§ 949b. Unlawfully influencing action of military commission and United States Court of Military Commission Review

(a) Military Commissions.—

(1) No authority convening a military commission under this chapter may censure, reprimand, or admonish the military commission, or any member, military judge, or counsel thereof, with respect to the findings or sentence adjudged by the military commission, or with respect to any other exercises of its or their functions in the conduct of the proceedings.

(2) No person may attempt to coerce or, by any unauthorized means, influence—

(A) the action of a military commission under this chapter, or any member thereof, in reaching the findings or sentence in any case;
(B) the action of any convening, approving, or reviewing authority with respect to their judicial acts; or
(C) the exercise of professional judgment by trial counsel or defense counsel.

(3) The provisions of this subsection shall not apply with respect to—

(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or
(B) statements and instructions given in open proceedings by a military judge or counsel.

(b) United States Court of Military Commission Review.—

(1) No person may attempt to coerce or, by any unauthorized means, influence—

(A) the action of a judge on the United States Court of Military Commissions Review in reaching a decision on the findings or sentence on appeal in any case; or
(B) the exercise of professional judgment by trial counsel or defense counsel appearing before the United States Court of Military Commission Review.

(2) No person may censure, reprimand, or admonish a judge on the United States Court of Military Commission Review, or counsel thereof, with respect to any exercise of their functions in the conduct of proceedings under this chapter.

(3) The provisions of this subsection shall not apply with respect to—

(A) general instructional or informational courses in military justice if such courses are designed solely for the purpose of instructing members of a command in the substantive and procedural aspects of military commissions; or
(B) statements and instructions given in open proceedings by a judge on the United States Court of Military Commission Review, or counsel.

(4) No appellate military judge on the United States Court of Military Commission Review may be reassigned to other duties, except under circumstances as follows:

(A) The appellate military judge voluntarily requests to be reassigned to other duties and the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed force of which the appellate military judge is a member, approves such reassignment.

(B) The appellate military judge retires or otherwise separates from the armed forces.

(C) The appellate military judge is reassigned to other duties by the Secretary of Defense, or the designee of the Secretary, in consultation with the Judge Advocate General of the armed
force of which the appellate military judge is a member, based on military necessity and such
reassignment is consistent with service rotation regulations (to the extent such regulations are
applicable).

(D) The appellate military judge is withdrawn by the Secretary of Defense, or the designee
of the Secretary, in consultation with the Judge Advocate General of the armed force of which
the appellate military judge is a member, for good cause consistent with applicable procedures
under chapter 47 of this title (the Uniform Code of Military Justice).

(c) Prohibition on Consideration of Actions on Commission in Evaluation of Fitness.— In the
preparation of an effectiveness, fitness, or efficiency report or any other report or document used in
whole or in part for the purpose of determining whether a commissioned officer of the armed forces is
qualified to be advanced in grade, or in determining the assignment or transfer of any such officer or
whether any such officer should be retained on active duty, no person may—

1. consider or evaluate the performance of duty of any member of a military commission under
this chapter; or

2. give a less favorable rating or evaluation to any commissioned officer because of the zeal with
which such officer, in acting as counsel, represented any accused before a military commission
under this chapter.


Prior Provisions

action of military commission, prior to the general amendment of this chapter by Pub. L. 111–84.

Amendments

2011—Subsec. (b)(1)(A). Pub. L. 112–81, § 1034(b)(1), substituted “a judge on” for “a military appellate judge or
other duly appointed judge under this chapter on”.

Subsec. (b)(2). Pub. L. 112–81, § 1034(b)(2), substituted “a judge on” for “a military appellate judge on”.

Subsec. (b)(3)(B). Pub. L. 112–81, § 1034(b)(3), substituted “a judge on” for “an appellate military judge or a duly
appointed appellate judge on”.