

ASHLEY S. DEEKS  
University of Virginia Law School  
adeeks@law.virginia.edu  
(202) 413-6574

## EDUCATION

### **UNIVERSITY OF CHICAGO LAW SCHOOL, Chicago, IL**

J.D. with honors, 1998  
Order of the Coif (top 10% of class)  
Editor, *University of Chicago Law Review*

### **WILLIAMS COLLEGE, Williamstown, MA**

B.A. in art history, *magna cum laude*, 1993

## EXPERIENCE

### **UNIVERSITY OF VIRGINIA LAW SCHOOL, Charlottesville, VA**

*E. James Kelly, Jr.—Class of 1965 Research Professor of Law*, 2017 – present  
*Associate Professor*, 2012 – 2017

Teach courses on international law, national security, the use of force, the laws of war, and government secrecy. Serve on Graduate Studies and Clerkship Committees. Served on Dean Search, Awards, Academic Review, and Coif Committees. Advise international law and law of war moot court teams.

### **LEIDEN LAW SCHOOL, Leiden, Netherlands**

### **UNIVERSITY OF AMSTERDAM LAW SCHOOL, Amsterdam, Netherlands**

*Visiting Researcher*, 2018 – 2019

### **CENTRAL INTELLIGENCE AGENCY, Langley, VA**

2017 – 2018

Delivered a series of lectures on international law topics to the General Counsel's Office.

### **HARVARD LAW SCHOOL, Cambridge, MA**

*Visiting Associate Professor*, Spring 2017

Held position of John H. Gregory Lecturer on World Organization. Taught international law and government secrecy courses.

### **COLUMBIA LAW SCHOOL, New York, NY**

*Academic Fellow*, 2010 – 2012

Selected as one of two fellows for two-year scholarly research fellowship. Spoke at conferences on cognitive biases in the law of war, human rights law in armed conflict, the use of unmanned drones, robots, Wikileaks, and diplomatic assurances. Presented at legal workshops and colloquia at the Law School.

### **OFFICE OF THE LEGAL ADVISER, U.S. DEPARTMENT OF STATE, Washington, DC**

*Assistant Legal Adviser, Political-Military Affairs*, 2008 – 2010

Managed and directed an office of eight attorneys and other staff. Provided guidance to senior Department officials on the use of force; the law of armed conflict; detainee litigation; intelligence issues; and arms export controls.

**COUNCIL ON FOREIGN RELATIONS, Washington, DC**

*International Affairs Fellow, 2007 – 2008*

Based at the Center for Strategic & International Studies as a Visiting Fellow. Advised a CSIS group producing recommendations on U.S. detention policy; served on the Advisory Committee for a CFR Special Report on Civil Liberties and National Security After 9/11; and briefed Congressional staff.

**OFFICE OF THE LEGAL ADVISER, U.S. DEPARTMENT OF STATE, Washington, DC; Iraq**

*Attorney-Adviser, 1999 – 2007*

Served as attorney-adviser in the Offices of Political-Military Affairs; Law Enforcement & Intelligence; and Buildings & Acquisitions. Served as Legal Adviser, U.S. Embassy Baghdad (2005)

**HON. EDWARD BECKER, U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT, Philadelphia, PA**

*Clerk, 1998 – 1999*

TEACHING & RESEARCH INTERESTS

International Law  
Human Rights

National Security Law  
Cyber Law

International Humanitarian Law  
Intelligence Law

PUBLICATIONS AND WORKS IN PROGRESS

Articles

*Machine Learning, Artificial Intelligence, and the Use of Force by States*, 9 J. NAT'L SEC. L. & POL'Y \_\_ (with Noam Lubell & Daragh Murray) (forthcoming 2018)

*Predicting Enemies*, 104 VA. L. REV. \_\_ (forthcoming 2018)

*Statutory International Law*, 57 VA. J. INT'L L. 263 (2018)

*The Substance of Secret Agreements and the Role of Government Lawyers*, 111 AJIL UNBOUND 474 (2018)

*A (Qualified) Defense of Secret Agreements*, 49 ARIZ. ST. L.J. 713 (2017) (invited contributor)

*The Obama Administration, International Law, and Executive Minimalism*, 110 AM. J. INT'L L. 646 (2016)

*Multi-Part Tests in the Jus Ad Bellum*, 53 HOUSTON L. REV. 1035 (2016) (invited contributor)

*Confronting and Adapting: Intelligence Agencies and International Law*, 102 VA. L. REV. 599 (2016)

*Intelligence Communities, Peer Constraints, and the Law*, 7 HARV. NAT'L SECURITY J. 1 (2016)

*National Security and Double Government*, 109 AM. J. INT'L L. 100 (2016) (book review)

