

INTERCULTURAL HUMAN RIGHTS LAW REVIEW

Vol. 8

2013

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	Allysa 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

Former Member, United Nations Subcommission for the Promotion and Protection of Human Rights and Chairperson, United Nations Working Group on Indigenous Populations (1984-2000)

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

ST. THOMAS UNIVERSITY SCHOOL OF LAW

ADMINISTRATION

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*

The Rev. Monsignor Andrew Anderson, B.A., M.Div., C.P.E., J.C.B., J.C.L.,
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	Timothy Martin
Diana Aliko	Michael C. Mayer
Jeffrey Allen	James McDonald
Tamatha S. Alvarez	Rhonda Montoya-Hason
Rev. Msgr. Andrew Anderson	Mary Munson
Howard K. Blumberg	Hector O. Nava
The Hon. Michael Chavies	Jacqueline Needelman
Joni Coffey	Kenneth Noto
Gary Mitchell Cohen	Eduardo Palmer
Jay Cohen	Gilberto Pastoriza
The Hon. Maria Cooke	Martha Perez
Attilio M. Costabel	Brian Pfeifer
Larry S. Davis	Peter Raben
Steven J. Dell	Brenda Rivera-Lopez
Sheri Dennis	Robert J. Robes
Lilliana Farinas-Sabogal	Oren Rosenthal
James Fierberg	Herman Russomanno
Murray Greenberg	Stuart Saltzman
The Hon. Milton Hirsch	Jacqueline Schneider
Joe Holland	The Hon. Frank Shepherd
Josef Klee	The Hon. Michele Towbin Singer
Marvin Klein	The Hon. Ronald Sonom
Dana Kulvin	Rory Stein
Joseph Landolfi	The Hon. Daryl Trawick
The Hon. Peter R. Lopez	The Hon. Lisa Walsh
Richard Lorenzo	Steven Wise
Caryn Lubetsky	Enrique Zamora
The Hon. Stanley Marcus	

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*

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-Invasive 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