determined by the NSC; and they shall also carry out the duties and responsibilities enshrined in this Act.
- c) **Membership:** The CSC shall comprise the following County officials:
 - i. Superintendent – as Chair
 - ii. Heads of Security Agencies in the County (LNP, BIN, NSA, EPS, Corrections, LNFS and MoD)
- d) **Responsibilities:** The functions of the CSC shall be as follow:
 - i. To review on a regular basis broader security issues arising in the county and develop clear policy recommendations;
 - ii. Advise the NSC through the Minister of Internal Affairs on security developments and seek advice on handling of national security issues;
 - iii. Forward all policy recommendations, minutes and other communications to the Office of the Minister of Internal Affairs for immediate distribution to the National Security Advisor and the Minister of Justice;
 - iv. Ensure participation in the security agenda of local government including District, Paramount, Clan and Town Chiefs, and senior representatives of all security agencies present in the county (LNP, BIN, NSA, EPS, Corrections, LNFS, DEA and MoD);
 - v. Under the Chairmanship of the County Superintendent, to report accurately and in a timely manner issues of national security importance for resolution by the NSC;
 - vi. Act as an early warning mechanism;
 - vii. Act as a forum for managing local security concerns; and

- viii. Shall not interfere in the operational activities of security and law enforcement agencies in the execution of their legal mandate.
- a) **Membership:** DSC shall comprise the following District officials:
 - i. District Commissioner – Chair
 - ii. Heads of Intelligence and Security Agencies in the District
 - iii. Paramount and Clan Chiefs
- f) **Responsibilities:** the DSC shall carry out the following responsibilities:
 - i. Undertake such functions as the NSC may assign to it from time to time;
 - ii. Provide early warning to the Government in the event of a threat or likelihood of a threat to the national security interests of Liberia. This may be threats to the district, the county or the entire country.

SECTION 6: THE SECURITY AND INTELLIGENCE AGENCIES

- a) **Establishment of the National Security Agency**

There is hereby established under this Act the National Security Agency (NSA).
- b) **Responsibilities:** The domestic and foreign intelligence and security duties and responsibilities of the NSA shall include the:
 - i. collection of foreign intelligence, which for the purpose of this Act, means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons;
 - ii. collection of information pertaining to terrorist activities to protect against sabotage, espionage and other threats to the national security of the Republic;
 - iii. collection of information about organized crime, narcotics production and trafficking, or immigration and customs matters which have national security implications; but in carrying out such actions, the NSA will not assume any of the statutory duties or responsibilities of the LNP or the Bureau of Immigration and Naturalization; or law enforcement agencies;
 - iv. conduct of duties, functions and responsibilities previously exercised by the Ministry of National Security, which is dissolved under Section 1 of this Act, as it relates to intelligence, particularly national intelligence shall be undertaken by the NSA; except such functions and duties, which relate to law enforcement investigations and which were similarly carried out by the NBI or



which are similar to the law enforcement functions of the LNP shall be subsumed to the Intelligence Unit established within the LNP under this Act, which by law has the authority to exercise such functions. All assets of the of the MNS shall be transferred to the NSA; and

- v. conduct of such other duties limited to intelligence affecting the national security as the President may direct and in accordance with applicable laws of the Republic.

c) Appointment of Director of the National Security Agency

- i. The NSA shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be responsible directly to the President.

