

DEREK JINKS

Marrs McLean Professor in Law
University of Texas School of Law
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EDUCATION

J.D., Yale Law School, 1998

M.Phil., Sociology, Yale University Graduate School of Arts and Sciences, 1999

M.A., Sociology, Yale University Graduate School of Arts and Sciences, 1998

B.A., Anthropology, with Highest Honors, University of Texas at Austin, 1991

PROFESSIONAL EXPERIENCE

United States Department of State, Secretary of State's Advisory Committee on International Law, 2006-Present

U.S. Court of Appeals for the Ninth Circuit, Law Clerk to Judge William C. Canby, Jr., 1998-99.

International Criminal Tribunal for the Former Yugoslavia, Office of the Legal Advisor to the Prosecutor, Law Clerk to the Legal Advisor, 1998.

International Service for Human Rights, Legal Advisor & Delegate to the Rome Treaty Conference for the Establishment of an International Criminal Court, 1997-1998.

South Asia Human Rights Documentation Centre, Legal Advisor, 1995-1997 & U.N. Representative, 1999-2003.

ACADEMIC APPOINTMENTS

University of Texas School of Law, Marrs McLean Professor in Law, 2007-Present
Assistant Professor of Law, 2005-2007

United States Naval War College, Charles H. Stockton Chair of International Law, 2009-2010.

Harvard Law School, Visiting Professor of Law, 2007-2009 (Winter terms).

Arizona State University College of Law, Associate Professor of Law, 2004-2005.

University of Chicago Law School, Visiting Professor of Law, 2003-2004.

Saint Louis University School of Law, Assistant Professor of Law, 2001-2004.

University of Richmond School of Law, Assistant Professor of Law, 1999-2001.

RESEARCH AND TEACHING INTERESTS

International Human Rights Law, International Humanitarian Law, International Criminal Law, Public International Law, Foreign Affairs Law, Criminal Law

PUBLICATIONS

A. BOOKS

UNDERSTANDING SOCIAL ACTION, PROMOTING HUMAN RIGHTS (Oxford University Press, forthcoming 2012) (co-edited with Ryan Goodman & Andrew K. Woods).

INTERNATIONAL HUMANITARIAN LAW (Oxford University Press, forthcoming) (with Ryan Goodman & Michael N. Schmitt).

Socializing States: Promoting Human Rights through International Law (Oxford University Press, forthcoming) (with Ryan Goodman).

THE RULES OF WAR: THE GENEVA CONVENTIONS IN AN AGE OF TERROR (Oxford University Press, forthcoming).

B. ARTICLES, ESSAYS, AND REVIEWS

Psychic Numbing and Mass Atrocity, in THE BEHAVIORAL FOUNDATIONS OF POLICY (Eldar Shafir, ed.) (Princeton University Press, forthcoming) (with Ryan Goodman, Paul Slovic, Andrew K. Woods and David Zionts).

Social Mechanisms to Promote International Human Rights: Complementary or Contradictory?, in FROM COMMITMENT TO COMPLIANCE: THE PERSISTENT POWER OF HUMAN RIGHTS (Thomas Risse, Stephen Ropp and Kathryn Sikkink, eds.) (Cambridge University Press, forthcoming) (with Ryan Goodman).

Introduction: Social Science and Human Rights, in UNDERSTANDING SOCIAL ACTION, PROMOTING HUMAN RIGHTS (Ryan Goodman, Derek Jinks, and Andrew K. Woods, eds.) (Oxford University Press, forthcoming).

Human Rights and the Law of Armed Conflict, in OXFORD HANDBOOK OF INTERNATIONAL HUMANITARIAN LAW (Andrew Clapham & Paola Gaeta, eds.) (Oxford University Press, forthcoming).

The ICRC Interpretive Guidance on the Notion of Direct Participation in Hostilities under International Humanitarian Law: An Introduction, 42 NEW YORK UNIVERSITY JOURNAL OF INTERNATIONAL LAW AND POLITICS 637 (2010) (with Ryan Goodman).