*Checks and Balances from Abroad*, 83 U. CHI. L. REV. 65 (2016) (symposium)

*An International Legal Framework for Surveillance*, 55 VA. J. INT'L L. 291 (2015)

*The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference*, 82 FORDHAM L. REV. 827 (2013)

*Consent to the Use of Force and International Law Supremacy*, 54 HARV. INT'L L. J. 1 (2013)

*"Unwilling or Unable": Toward a Normative Framework for Extra-Territorial Self-Defense*, 52 VA. J. INT'L L. 483 (2012)

*Administrative Detention in Armed Conflict*, 40 CASE W. RES. J. INT'L L. 403 (2009) (symposium)

*Iraq's Constitution: A Drafting History* (with Matthew Burton), 40 CORNELL INT'L L. J. 1 (2007)

*Iraq's Constitution and the Rule of Law*, 28 WHITTIER L. REV. 837 (2007) (symposium)

*Inside L: Some Thoughts on the Office of the Legal Adviser*, 2 CHI. J. INT'L L. 503 (2001)

*Raising the Cost of Lying: Rethinking Erie for Judicial Estoppel*, 64 U. CHI. L. REV. 873 (1997)

### Book chapters

*Intervention in Libya*, in INTERNATIONAL LAW AND THE USE OF FORCE (T. Ruys & O. Corten eds., 2018)

*Intelligence Communities and International Law: A Comparative Approach*, in COMPARATIVE INTERNATIONAL LAW (A. Roberts et al. eds., 2018)

*Intelligence Communities, Peer Constraints, and the Law*, in GLOBAL INTELLIGENCE OVERSIGHT: GOVERNING SECURITY IN THE 21<sup>ST</sup> CENTURY (S. Rascoff & Z. Goldman eds., 2016)

*Taming the Doctrine of Pre-emption*, in OXFORD HANDBOOK ON THE USE OF FORCE (Marc Weller ed., 2015)

*Domestic Humanitarian Law: Developing the Laws of War in Domestic Courts*, in APPLYING INTERNATIONAL HUMANITARIAN LAW IN JUDICIAL AND QUASI-JUDICIAL BODIES: INTERNATIONAL AND DOMESTIC ASPECTS (D. Jinks et al. eds., 2014)

*The Geography of Cyber-Conflict: Through a Glass Darkly*, in THE GEOGRAPHY OF ARMED CONFLICT, Newport, RI: Naval War College (Michael Schmitt ed., 2013)

*Litigating How We Fight*, in INTERNATIONAL LAW AND THE CHANGING CHARACTER OF WAR (Pedrozo & Wollschlaeger eds., 2011)

*Starting from Here*, in INTERNATIONAL LAW & MILITARY OPERATIONS (Carsten ed., 2009)

### Shorter works

*Introduction to Symposium on Monica Hakimi, "The Jus ad Bellum's Regulatory Form"*, 112 AJIL UNBOUND 94 (2018)

*Introduction to Symposium on Megan Donaldson, "The Survival of the Secret Treaty"*, 111 AJIL UNBOUND 467 (2018)

“Diplomatic immunity protects even Erdogan’s thugs. We have to live with that.” *Wash. Post*, May 18, 2017

*The International Legal Dynamics of Encryption*, Hoover Instit. (2016)

“By Other Means,” *New Rambler* (book review of R. MENON, THE CONCEIT OF HUMANITARIAN INTERVENTION) (Apr. 2016)

“Here’s What International Law Says About Russia’s Intervention in Ukraine,” *New Republic* (Mar. 2014)

“Courts Can Influence National Security Without Doing a Single Thing,” *New Republic* (Oct. 2013)

*New Battlefields/Old Laws: Remarks*, 105 AM. SOC’Y INT’L L. PROC. 373 (May 2012)

“Pakistan’s Sovereignty and the Killing of Osama Bin Laden,” ASIL Insight (May 2011)

*Promises Not to Torture: Diplomatic Assurances in U.S. Courts*, ASIL Discussion Paper (2008)

“Putting Asset Freezes on Ice?,” Op-Ed, *European Voice* (Nov. 2008)

“A Healthy Dose of Treaties,” CSIS Commentary (Sept. 2008)

*European Court of Human Rights: Case of Saadi v. Italy*, 47 INT’L LEGAL MATS. 542 (July 2008)

*Avoiding Transfers to Torture*, Council on Foreign Relations Special Report (with study guide) (June 2008)

“A Second Cluster Munitions Treaty?,” CSIS Commentary (June 2008)

“Guantanamo Detainee Transfer Put U.S. in Tight Spot,” *Jurist*, U. Pitt. School of Law (May 2008)