- ii. The duties of the Director shall include the following:

1. act as the principal adviser to the President for intelligence matters related to national security;
2. bear ultimate responsibility for the collection, analysis, production and dissemination of intelligence, which should be timely, objective and independent of political considerations and not intended to influence Liberian public opinion or media;
3. ensure the protection of intelligence sources and methods of operation and other classified information;
4. have exclusive authority to appoint NSA employees below the rank of Assistant Director and terminate the employment of any officer or employee of the NSA who is subject to this mode of appointment and who has breached the national security or as the Director deems it necessary or advisable in the national security interests of the Republic;
5. help ensure that no action is carried out by the NSA that could give rise to any reasonable suspicion that it is furthering, protecting or undermining the interests of any section of the population or any political party or organization; and
6. enter into and coordinate relationships with intelligence and security agencies of foreign governments on matters involving intelligence.

d) Appointment and Duties of Deputy and Assistant Directors and other Internal Organization

- i. With the advice and consent of the Senate, the President shall also appoint as many Deputy Directors and Assistant Directors as he or she may deem necessary for the effective functioning of the NSA. The Principal Deputy

MAA

Director shall act for, and exercise the powers of the Director during his or her temporary absence or disability;

- ii. **Internal Organization:** The internal organization and administration of the NSA will be regulated by written regulations, appropriately classified and issued by the Director. These shall include the regional structure of the NSA, security, training, personnel matters, disciplinary proceedings, logistics, finance and other issues of importance within the NSA. All regulations will be approved by the Minister of Justice for compliance with the Constitution and laws of the Republic before such regulations take effect. These regulations will be provided to and approved by the NSC.
- iii. **Contracting other persons:** The NSA may contract with other persons and companies to perform tasks related to the authorized functions of the NSA, in accordance with internal rules and procedures and appropriate security standards established by the Director.

e) Authority of the National Security Agency to collect information

- i. The National Security Agency is authorized to collect, retain, analyze and disseminate for lawful government purposes information concerning citizens and non-citizens of the Republic. These activities will be done in accordance with written procedures established by the Director of the NSA and approved by the Minister of Justice, and only in furtherance of national security.
- ii. These procedures shall permit collection of information that includes, but is not limited to, information obtained in the course of a lawful intelligence activity; information arising out of a lawful personnel or physical security investigation; or information concerning persons who are reasonably believed to be potential sources or contacts for the sole purpose of determining their suitability or credibility.
- iii. In accordance with Article 16 of the Constitution of the Republic of Liberia, the use of such techniques as electronic surveillance and physical search may only be conducted by the NSA upon order of a court of competent jurisdiction as specified under Section 9 of this Act. These techniques will only be used by the NSA if they are the least intrusive collection techniques feasible within the country. The techniques will be used in accordance with standards designed to minimize the acquisition, retention and dissemination of information about citizens of the Republic that is not of intelligence value.

f) Inspector General

- i. The President shall appoint an Inspector General for the National Security Agency whose responsibility shall be to conduct inspections of NSA activities under the general supervision of the Director. The appointment shall be made on the basis of integrity and prior experience in the field of national security. The Inspector General shall report directly to the Director; provided that the



Inspector General shall report the findings, conclusions and recommendations of any internal inspection directly to the President, with copy to the Director.

- ii. It shall be the responsibility of the Inspector General to assist the Director in being kept fully and currently informed about potential problems in the activities of the National Security Agency, with the goal of helping promote economy, efficiency and effectiveness; and avoiding any violation of the law. The Inspector General shall recommend, as is consistent with law and the purview of the National Security Agency, corrective actions and monitor the progress of any corrective actions ordered by the Director. The Inspector General shall ensure the protection of classified information in any reports that are made. The responsibility of the Inspector General shall include, but not be limited to financial audits of the activities of the NSA. The results of such audits will be made available to the President and/or the Minister of Finance, in addition to the Director. Where a report indicates any possible violations of law, the report shall be made available to the Minister of Justice for further action as necessary.

