

7. The use of the same members on four similar commissions only adds to the members' confusion. The members, uneducated in the subject matter, and untrained in the exercise of judicial responsibilities, cannot be expected to compartmentalize four cases - which are proceeding simultaneously - so that they can faithfully and effectively discharge their obligation to treat the legal and factual issues in each separately. Indeed, the common issues of law, and common mixed issues of law and fact, that each of the cases will present will preclude these inexperienced members from affording each accused the individualized determination of the issues to which he is entitled. Jurists are qualified in the abstract to hear similar cases and decide the law for each; jurors are *never* placed in the same position for obvious reasons that apply with more force here since they will also shoulder the burden of deciding legal issues, and mixed issues of law and fact.

Conclusion:

The Defense requests that all members be replaced with legal professionals who possess extensive experience in international criminal law and/or the law of war, including the Geneva Convention and other applicable international treaties and provisions.

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