International Humanitarian Law and the Fight against Terrorism, in ARMED CONFLICTS AND PARTIES TO ARMED CONFLICTS UNDER IHL: CONFRONTING LEGAL CATEGORIES TO CONTEMPORARY REALITIES 87 (College of Europe/ICRC 2010).

Incomplete Internalization and Compliance with Human Rights Law: A Rejoinder to Roda Mushkat, 20 EUROPEAN JOURNAL OF INT'L LAW (forthcoming 2009) (with Ryan Goodman).

Incomplete Internalization and Compliance with Human Rights Law, 19 EUROPEAN JOURNAL OF INT'L LAW 725 (2008) (with Ryan Goodman).

Disregarding Foreign Relations Law, 116 YALE LAW JOURNAL 1230 (2007) (with Neal Kumar Katyal).

Verso una Teoria Istituzionale della Sovranità, in POPOLI E CIVITÀ (PEOPLES AND CIVILIZATIONS) 147 (Giorgio Bongiovanni & Gustavo Gozzi eds. 2006) (with Ryan Goodman).

The Translation of Global Human Rights Norms: The Empirical Dimension, 41 TEXAS JOURNAL OF INT'L LAW 415 (2006).

The Applicability of the Geneva Conventions to the "Global War on Terrorism", 46 VIRGINIA JOURNAL OF INT'L LAW 165 (2005).

International Law, U.S. War Powers, and the Global War on Terror, 118 HARVARD LAW REVIEW 2653 (2005) (with Ryan Goodman).

International Law and State Socialization: Conceptual, Empirical, and Normative Challenges, 54 DUKE LAW JOURNAL 983 (2005) (with Ryan Goodman).

The Constitutional and International Law Implications of Hamdan v. Rumsfeld, NYU JOURNAL OF LAW AND LIBERTY (2005) (proceedings of on-line symposium, available at <http://www.nyuajll.org/>).

How to Influence States: Socialization and International Human Rights Law, 54 DUKE LAW JOURNAL 621 (2004) (with Ryan Goodman).

Is the President Bound by the Geneva Conventions?, 90 CORNELL LAW REVIEW 97 (2004) (with David Sloss).

The Declining Significance of POW Status, 45 HARVARD JOURNAL OF INT'L LAW 367 (2004).

Protective Parity and the Laws of War, 79 NOTRE DAME LAW REVIEW 1493 (2004).

Toward an Institutional Theory of Sovereignty, 55 STANFORD LAW REVIEW 1749 (2003) (with Ryan Goodman).

Reprinted in: THE GLOBALIZATION OF INTERNATIONAL LAW (Paul Schiff Berman, ed.) (Ashgate 2006).

September 11 and the Laws of War, 28 YALE JOURNAL OF INT'L LAW 1 (2003).

State Responsibility for the Acts of Private Armed Groups, 4 CHICAGO JOURNAL OF INT'L LAW 83 (2003).

Measuring the Effects of Human Rights Treaties, 13 EUROPEAN JOURNAL OF INT'L LAW 171 (2003) (with Ryan Goodman).

Reprinted in: INTERNATIONAL LAW AND SOCIETY (Laura Dickinson, ed.) (Ashgate 2007).

Self Defense in an Age of Terrorism, in 97 PROCEEDINGS OF THE AMERICAN SOCIETY OF INT'L LAW 144 (2003).

The Temporal Scope of Application of International Human Rights Law, Position Paper, Program on Humanitarian Policy and Conflict Research, Harvard University (2003) (available at <<http://www.ihlresearch.org>>).

International Human Rights Law and the War on Terrorism, 31 DENVER JOURNAL OF INT'L LAW AND POLICY 58 (2002) (Sutton Colloquium on Terrorism, Conflicts, and Self Determination).

The Legalization of World Politics and the Future of U.S. Human Rights Policy, 46 SAINT LOUIS UNIVERSITY LAW JOURNAL 357 (2002) (Richard Childress Memorial Symposium on U.S. Human Rights Policy).