g) National Security Information Sharing and Cooperation

- i. The National Security Agency will disseminate, as appropriate, to other Government agencies of the Republic the results of its intelligence analysis. This will be done on a timely basis and consistent with the protection of classified information. It shall be a violation of law, subjecting the offender to a fine of not less than Ten Thousand United States Dollars, or the Liberian Dollar equivalent, and up to seven years imprisonment for any recipient of such information to disclose it to any individual not authorized to receive it.
- ii. Other Government agencies shall promptly give the Director of the National Security Agency maximum access to intelligence information relevant to the performance of his or her duties regarding national security, unless specifically precluded by law.
- iii. Under the oversight of the National Security Council, the National Security Agency shall be responsible to assist in ensuring that intelligence information collected by other Government agencies is collected in a coordinated manner, but in doing so the NSA shall not have the authority to control the activities of these agencies and is precluded from interfering in or conducting any investigation of criminal matters, which have no national security implications or which are not of a national security nature.
- iv. Under the oversight of the National Security Council, other Government agencies shall cooperate with and assist the National Security Agency in performing its duties regarding national security, unless otherwise precluded by law.

M.S.
[Signature]

- v. The National Security Agency may provide intelligence support, including expert assistance, to other Government agencies of the Republic as necessary for national security, when such support has been concurred by the Minister of Justice and approved by the President.

h) Role of National Security Agency in Law Enforcement Matters

- i. Officers of the National Security Agency have the power to arrest when the officer making the arrest has probable cause to believe that the person has committed or is committing a national security crime, and there is a reasonable likelihood of his or her escaping before a warrant can be obtained for his or her arrest. In accordance with Article 21 of the Constitution of the Republic of Liberia, the person arrested shall be presented before a court of competent jurisdiction by the appropriate public official without unnecessary delay, not to exceed forty-eight hours.
- ii. The Director of the National Security Agency and the Director of the Liberia National Police will develop joint procedures, classified as necessary, to be used by the NSA and LNP to help ensure appropriate, effective and timely coordination and deconfliction of activities that involve both protection of national security and enforcement of criminal law. These procedures, to be written in the form of an interagency Memorandum of Agreement, shall be provided, upon the concurrence of the Minister of Justice, to the President of the Republic within six months after the enactment of this Act.

i) Cooperation between the National Security Agency and the Ministry of National Defense

The Director of the National Security Agency and the Minister of National Defense shall develop joint procedures, classified as necessary, to be used by the NSA and Minister of National Defense to help ensure appropriate, effective and timely coordination and deconfliction of operations that involve elements of both the Armed Forces of Liberia and the National Security Agency. These procedures, to be written in the form of an interagency Memorandum of Agreement, shall be provided to both the Minister of Justice and the President of the Republic within six months after the enactment of this Act.

j) Executive Protection Service

- i. **Establishment and Functions of the Executive Protection Service (EPS):** The Special Security Service (SSS) is hereby replaced with the Executive Protection Service. The functions of the EPS shall be:

1. To protect and secure the President, his or her immediate family, other officials and visiting dignitaries (VIPs), to be designated by the President;
2. To protect the Executive Mansion and grounds;

3. To protect all documents, top-secret, confidential and informatory materials;
 4. To security check all in-coming mails, packages and things addressed to or for use or consumption used by the President, his or her family and other VIPs;
 5. To security check the residence of the President both temporary and permanent;
 6. To serve as liaison with other security agencies in matters pertaining to the screening of persons to be employed at the Executive Mansion and other services of the President; and
 7. To perform such other functions as may from time to time be delegated by the President.
 8. It shall follow the requirements of Section 6(e) of this Act when collecting information concerning citizens and non-citizens of the Republic as relates to the functions of the agency, or when utilizing such techniques as electronic surveillance and physical search;
 9. It shall follow the requirements of Section 9 of this Act when conducting an arrest without a warrant;
- ii. **Appointment and Duties of Director:** The President with the advice and consent of the Senate shall appoint a Director of the Executive Protection Service (EPS), who shall be directly responsible to him or her for the administration of the EPS. The duties of the Director shall be as follows:
1. To report directly to the President on all phases of the operation of the Service and all matters appertaining to the Service, as may be required or as directed by the President;
 2. To develop all operations required to carry out the functions of the EPS;
 3. To select, investigate, hire and train personnel for the EPS;
 4. To call on other security agencies for additional strength, whenever the need should arise for reinforcement of the EPS. Such agents, detectives, policemen/women and soldiers assigned to the Service in accordance with the request of the Director, shall be under the complete command and supervision of the Director; and
 5. To develop, prepare and implement rules and regulations pertaining to personnel, finance, logistics, training, operations and organization



necessary for the efficient operation of the EPS, subject to the approval of the President.

