

THE ROLE OF REPORTING PROCEDURES IN MONITORING VIOLATIONS OF HUMAN RIGHTS

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It was the privilege of the undersigned to be elected to the Human Rights Committee at the same time as Dr. Joseph A.L. Cooray and to serve with him during the whole of his term. An ideal "monitor" of the implementation of human rights treaties would be a person very similar to Dr. Cooray. He has shown that, to be that, erudition, experience and excellent legal training have to be combined with compassion, empathy and deeper understanding of societies and human beings. Whereas many distinguished members of the Committee and other similar bodies felt most secure in "their" particular regions or areas of geographic and cultural propinquity, Dr. Cooray was at home in many countries, very distant from his native Sri Lanka. I have never figured out whether his incisive remarks have had their sometimes devastating satirical effects because of his fine sense of humour, or whether they have been the best means to expose pompous hypocrisy.²

It is thanks to my colleagues like Dr. Cooray that I developed the conviction that reporting procedures before human rights treaty bodies can serve some purposes which cannot be accomplished by other procedures and could serve them better than they do now.

THE LEGAL NATURE OF A HUMAN RIGHTS TREATY

The objective of the so-called human rights treaties is that the rights guaranteed be enjoyed by individual human beings and groups. At the present moment such treaties owe their legal nature and structure to the modern humanistic and individualistic trends positing the human being as the prime subject of international concern and its well-being as a fundamental value of the international society, on the one side, and to the traditional "Westphalian" concept of that society as composed of sovereign states, on the other,

A typical human rights treaty is therefore a multilateral international treaty concluded among states, from which, unlike from most other international treaties, the principal rights and entitlements are derived by non-state beneficiaries, i.e. a wide range of individuals, who need not necessarily be the

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