“Detention in Afghanistan: The Need for an Integrated Plan,” CSIS Commentary (Feb. 2008)

“Getting a Grip on Private Security Contractors,” Op-Ed, *Defense News* (Jan. 2008)

*Combating Terrorist Uses of the Internet: Introductory Remarks*, 99 AM. SOC’Y INT’L L. PROC. 103 (2005)

#### SCHOLARLY PRESENTATIONS

“Weapons Systems of Future Conflict,” Judge Advocate General’s Legal Center & School (2018) (panelist)

“Paradox of the Battlefield,” *New America/Vox/ICRC* (2018) (panelist)

“North Korea and Anticipatory Self-Defense,” Harv. Int’l L.J. Symposium, Harvard Law School (2018) (panelist)

“The 2016 Obama Report on Legal Frameworks for the Use of Force,” UVA Center for National Security Law (panelist) (2018)

“Military Cyberspace Operations and Privacy Implications,” USCYBERCOM Legal Conf. (panelist) (2018)

“National Security in a Time of Trump,” AALS Annual Meeting (panelist) (2018)

“Hacked Elections, Online Influence Operations, and the Threat to Democracy,” Council on Foreign Relations (speaker) (2017)

“Emerging Challenges in National Security Policy,” UVA American Constitution Society (moderator) (2017)

“War by Robot?,” UVA Seminar Series, Human & Machine Intelligence Group (speaker) (2017)

“Common Article 3 and the Concept of Non-State Armed Groups,” Transatlantic Workshop on International Law, Florence (speaker) (2017)

“Crypto Wars 2.0: The European Front,” New America (panelist) (2017)

“Domestic Cyber Litigation,” Harv. Int’l L.J. Symposium, Harvard Law School (2017) (panelist)

“Military Intervention by Consent,” American Society of International Law Annual Meeting (2017) (panelist)

“A (Qualified) Defense of Secret Agreements,” Harvard Law School (2017) (speaker)

“The Use of Force in Syria,” Challenges in the Application of IHL Conference, Harvard Law School (speaker) (2017)

“A (Qualified) Defense of Secret Agreements,” Forefront of International Law Conference, Ariz. State Univ. Law School (2017) (speaker)

“Terrorism on Trial,” Geo. Wash. Law School Conference (2016) (panelist)

“President Obama’s War Powers Legacy,” The Judge Advocate General’s Legal Center & School (2016) (speaker)

“International Legal Implications of Surveillance,” Transatlantic Dialogue on Cyberespionage & Surveillance, Univs. of Texas and Glasgow, Berlin (2016) (panelist)

“Shifting Rules for Intelligence in International Law,” Am. Soc’y Int’l L. Annual Meeting (2016) (panel organizer and moderator)

“Confronting and Adapting: Intelligence Agencies and International Law,” UNC Law School Workshop (2016) (speaker)

“Financial Markets in the Aftermath of Cyberattacks,” Va. J. Int’l L. Symposium (2016) (moderator)

“Multi-Part Tests and the *Jus Ad Bellum*,” Frankel Lecture Commentary, Univ. of Houston (2015) (speaker)

“Confronting and Adapting: Intelligence Communities and International Law,” Univ. of Virginia Law School Faculty Summer Workshop (2015) (speaker)

“Checks and Balances From Abroad,” Univ. of Chicago Law School Symposium (2015) (speaker)

“Confrontation and Adaptation: Intelligence Communities and International Law,” William & Mary Law School International Law Workshop (2015) (speaker)

“An International Legal Framework for Surveillance,” NATO Cyber Conference, Estonia (2015) (speaker)

“Intelligence Communities, Peer Constraints, and the Law,” Univ. of Chicago Law School International Law Workshop (2015) (speaker)

“Intelligence Communities, Peer Constraints, and the Law,” NYU Center on Law & Security (2015) (panelist)

“Post-Snowden Reforms,” Wash. & Lee Law School Cyber-Surveillance Symposium (2015) (panelist)

“An International Legal Framework for Surveillance,” NYU Law School Colloquium (2014) (speaker)

“Privacy, U.S. Surveillance, and International Law,” ASIL Roundtable (2014) (moderator)

“Intelligence Communities and International Law,” Sokol Colloquium, UVA Law School (2014) (speaker)

“Cyber War and the Law of Armed Conflict,” Second Circuit Judicial Conference (2014) (panelist)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Potomac National Security Roundtable, Geo. Wash. Law School (2013) (speaker)

“The Lieber Code at 150,” National Archives (2013) (panelist)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” International Law Colloquium, Temple Law School (2013) (speaker)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Faculty Workshop, Washington & Lee Law School (2013) (speaker)