6. To request, demand and collect from any person natural or legal, residing in the Republic, and from any Bureau or Agency of the Government, all information it may deem necessary to effectively carry out its functions. Any person, employee or official of any Bureau or Agency of the Government who receives from the EPS a request for information which it is empowered to collect, and fails or refuses to comply with such request shall be penalised in keeping with provisions of Section 12.1 of the Penal Law.

iii. **Appointment and Duties of Assistant Director:** The President, with the advice and consent of the Senate shall appoint an Assistant Director of the EPS who shall be the principal assistant Director. He or she shall perform such duties as may be assigned him from time to time by the Director.

iv. **Other Officers and Employees of the Service:** The Director may appoint all such other officers and employees of the EPS as he or she may deem necessary and assign their duties, subject to the approval of the President.

SECTION 7: SECRECY

- a) Officers and employees of the agencies provided for in this Act must protect classified information, and will sign a secrecy agreement as a condition of employment. The obligation to protect these secrets does not cease when the officer or employee is no longer employed with the agencies. The Directors will issue regulations regarding the measures for protecting these secrets, as well as the responsibilities of officers and employees for their protection;
- b) It shall be a violation of law, subjecting the offender to a fine of not less than Ten Thousand United States Dollars, or the Liberian Dollar equivalence, or up to seven years imprisonment or both, to disclose classified information to any individual not authorized to receive it; and
- c) In furtherance of the authority and responsibility of the Directors of the NSA to protect intelligence sources and methods and other classified information, the NSA shall be exempt from the provision of any laws which require the public disclosure of the organization, operational activities, names, official titles, salaries, budget or numbers of personnel employed, by the NSA. In addition, this provision does not exempt them from legally mandated accountings within the Government of Liberia.

SECTION 8: LEGISLATIVE OVERSIGHT

Consistent with Article 34 of the Constitution of the Republic of Liberia, the rules and regulations of the Senate and House Committees on Security, Defense and Intelligence, and

the National Security Strategy of January 2008, all security and intelligence agencies mentioned in this Act shall be subjected to Legislative oversight. However, the Legislature shall not interfere with the operational activities of any of these agencies under this Act. It shall constitute a breach of national security for any Director or employee of any of these agencies to be coerced by the Legislature to disclose information that is considered to be of threat to the national security of the country. If the Legislature feels that there is sufficient public interest in the issue, then it shall ensure that the meeting is held in strict confidentiality. All participants shall be under oath and where anyone including members of the national legislature disclose information from such meeting that is injurious to the national security interest of Liberia, such individual shall be fined not less than US \$10,000 (Ten Thousand US Dollars) or its Liberian equivalence, and shall be sentenced to prison for a period up to seven (7) years imprisonment.

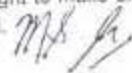
SECTION 9: WARRANTS

- a) **Application for warrants:** If the Director of an Intelligence Agency or an employee designated by him or her, has reasonable grounds to believe that a warrant is required in order for the Agency to perform its duties and responsibilities under this Act, the Director or designated employee shall apply for the issuance of a warrant for that purpose. The application for a warrant shall be made in writing to judge in keeping with the laws of Liberia. Such warrant shall specify clearly:
- i. basis for or facts relied upon to justify that a warrant is required to enable the Intelligence and Security Agency to investigate threat to the national security interests of Liberia or to perform its duties and responsibilities under this Act;
 - ii. that the matter is so urgent that without a warrant it would be impossible or impracticable to conduct an investigation relating to a threat to the national security of Liberia or undertake the effective performance of the duties and responsibilities of the Agency under this Act;
 - iii. if the intent is to intercept a communication then the records, documents or other things to be obtained as well as the identity of the person, if known, who has the communication or information should be specified under Section 6(b) i and ii.
 - iv. if known, then the description of the place where the warrant is supposed to be executed should be indicated;
 - v. the period for which the warrant is to be in force.
- b) **Issuance of Warrant:** Only the judge of a competent court of jurisdiction shall authorise the interception of communication under this Act;
- c) **Purpose:** All warrants shall specify the purpose for which it has been issued and to whom: *M.A. L.*

