

**ASHLEY S. DEEKS**

Associate Professor, University of Virginia Law School  
580 Massie Road, Charlottesville, VA 22903  
adeeks@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); Comment Editor, *University of Chicago Law Review*

**Williams College, Williamstown, MA**

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

**EXPERIENCE**

**Associate Professor, University of Virginia Law School, Charlottesville, VA (July 2012 – present)**

Teach classes on international law, national security, the use of force, and the laws of war. Served on Dean Search Committee. Serve on Graduate Studies and Awards Committees. Advise international law and law of war moot court teams.

**Academic Fellow, Columbia Law School, New York, NY (July 2010 – June 2012)**

Selected as one of two fellows for two-year scholarly research fellowship. Spoke at academic conferences on cognitive biases in the law of war, the role of 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 (Oct. 2008 – June 2010)**

Served as Assistant Legal Adviser, Political-Military Affairs. 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.

**International Affairs Fellow, Council on Foreign Relations, Washington, DC (Nov. 2007 – Oct. 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 (Nov. 1999 – Oct. 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 (May – Dec. 2005)

- Provided guidance to State Department on law of armed conflict, including on the status of conflicts, the Geneva Conventions, detention, occupation law, and intelligence.
- Advised Department officials and briefed Congress on various U.S. bilateral law enforcement and extradition relationships.
- Negotiated extradition and aerial interdiction treaties and served on U.S. negotiating delegations for the Convention on Certain Conventional Weapons and the U.N. Convention Against Corruption.
- Advised senior officials at U.S. Embassy Baghdad on legal aspects of U.S. presence in Iraq, including the Iraqi constitutional process; authorities of Iraqi national and regional governments; detention; and diplomatic law issues. Supervised two U.S. attorneys and one Iraqi attorney.
- Earned six Superior Honor Awards for sustained exceptional performance and a Meritorious Honor Award for sustained outstanding performance.

**Adjunct Professor, Georgetown University Law Center, Washington, DC (Spring 2003; Spring 2004)**

Co-taught class on the law of international organizations (IOs). Topics included history of IOs, membership and voting, executive and legislative functions, ad hoc criminal tribunals, and environmental and human rights issues addressed by IOs.

**Clerk, Hon. Edward Becker, U.S. Court of Appeals for the Third Circuit, Philadelphia, PA (1998 – 1999)**

## **TEACHING & RESEARCH INTERESTS**

International Law  
Human Rights

National Security Law  
Cyber Law

International Humanitarian Law  
Intelligence Law

## **PUBLICATIONS AND WORKS-IN-PROGRESS**

### **Journal articles**

- *Multi-Part Tests in the Jus Ad Bellum*, 53 HOUSTON L. REV. 101 (forthcoming 2016) (invited commentary)
- *Confronting and Adapting: Intelligence Agencies and International Law*, 102 VA. L. REV. 101 (forthcoming 2016)
- *Intelligence Communities, Peer Constraints, and the Law*, 7 HARV. NAT'L SECURITY J. 1 (2016)
- Book Review, *National Security and Double Government*, 109 AM. J. INT'L L. 100 (forthcoming 2016)
- *Checks and Balances From Abroad*, 83 U. CHI. L. REV. 101 (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)
- Note, *Raising the Cost of Lying: Rethinking Erie for Judicial Estoppel*, 64 U. CHI. L. REV. 873 (1997)

### **Book chapters**

- *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., forthcoming 2016)
- *Intelligence Communities and International Law: A Comparative Approach*, in COMPARATIVE INTERNATIONAL LAW (A. Roberts et al. eds, forthcoming 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**

- "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)

### **SELECTED SCHOLARLY PRESENTATIONS**

- “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) (workshop presenter)
- “Terrorist Trials,” School of Advanced International Studies/RAND, Washington (2008) (panelist)
- “Pre-emption and Weapons of Mass Destruction,” Institute of International Humanitarian Law, Italy (2007) (speaker)
- “Customary International Humanitarian Law,” Washington College of Law (2007) (panelist)
- “U.S. Foreign Policy on Iraq,” Council on Foreign Relations (2007) (moderator)
- “Transatlantic Approaches to International Law,” The Atlantic Council (2007) (panelist)
- “*Jus Ad Bellum* and *Jus In Bello*,” Naval War College, Int’l Law & Military Operations Conf. (2007) (speaker)
- “Rule of Law and the Prospects for a Democratic Iraq,” Whittier Law Sch. (2006) (speaker)
- “Terrorist Uses of the Internet,” ASIL Annual Meeting (2005) (moderator)
- “UN Convention Against Corruption: What the International Lawyer Needs to Know,” ABA Annual Meeting (2003) (speaker)

#### **MEMBERSHIPS AND ADVISORY POSITIONS**

- Senior Contributor, Lawfare Blog
- Member, U.S. State Department’s Advisory Committee on International Law
- Board of Advisers, Virginia Journal of International Law
- Editorial Board, Journal of National Security Law & Policy
- Board of Advisers, U.S. Naval War College, International Law Studies Journal
- Working Group Member, Stimson Task Force on Drone Policy
- Steering Committee, ASIL Roundtable on National Security
- Advisory Committee, Council on Foreign Relations, Special Report on Drones
- Member, American Society of International Law (ASIL)
- New York Bar