The *Krebs* Case, the Inter-American Commission on Human Rights, and U.S. Death Penalty Litigation, 2002 ACLU INTERNATIONAL CIVIL LIBERTIES REPORT (Paul Hoffman, ed.) (with David Sloss).

Anatomy of an Institutionalized Emergency: Preventive Detention and Personal Liberty, 22 MICHIGAN JOURNAL OF INT'L LAW 311 (2001).

Review of THEODOR MERON, WAR CRIMES LAW COMES OF AGE (1999), 12 EUROPEAN JOURNAL OF INT'L LAW 159 (2001).

Recent International Decision: People's Mojahedin Organization of Iran v. Department of State, 94 AMERICAN JOURNAL OF INT'L LAW 635 (2000).

Filartiga's Firm Footing: International Human Rights and Federal Common Law, 66 FORDHAM LAW REVIEW 463 (1997) (with Ryan Goodman).

Note, Essays in Refusal: Postmodern Anthropology and Critical Race Theory, 107 YALE LAW JOURNAL 499 (1997).

SELECTED PRESENTATIONS

Cyber-security and the Law of War, Advisory Committee on International Law, U.S. Department of State, June 2011.

Manuals of Customary International Law, Texas, "2009 Air and Missile Warfare Manual: A Critical Analysis" Symposium, University of Texas School of Law, February 2011.

Human Rights and Military Operations, U.S. Naval War College, August 2010.

Cyber-warfare and the International Law of State Responsibility, “The Changing Character of War” Symposium, U.S. Naval War College, June 2010.

Human Rights and U.S. Drone Policy, U.S. Naval War College, May 2010.

Human Rights in Time of Armed Conflict, Geneva Academy of International Law and Human Rights, Academy Lecture Series, March 2010.

Social Mechanisms to Promote International Human Rights: Complementary or Contradictory?, International Law Colloquium, UCLA Law School, February 2010.

International Human Rights Law, International Humanitarian Law, and Detention in the War on Terror, War Bound by Law Symposium, Duke Law School, January 2010.

International Humanitarian Law, International Human Rights Law, and the Goldstone Commission Report, Brown University, January 2010.

Detention and the Law of Armed Conflict, Closing Guantanamo: Challenges and Opportunities for the Obama Administration, Annual Wolfgang Friedmann Symposium, Columbia Law School, March 2009.

Humanization and Individualization in the Enforcement of International Humanitarian Law, Faculty Workshop, Harvard Law School, January 2009.

Humanization and Individualization in the Enforcement of International Humanitarian Law, International Law Colloquium, Institute of International Law & Justice, NYU School of Law, January 2009.

Beyond Closing Guantanamo: International Humanitarian Law, Transatlantic Dialogues on International Law, Atlantic Council/Chatham House, December 2008.

Socializing States: Promoting Human Rights through International Law, Institute for International Law and Public Policy, International Law Roundtable, Temple University School of Law, October 2008.

Detention and International Humanitarian Law, Detention without Trial Working Group, American Constitution Society & Columbia Law School Human Rights Institute, Columbia Law School, July 2008.

Interrogation, the Law of Armed Conflict, and the War on Terror, “The War in Afghanistan: A Legal Analysis” Symposium, Naval War College, June 2008.

Judicial Enforcement of Treaties in the United States, American Society of International Law Interest Group on International Law in Domestic Law Annual Meeting, University of Texas School of Law, December 2007.

The International Law of Armed Conflict and the War on Terror, International Studies

Colloquium, Trinity University, November 2007.

Disaggregating “War”, International Law and the U.S. Constitution Symposium, Fordham Law School, October 2007.

Interrogation, Torture, and the GWOT, Law and Terrorism Symposium, Law of Armed Conflict Center, United States Military Academy, September 2007.

Detention and the Law of Armed Conflict, International Committee of the Red Cross, Expert Meeting on Security Detentions, Case Western Reserve School of Law, September 2007.

A New Law for a New Future?, Transatlantic Dialogues on International Law: The Rule of Law in the International Arena after 9/11, The Atlantic Council of the United States, June 2007.

