INTERCULTURAL HUMAN RIGHTS LAW REVIEW

Vol. 8 2013

TABLE OF CONTENTS

DISTINGUISHED LECTURE

Compensating Collateral Damage in Elective International Conflict .........................................W. Michael Reisman 1

“140 CHARACTERS OR LESS”: HUMAN RIGHTS AND LAW IN THE AGE OF SOCIAL MEDIA #IHRLR 2012

Intercultural Human Rights Law Review Annual Symposium
October 19, 2012

Super-Intermediaries, Code, Human Rights........Ira Steven Nathenson 19

Privacy-Invading Technologies and Recommendations for Designing a Better Future for Privacy Rights.............................................Alexandra Rengel 177

Media Witnesses: Human Rights in an Age of Digital Media.............................................Daniel Joyce 231
ARTICLES

Human Rights in China: Examining the Human Rights Values in Chinese Confucian Ethics and Roman Catholic Social Teachings................Mee-Yin Mary Yuen  281

Embracing Mercy: Rehabilitation as a Means to Fairly and Efficiently Address Immigration Violations..................................................David C. Koelsch  323

Plugging the Gap: A Reconsideration of the U.N. Charter’s Approach to Low-Gravity Warfare.....................................................Benjamin Zweifach  379

Feeling Empty? Organ Trafficking & Trade: The Black Market for Human Organs ...............Jacqueline Bowden  451
INTERCULTURAL HUMAN RIGHTS LAW REVIEW

BOARD OF EDITORS

ALEXANDRA SALVADOR
TINA MARIE TRUNZO LUTE
Editors-in-Chief

ANDRES E. VASQUEZ
Managing Editor

ISABELLA POSCHL
Executive Editor

JEFFREY RAZI-JAFARI
Executive Editor

GIZACHEW BENTI TESFAYE
Executive Editor

SARAH DUNAWAY
Executive Editor

MINDY CLARKE
SARAH STRICKLAND
Student Articles Editors

LAUREN SMITH
Symposium & Articles
Procurement Editor

PROFESSOR SIEGFRIED WIESSNER
PROFESSOR ROZA PATI
Faculty Advisors
LAW REVIEW GENERAL MEMBERS

Ulyana Altbregen  Kristina Georgiou  Garcendi Registre
Françoise Blanco  Sean Gold  Brad Schlesinger
Amber Bounelis  Naja Hawk  Pamela Seville
Jacqueline Bowden  Richard Kravets  Loxanne Taylor
Judith Bradshaw  Robert Klassman  Janette Valdes
Danny Byers  Daniel Jovanov  Ana Lucia Vera
Krisel Cabrera  Cynthia Lane  Cathleen Ward
David Cantor  Jennifer Levy  Justin Werthan
Veronica Cordova  Dean Meyers  Allysia Woods
Erla Dema  Nicole Perez  Raisa Woodstock
Luna Garçon  Shaun Quinn

INTERNATIONAL EDITORIAL ADVISORY BOARD

Professor W. Michael Reisman, Ph.D.
Myres S. McDougal Professor of International Law, Yale Law School
Former President, Inter-American Commission of Human Rights

Professor Dr. iur. Eckart Klein
University of Potsdam Faculty of Law
Former Member, United Nations Human Rights Committee

Professor Nora V. Demleitner
Dean and Roy L. Steinheimer, Jr. Professor of Law
Washington and Lee School of Law

Professor Dr. iur. Erica-Irene Daes

The Honorable Fausto Pocar, Ph.D.
Former President, International Criminal Tribunal for the former Yugoslavia
Professor of Law, University of Milan, Italy
Professor Dr. iur. Herbert Petzold  
University of Saarbrücken Faculty of Law  
Former Registrar, European Court of Human Rights  

Dr. iur. Toni Pfanner  
Former Editor-in-Chief, International Review of the Red Cross  
Former Chief Legal Advisor, International Committee of the Red Cross  

Professor Dr. Domingo Acevedo  
Former Deputy Executive Secretary  
Inter-American Commission of Human Rights  

Professor Pierre-Michel Fontaine, Ph.D.  
Former Principal Legal Advisor, United Nations High Commissioner for Refugees  
Former Director, Office of the UNHCHR in the Democratic Republic of Congo  

Professor Dr. Christoph Heyns  
Dean, University of Pretoria Faculty of Law, South Africa  

José Miguel Vivanco  
Director, Human Rights Watch, Americas Division  
Washington, D.C.  

Professor Dr. iur. Kalliopi Koufa  
University of Thessaloniki Faculty of Law  
Former United Nations Special Rapporteur on Human Rights and Terrorism  

Professor Vivian Krsticevic  
Executive Director, Center for Justice and International Law  
Washington, D.C.  

Professor Frans Viljoen  
Editor-in-Chief, African Human Rights Law Journal  
Director, Center for Human Rights  
University of Pretoria Faculty of Law, South Africa  

Professor Federico Lenzerini  
University of Siena, Italy  

Professor Dr. iur. Martin Nettesheim  
Professor of Public Law, European Law and International Law  
University of Tübingen Faculty of Law, Germany  

Professor Dr. Jonathan Cohen  
Dean, Hebrew Union College, University of Cincinnati
GENERAL INFORMATION

The Intercultural Human Rights Law Review is published once a year and is an internationally distributed legal publication.