- d) The application to a court of competent jurisdiction for a search warrant shall be done on behalf of the agency by the Attorney General of the Republic.

SECTION 10: PROCEDURES OF COMPLAINTS

- a) Any person that has a grievance against anything done by the Director of any Intelligence and Security Agency or any of its employee while performing their duties and responsibilities under this Act may lodge a written or oral complaint as follow:
- i. To the Minister of Justice, where the complaint is against an act by a Director; and
 - ii. To the Director, where the complaint is against an act by an employee of the agency.
- b) As the case may be, the Minister of Justice or the Director shall examine the complaint and take the most appropriate action within 60 days as specified under this Act.
- c) If the person lodging the complaint under this Act realises that no action has been taken within the period specified herein, or where he or she is not satisfied with the decision taken by the Minister or the Director, he or she shall submit a written complaint to the appropriate court of competent Jurisdiction in the Republic of Liberia.
- d) Such complaint shall be heard in a competent court of jurisdiction that will hear and determine the complaint referred to under this Act. However, if the court feels that the complaint is flawed and baseless; that it is prejudicial and injurious to the national security interest of the country, then it shall not determine it.
- e) The court shall use its discretion to exclude from the hearings any persons other than the parties to it and their lawyers, if this is necessary for the national security or the protection of private lives of individuals or communities concerned in the hearings.
- f) The court may call witnesses and request that he/she produce information or documents deemed necessary for the purpose of ensuring justice.
- g) All persons appearing before the court shall be given fair trial in keeping with the laws of the Republic of Liberia.
- h) Any person that is against a decision of the court shall have the right to make an appeal to the Supreme Court of Liberia whose decision shall be final.



SECTION 11: FINANCIAL

- a) To ensure the protection of its operations from public disclosure, the NSC shall be authorized to withdraw on a quarterly basis allotment to the extent necessary for the maintenance of secrecy, any or all of the funds appropriated by the Legislature and deposit these funds in a separate account in a bank or banks designated by the NSC with the approval of the Chair who shall be the President of the Republic of Liberia. The secretary shall also have the authority to set up and maintain its independent procurement, and accounting system. The accounts of the NSC shall be audited annually or as circumstances may require by an assigned auditor of the office of the General Auditing Commission.
- b) The Legislature shall make available to the NSA an annual budget sufficient to carry out their responsibilities to protect the national security of the Republic.
- c) To preserve the NSA from public disclosure of their operations, both bodies are authorized to withdraw to the extent necessary for the maintenance of secrecy, its yearly appropriations through the Ministry of Finance and deposit them in its respective checking accounts in a Bank within the Republic to be designated by the President as the legal depository. It is authorized to develop and maintain its own procurement, accounting and auditing system separate from those of the general Government. Its accounts shall be audited yearly or as circumstances may require by an auditor appointed by the President of Liberia.
- d) Funds made available to them may be expended for any purpose necessary to carry out its functions, and may be expended without regard to the provisions of laws relating to expenditure of Government funds if essential for vital national security interests, unless specifically prohibited by other law.

