



**INAUGURAL ADDRESS DELIVERED BY PROF. DR. RAHMAT  
MOHAMAD AT THE INAUGURATION OF THE FOURTH SOUTH  
ASIA HENRY DUNANT MEMORIAL MOOT COURT  
COMPETITION ON 17 OCTOBER 2008  
(At 5: 30 PM ISIL Premises, New Delhi)**

Respected President of the ISIL, Shri Ram Niwas Mirdha,

Prof. Rahmatullah Khan, Secretary General of the ISIL

Mr. Francois Stamm Regional Delegate of ICRC at New Delhi,

Dr. Luther Rangreji, Legal Officer, Ministry of External Affairs,  
Government of India,

Distinguished members of the Executive Council of ISIL, young law  
students from Nepal, Pakistan, Iran, Bangladesh, Sri-Lanka and India  
participating in this prestigious moot court competition,

Ladies and Gentlemen:

At the outset, I would like to congratulate the Indian Society of  
International Law (ISIL) and the International Committee of the Red Cross  
(ICRC) for organizing this moot court competition in the memory of Henry  
Dunant and for the promotion of International Humanitarian Law. Dunant,  
we all know, was befittingly honored with the first Nobel peace prize in  
1901, for his concern for upholding humanitarian values and his role in  
establishing the Red Cross movement. This moot court competition, which

seeks to promote international humanitarian law amongst law students, is a real tribute to his memory.

International humanitarian law has specific characteristics of its own which are in certain respects different from other branches of international law. It deals with only situations of armed conflict but not the causes leading to the armed conflict. Therefore, it is *jus in bello* leaving the task of dealing with causes of armed conflict to *jus ad bellum*. Thus, the greatest strength of this branch of law is its independent character whose primary concern is to uphold humanitarian values. It is because of this, the major part of humanitarian law received wide recognition and acceptance from States. International humanitarian law is not concerned with the lawfulness or unlawfulness of armed conflicts.

The present day humanitarian law includes both treaty and customary rules. The aim of these rules is to solve humanitarian problems directly arising from international and non-international armed conflicts. These rules intend to limit the right of the parties to a conflict to use methods and means of warfare of their choice or protect persons or property that may be affected by the conflict.

Primarily it is States who implement humanitarian law and also armed groups in case of non-international armed conflicts. However, dissemination of humanitarian law in times of peace is as important as its application during armed conflicts.

My dear young friends, mootings are a very important part in your legal education. While much stress is laid by educationalists on literacy and

numeracy, but we hear little about the importance of being articulate. Footballers practice passing and shooting; pianists, singers and clowns also practice assiduously. Why is it supposed that speaking comes naturally and needs no effort or concentration? Fluency and clear enunciation are particularly important for the lawyer. Taking part in moots will help you in these respects, and also give you experience in the art of persuasion, and of putting a case succinctly and intelligibly.

Moot court competition, such as this seeks to familiarize you with this important branch of international law and the complex concepts involved in it. Learning it through participation in a moot court makes it more interesting as well as the work is carried out with team spirit. Moot court competition provides an excellent opportunity for young law students to learn legal skills. It trains them in the art of advocacy, which we as lawyers know is not easy. One has to do meticulous research in preparing a case and then while presenting it before judges she/he has to be articulate enough to convince the judges of the merits of the case. An advocate has to be well versed in the procedural as well as substantive law. Above all, an advocate has to always remember that his work is in the cause of justice, which she/he as an officer of the court is duty bound to realize and protect. These are some of the qualities, which I feel, are required in an advocate and it comes with sincerity of purpose and devotion to the profession.

Friends, you would be placing your arguments before an imaginary International Criminal Court. This Court has now completed five years of existence. It has certain sensitive cases pending before it. Therefore, there is a need for international lawyers and scholars to probe into various

dimensions of international criminal law and its interrelationship with other branches of international law. That is where the organizations like the ICRC and the institutions like ISIL play a significant role by way of organizing programmes like this to stimulate discussions and encourage delving into the legal complexities involved in it. Programmes such as this would ensure contribute to the necessary capacity-building in the realm of international legal adjudication, thus enabling our young students to take up such challenges later in their careers.

It is imperative for the international community, particularly international lawyers to make use of all possible avenues to propagate humanitarian law principles. Thus, I consider this event as one of those avenues through which young minds are attracted towards this important branch of international law.

I had occasion to be associated as a Judge with the Indian National Round of this prestigious Competition last month and observe the teams at work. I had occasion to judge the Final Round of Phillip C. Jessup Moot Court Competition and in no way I found that students from our region less than that of the United States of America. I do hope that in this South Asia Round the students would further excel and gain an experience which will enable them to move ahead in their chosen profession.

There may be only one team, which may emerge as a winner in this competition, but for each participant the exposure that is gained here would bring in victories in future. Finally, I wish the organizers and the participants a great success.

Thank you.