Socializing States: Promoting Human Rights through International Law, Sociological Institutionalism and Human Rights Symposium, Harvard Law School, June 2007.

Common Article 3 and the Global War on Terrorism, “9/11: The Legal Issues Five Years On” Speaker Series, Columbia Law School/New York Law School, April 2007.

Is There a New “New Haven School”?, The “New” New Haven School: International Law—Past, Present, and Future Symposium, Yale Law School, March 2007.

Hamdan and the Law of War, University of Georgia School of Law, International Law Workshop, April 2007.

Supreme Court Review: Hamdan v. Rumsfeld, Faculty Workshop, University of Texas School of Law, September 2006.

The Applicability of the Geneva Conventions to the Global War on Terror, Faculty Workshop, University of Texas School of Law, May 2006.

Guantanamo: A Look Inside, American Constitution Society & National Lawyer’s Guild Symposium, University of Texas School of Law, April 2006.

Defining “Combatant” in Irregular Conflicts, Terrorism and the Laws of War Colloquium, Harvard Law School, February 2006.

Cultural Translation of Human Rights Norms, Representing Culture, Translating Human Rights Conference, University of Texas School of Law, November 2005.

International Law and State Socialization, Georgetown Law Center, Faculty Workshop, October 2005.

The Future of the State in International Law, University of Virginia Law School Faculty Colloquium, October 2005.

Congressional Authorization and the Global War on Terrorism, Harvard Law School, May 2005

When do the Geneva Conventions Apply? The Case of the Global War on Terrorism, Harvard Law School, International Law Workshop, May 2005.

Reciprocity and the Laws of War, Georgetown Law Center, International Legal Theory Colloquium, May 2005.

Disaggregating “War,” Arizona State University College of Law, Faculty Workshop, April 2005.

The President and International Law, Strategies for the War on Terror Conference, Duke Law School, April 2005.

Reciprocity and the Laws of War, The Politics of the Geneva Conventions Symposium, University of Virginia School of Law, March 2005.

SELECTED UNIVERSITY ACTIVITIES AND SERVICE

Co-Founder, National Security Clinic, University of Texas School of Law

Senior Fellow, Robert S. Strauss Center for International Security and Law, University of Texas at Austin, 2007-Present.

Faculty Affiliate & Steering Committee Member, Bernard & Audre Rapoport Center for Human Rights and Justice, University of Texas School of Law, 2005-Present.

Fellow, School of Global Studies, Arizona State University, 2004-2005.

Faculty Appointments Committee, University of Texas School of Law, 2006-2012.
Arizona State University College of Law, 2004-2005.
University of Richmond School of Law, 1999-2001.

SELECTED OTHER ACTIVITIES

Co-author, *Amicus Curiae* Brief on the applicability of the Geneva Conventions in *Hamdan v. Rumsfeld*, submitted to the U.S. Supreme Court, January 2006 (with Ryan Goodman and Anne-Marie Slaughter).

Co-Author, *Amicus Curiae* Brief in *Sosa v. Alvarez-Machain* submitted on Behalf of International Jurists to the U.S. Supreme Court, February 2004 (with Harold Hongju Koh and Ryan Goodman).

Co-Author, Model Brief in Support of Motion to Exclude Evidence of Unadjudicated Crimes in the Sentencing Phase of Capital Trials, Commissioned by Missouri Public Defenders Capital Defense Unit, May 2003 (published in 2003 ACLU INTERNATIONAL CIVIL LIBERTIES REPORT (Paul Hoffman, ed.) (with David Sloss)), available at <<http://www.civilrightslawla.com/ICLR>>.

Co-Counsel, *Krebs v. United States*, Inter-American Commission on Human Rights (petition filed June 1, 2002) (challenge to the California death penalty statute).

HONORS AND AWARDS

Frederick Douglass Human Rights Award, Southern Center for Human Rights, 2007 (joint recipient)

Excellence in Public Interest Award, Texas Law Fellowships, 2007

Thomas Emerson Prize, Yale Law School, 1998