SECTION 12: RETIREMENT AND DEATH BENEFITS

Retirement and Death Benefits: Any officer or employee of the agencies provided for under this Act who:

- a) has faithfully served for 25 consecutive years or has attained the age of 65, whichever comes first, or
- b) because of an injury or disability incurred in the line of duty is permanently disabled from performing his or her duties in these agencies,

may be honourably retired, and shall receive a pension in an amount equal to fifty percent of the compensation he or she was receiving at the time of his or her retirement for the remainder of his or her life;



- c) An officer or employee of these agencies shall be given credit toward retirement for the time he or she was employed prior to the effective date of the retirement system.
- d) The registered dependent or dependents of a deceased officer or employee of these agencies shall collectively receive one half the amount of any pension being paid to the decedent at the time of his or her death under the provisions of this section; or if the decedent died as a result of injuries or disability incurred in the line of duty and before the commencement of pension payment, the dependent or dependents shall receive one half the amount of the pension to which the decedent would have been entitled under this section had he or she lived.

SECTION 13: MISCELLANEOUS

- a) **Code of Conduct:** Officers and employees of the agencies provided for under this Act shall comply strictly with the Code of Conduct for Government personnel.
- b) **Supremacy of Act:** This Act shall have supremacy over and supersede all other Acts heretofore existing and dealing with national security matters of any and all kinds. In the event of any conflict between any provisions of this Act and any other laws existing prior thereto relating to national security, the provisions of this Act shall supersede the provision of all such other Acts or laws.

SECTION 14: TITLE OF ACT

This Act shall be titled and cited as the "National Security and Intelligence Act of 2011".

SECTION 15: EFFECTIVE DATE

This Act shall take effect immediately upon publication in handbills.



ANY LAW TO THE CONTRARY NOTWITHSTANDING

2011

SIXTH SESSION OF THE FIFTY-SECOND LEGISLATURE OF THE
REPUBLIC OF LIBERIA.

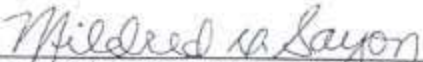
HOUSE'S ENGROSSED BILL NO. 8 ENTITLED:

"NATIONAL SECURITY REFORM AND INTELLIGENCE ACT, 2011"

On motion, Bill read. On motion, the Bill was adopted on its first
reading and sent to Committee Room on Tuesday, June 29, 2010 @
11:38 GMT.

On Motion, the Bill was taken from Committee Room for its second
reading and sent back to Committee room for copies to be made
on Tuesday, June 21, 2011 @ 12:33 GMT.

On motion, the Bill was taken from Committee room for its third
reading. On motion, the Bill was adopted, passed into the full force
of law, and ordered engrossed today, Thursday, August 11, 2011 @
12: 56 GMT.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.

2011

SIXTH SESSION OF THE FIFTY-SECOND
LEGISLATURE OF THE REPUBLIC OF LIBERIA.

SENATE'S ENDORSEMENT TO HOUSE'S ENGROSSED
BILL NO: 8 ENTITLED:

"NATIONAL SECURITY REFORM AND
INTELLIGENCE ACT OF, 2011"

On motion, Bill read. On motion, the Bill was adopted on its
first reading and sent to Committee Room on Tuesday, August
16, 2011 at the hour of 1:43 GMT.

Motion, Bill was taken from Committee Room for its second
reading. On motion, under the suspension of the rule, the
second reading of the Bill constituted its third and final reading
and the Bill was adopted, passed into the full force of law and
ordered engrossed today Friday, August 19, 2011 at the our of
16:00 GMT.




SECRETARY, LIBERIAN SENATE, R.L.

-2011-

ATTESTATION TO:

"NATIONAL SECURITY REFORM AND INTELLIGENCE ACT, 2011"



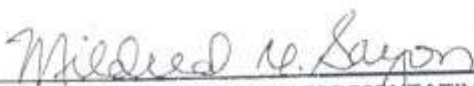
VICE PRESIDENT OF THE REPUBLIC OF LIBERIA / PRESIDENT OF THE SENATE



SECRETARY, LIBERIAN SENATE



SPEAKER, HOUSE OF REPRESENTATIVES, R.L.



CHIEF CLERK, HOUSE OF REPRESENTATIVES, R.L.