Submissions. The Intercultural Human Rights Law Review invites the submission of manuscripts on topics of interest in the field of human rights and related issues. All text and footnotes should be double-spaced. Manuscripts should be formatted in Microsoft Word version 6.0 or greater. Our preference is to receive submissions in digital format. Our e-mail address is ihrlawreview@stu.edu. Footnotes should conform to The Bluebook: A Uniform System of Citation (19th ed. 2010). The Review retains the right to determine the final form of every article. The Review acknowledges the receipt of submitted manuscripts, and assumes no responsibility for the return of submissions.

Subscriptions. The subscription price is $30.00 per year, and $38.00 per year for foreign subscribers. All subscriptions are for one year unless otherwise requested and are renewed automatically unless the subscriber sends timely notice of termination. Please inform the Review promptly of any change of address by sending the new address and a mailing label with the former address.

Citation. All references to materials included in the Intercultural Human Rights Law Review conform to The Bluebook: A Uniform System of Citation (19th ed. 2010), published by the Harvard Law Review Association.

Correspondence. All correspondence should be addressed to:

Managing Editor
INTERCULTURAL HUMAN RIGHTS LAW REVIEW
16401 N.W. 37th Avenue
Miami Gardens, Florida 33054-6459
ihrlawreview@stu.edu
Reverend Monsignor Franklyn M. Casale, B.A., S.T.B., M.Div.,
President, St. Thomas University
Douglas E. Ray, B.A., J.D., Dean and Professor of Law
Cecile Dykas, B.A., J.D., Associate Dean for Academic Affairs, Director of
Clinical Program and Visiting Associate Professor of Law
Jessica Fonseca-Nader, B.S., J.D., Assistant Dean for Enrollment and Scholarships
and Assistant Professor of Legal Writing Department
John F. Hernandez, B.S., J.D., LL.M., Assistant Dean for Student Affairs and
Visiting Associate Professor of Law
Barbara Singer, B.A., J.D., LL.B., Assistant Dean for Academic Support and
Visiting Associate Professor of Law
Peter T. Kelly, B.A., J.D., Assistant Dean for Alumni Relations
Iraida Acebo, B.A., Law School Registrar
J.D.L., Associate Director of Student Affairs, Chaplain and Director of
Summer-in-Spain Program
Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., Law Library Director and
 Professor of Law
Jiovanna Bryant, B.A., Director for Admissions
Larry C. Fedro, Director of the Tax Clinic
The Rev. Raúl Fernández-Calienes, B.A., M.Div., M.A.R., Ph.D., Coordinator of
Writing Skills and Visiting Associate Professor of Legal Writing Skills
The Honorable David L. Levy, B.A., J.D., Director of Professionalism
Olga Leyva, B.A., Budget and Building Manager
Alfred R. Light, Director, Graduate Program in Environmental Sustainability and
Professor of Law
Roza Pati, B.A., J.D., LL.M., Dr. iur., Executive Director, Graduate Program in
Intercultural Human Rights and Professor of Law
Mercedes Pino, B.S., J.D., Director of Career Services
Jennifer Portwood, B.A., J.D., Director of Pro Bono Programs and Public Service
Career Counselor
Keith W. Rizzardi, B.A., J.D., M.S., Assistant Director, Graduate Program in
Environmental Sustainability and Assistant Professor of Law
Todd Sullivan, B.A., J.D., Director of Academic Support and Visiting Assistant
Professor of Law
Siegfried Wiessner, J.D., LL.M., Dr. iur., Director, Graduate Program in
Intercultural Human Rights and Professor of Law
LAW FACULTY

Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., Law Library Director and Professor of Law
Gordon T. Butler, B.E.E., J.D., LL.M., M.B.A., Professor of Law
Anna M. Chan, A.B., J.D., Director of Legal Writing and Associate Professor of Legal Writing Department
Cecile L. Dykas, B.A., J.D., Associate Dean for Academic Affairs and Director of Clinical Program and Visiting Associate Professor of Law
Rev. Raúl Fernández-Calienes, B.A., M. Div., M.A.R, Ph.D., Coordinator of Writing Skills and Visiting Associate Professor of Legal Writing Skills
Jessica Fonseca-Nader, B.S., J.D., Assistant Dean for Enrollment and Scholarships and Assistant Professor of Legal Writing Department
Alfredo Garcia, B.A., M.A., J.D., Professor of Law
Lauren Gilbert, B.A., J.D., Professor of Law
Marc-Tizoc Gonzalez, B.A., M.A., J.D., Assistant Professor of Law
John F. Hernandez, B.S., J.D., LL.M., Assistant Dean for Student Affairs and Visiting Associate Professor of Law
John Min Kang, B.A., J.D., M.A., Ph.D., Professor of Law
Gary Kravitz, B.S., J.D., Assistant Professor of Legal Writing Department
Tamara Lawson, B.A., J.D., LL.M., Professor of Law
Lenora P. Ledwon, B.A., M.A., J.D., Ph.D., Professor of Law
Alfred R. Light, B.A., Ph.D., J.D., Professor of Law and Director, Graduate Program in Environmental Sustainability
Kathleen Mahoney, B.A., M.S., J.D., Associate Professor of Legal Writing Department
John Makdisi, B.A., J.D., S.J.D., Professor of Law
June Mary Makdisi, B.A., M.S., J.D., Professor of Law
Jennifer S. Martin, B.S., J.D., Professor of Law
Robert E. Mensel, B.A., J.D., M.A., Ph.D., Professor of Law
Patricia Hatamyar Moore, B.A., J.D., Professor of Law
Anthony Musto, B.G.S., J.D., Associate Professor of Legal Writing
Marcia Narine, Assistant Professor of Law
Ira Steven Nathenson, B.A., J.D., Associate Professor of Law
Roza Pati, B.A., J.D., LL.M., Dr. iur., Executive Director, Graduate Program in Intercultural Human Rights and Professor of Law
Leonard D. Pertnoy, A.B., B.A., J.D., Professor of Law
Stephen Plass, B.A., J.D., LL.M., Professor of Law
Douglas E. Ray, B.A., J.D., Dean and Professor of Law
Keith W. Rizzardi, B.A., J.D., M.S., Assistant Director, Graduate Program in Environmental Sustainability and Assistant Professor of Law
Iris Rogatinsky, B.A., J.D., Assistant Professor of Legal Writing Department
Amy D. Ronner, B.A., M.A., Ph.D., J.D., Professor of Law
Jay Silver, B.A., J.D., LL.M., Professor of Law
Barbara Singer, A.B., J.D., LL.B., Assistant Dean for Academic Support and Visiting Associate Professor of Law
Nadia Soree, B.M., M.M., J.D., Associate Professor of Law
Todd Sullivan, B.A., J.D., Director of Academic Support and Visiting Assistant Professor of Law
Michael Vastine, B.A., M.A., J.D., Director of Immigration Clinic and Associate Professor of Law
Susan Warheit, Assistant Professor of Legal Writing
Siegfried Wiessner, J.D., LL.M., Dr. iur., Director, Graduate Program in Intercultural Human Rights and Professor of Law
Mark J. Wolff, B.A., J.D., LL.M., Professor of Law
Carol Zeiner, B.S., J.D., Professor of Law

ADJUNCT FACULTY

Magda Abdo-Gomez
Diana Aliko
Jeffrey Allen
Tamatha S. Alvarez
Rev. Msgr. Andrew Anderson
Howard K. Blumberg
The Hon. Michael Chavies
Joni Coffey
Gary Mitchell Cohen
Jay Cohen
The Hon. Maria Cooke
Attilio M. Costabel
Larry S. Davis
Steven J. Dell
Sheri Dennis
Lilliana Farinas-Sabogal
James Fierberg
Murray Greenberg
The Hon. Milton Hirsch
Joe Holland
Josef Klee
Marvin Klein
Dana Kulvin
Joseph Landolfi
The Hon. Peter R. Lopez
Richard Lorenzo
Caryn Lubetsky
The Hon. Stanley Marcus

Timothy Martin
Michael C. Mayer
James McDonald
Rhonda Montoya-Hason
Mary Munson
Hector O. Nava
Jacqueline Needelman
Kenneth Noto
Eduardo Palmer
Gilberto Pastoriza
Martha Perez
Brian Pfiifer
Peter Raben
Brenda Rivera-Lopez
Robert J. Robes
Oren Rosenthal
Herman Russomanno
Stuart Saltzman
Jacqueline Schneider
The Hon. Frank Shepherd
The Hon. Michele Towbin Singer
The Hon. Ronald Sonom
Rory Stein
The Hon. Daryl Trawick
The Hon. Lisa Walsh
Steven Wise
Enrique Zamora
LAW LIBRARY ADMINISTRATION AND STAFF

Roy Balleste, B.A., J.D., M.L.S., LL.M., J.S.D., Law Library Director and Professor of Law
Sonia Luna-Lamas, B.A., M.L.S., Associate Director and Head of Technical Services
Iris Garcia, B.A., M.L.S., Technical Services Librarian
Courtney Segota, B.A., J.D., M.L.S., Reference/ Faculty Services Librarian
Jacob Hurst, B.S., J.D., Assistant Director & Head of Public Services
Douglas Edwards, B.S., M.S., Web/Information Systems Administrator
Richard Andre, Reference/ Circulation Specialist
Rosario Cruz, Serials/ Continuations Specialist
Max Ford, Reference/ Circulation Specialist
Diego Gumucio, Multimedia/ Circulation Specialist
Danniza Inguanzo, Cataloging/ Database Specialist
Amado Lugo, Multimedia/ Stack Maintenance Specialist
Judith Peguero, Accounting Operations Assistant
Juan Matos, Multimedia/ Circulation Specialist