“Extraterritorial Uses of Force,” U.S. Pacific Command Military Operations & Law Conf. (2012) (speaker)

“U.S. Detention: Judicial and Statutory Developments,” Univ. of Virginia/International Committee of the Red Cross Seminar (2012) (speaker)

“The Observer Effect: National Security Litigation, Executive Policy Changes, and Judicial Deference,” Fifth Annual National Security Law Faculty Workshop (2012) (speaker)

“The ‘Unwilling or Unable’ Test and the Geography of War,” Naval War College (2012) (speaker)

“Targeted Killings and the Political Question Doctrine,” American Academy of Appellate Lawyers (2012) (panelist)

“International Human Rights Law, International Humanitarian Law, and Implications for Coalition Warfare,” American Society of International Law Annual Meeting (2012) (moderator)

“‘Unwilling or Unable’: Toward a Normative Framework for Extra-Territorial Self-Defense,” Foreign Relations Law Colloquium, Georgetown Law Center (2012) (speaker)

“Robots and Death Rays,” Ariz. State Univ. Law School (2012) (panelist)

“Regulating Robots,” Santa Clara Univ. Law School (2012) (commentator)

“‘Unwilling or Unable’: Toward a Normative Framework for Extra-Territorial Self-Defense,” Jurisprudence of War Colloquium, Columbia Law School (2011) (speaker)

“Targeted Killings: A Debate,” Columbia Law School (2011) (moderator)

“Detention: Convergence and Conflict in International Law,” Univ. of Pretoria (2011) (panelist)

“The Bin Laden Raid,” Columbia Law School Public Law Lunch (2011) (speaker)

“States as Laboratories: Domestic Laws of War,” American Society of International Law Annual Meeting (2011) (panelist)

ASIL Roundtable on International Law & Security (2011) (moderator)

“The Wikileaks Releases: Security and Transparency,” Fordham Law School (2011) (panelist)

“Diplomatic Assurances Against Torture,” Columbia Law School (2011) (panelist)

“Human Rights Law in Armed Conflict,” U.S. Special Operations Command Legal Conf. (2011) (speaker)

“Cognitive Biases & Proportionality Decisions: A First Look,” Hebrew Univ., Jerusalem (2010) (speaker)

“Drones on Trial: The United States Before the Human Rights Council,” Council on Foreign Relations (2010) (panelist)

“Litigating How We Fight,” Naval War College (2010) (speaker)

“Controversy and Developments in the Law of Armed Conflict,” Catholic Univ. Law School (2010) (panelist)

“The Obama Impact,” Univ. of Virginia Law School (2010) (panelist)

“Looking Around Corners: Recent Developments in Today’s Armed Conflicts,” Hudson Institute (2009) (speaker)

“The Obama Administration: One Year On,” The Atlantic Council (2009) (panelist)

“European Convention on Human Rights and International Humanitarian Law,” London School of Economics (2009) (panelist)

“U.S. Counterterrorism Law and Policy in Transition,” Council on Foreign Relations (2009) (speaker)

“U.S. National Security Policies in Transition,” Council on Foreign Relations International Affairs Fellows Conference (2009) (speaker)

“Whither the Law of War for the U.S.?,” ASIL Annual Meeting (2009) (panelist)

“Detainee Transfers and the U.S. Reputation,” Council on Foreign Relations Term Member Conference (2008) (speaker)

“Use of Diplomatic Assurances to Protect Detainees,” College of Europe, Bruges (2008) (speaker)

“Transatlantic Differences on Armed Conflict: Stasis and Change,” Chatham House, London (2008) (speaker)

“Diplomatic Assurances at a Crossroads,” Potomac Foreign Relations Roundtable, George Washington Univ. Law School (2008) (speaker)

#### MEMBERSHIPS AND ADVISORY POSITIONS

Senior Contributor, Lawfare Blog

Member, U.S. State Department’s Advisory Committee on International Law, 2013-present

Member, Board of Editors, American Journal of International Law (AJIL)

Supervising Editor, AJIL Unbound, 2018-present

Associate Managing Editor, AJIL Unbound, 2017-2018

Board of Advisors, Virginia Journal of International Law

Editorial Board, Journal of National Security Law & Policy

Board of Advisors, U.S. Naval War College, International Law Studies Journal

Senior Fellow, Lieber Institute for Law and Land Warfare, U.S. Military Academy

Member, American Society of International Law (ASIL)

Member, Technology Task Force, ASIL, 2017-2018

Member, New York Bar



Working Group Member, Stimson Task Force on Drone Policy, 2014

Advisory Committee, Council on Foreign Relations, Special Report on Drones, 2013

Steering Committee, American Society of International Law Roundtable on National Security, 2010-12