ASAF LUBIN

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ACADEMIC APPOINTMENTS

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN

Associate Professor of Law Fall 2020 –

Fellow, Center for Applied Cybersecurity Research

COLUMBIA LAW SCHOOL, New York, NY

Visiting Associate Professor of Law Fall 2023

HARVARD UNIVERSITY, Berkman Klein Center for Internet and Society, Cambridge, MA

Faculty Associate (previously Affiliate) Fall 2019 –

HEBREW UNIVERSITY OF JERUSALEM, Federmann Cybersecurity Research Center, Jerusalem, Israel

Visiting Scholar Fall 2018 –

YALE LAW SCHOOL, Information Society Project, New Haven, CT

Affiliated Fellow (previously Resident Fellow) Fall 2016 –

LEGAL EDUCATION

YALE LAW SCHOOL – J.S.D. May 2020

<u>Dissertation</u>: "The International Law of Intelligence: The World of Spycraft and the Law of Nations"

(Chair: W. Michael Reisman; Readers: Lea Brilmayer, James J. Silk)

Honors: Ambrose Gherini Prize for Best Paper in the field of International Law (2020)

Robert L. Bernstein International Human Rights Fellowship (2016-2017) Raphael Lemkin Prize for Best Paper in the field of Human Rights Law (2018)

YALE LAW SCHOOL – LL.M. May 2015

<u>Honors</u>: Decalogue Society of Lawyers Endowment for LL.M. studies in the field of Social Justice (2014) <u>Activities</u>: Salzburg Global Seminar, Lloyd Cutler International Law Fellowship (Washington D.C.) (2015)

Yale Journal of International Law (YJIL) (articles editor) (2015)

HEBREW UNIVERSITY OF JERUSALEM – LL.B./B.A. International Relations, magna cum laude

March 2014

Honors: Fritz & Margaret Oberlander Memorial Award in International Law (2012)

Abraham Spears Endowment for Excellence in an International Moot Court Competition (2012)

THE HAGUE ACADEMY OF INTERNATIONAL LAW – Public International Law Summer Programme Summer 2012

Honors: Professor Shabtai Rosenne Scholarship

PUBLICATIONS

BOOKS

TORTS: CASES, PROBLEMS, AND POLICY CHOICES (open educational resource funded and supported by the Indiana University Libraries Course Material Fellowship Program).

ASAF LUBIN, TEACHING CYBERSECURITY LAW AND POLICY (manuscript in development, under contract, Edward Elgar Publishing).

ASAF LUBIN, THE INTERNATIONAL LAW OF INTELLIGENCE: THE WORLD OF SPYCRAFT AND THE LAW OF NATIONS (scheduled for a summer launch date, Oxford University Press).

THE RIGHTS TO PRIVACY AND DATA PROTECTION IN TIMES OF ARMED CONFLICT (Russell Buchan & Asaf Lubin eds., NATO Cooperative Cyber Defence Centre of Excellence).

Reviewed by Marko Milanovic, Jelena Pejic, and Eduardo Ustaran in Beyond the Literature, 105 INT'L REV. RED CROSS 1152 (2023).

ACADEMIC ARTICLES

- 2024 Asaf Lubin, Selling Surveillance, 85 OHIO ST. L.J. ____ (forthcoming).
- 2022 Asaf Lubin, The Reasonable Intelligence Agency, 47 YALE J. INT'L. L. 120.

 Winner of '22 American Society International Law's Richard R. Baxter Prize for Outstanding Scholarship in the area of IHL.
- 2021 Asaf Lubin, Public Policy and the Insurability of Cyber Risk, 5 J.L. & TECH TEX. 45.
- 2020 Asaf Lubin, The Liberty to Spy, 61(1) HARV. INT'L. L. J. 185.

 Winner of '20 Yale Law School Ambrose Gherini Prize for best paper in International Law, either public or private.

Asaf Lubin, Hacking for Intelligence Collection in the Fight Against Terrorism: Israeli, Comparative, and International Perspectives, 13 HUKIM L. REV. 251 (in Hebrew).

Susan Landau & Asaf Lubin, Examining the Anomalies, Explaining the Value: Should the USA FREEDOM Act's Metadata Program be Extended?, 11 HARV. NAT'L. SEC. J. 308.

2018 Asaf Lubin, 'We Only Spy on Foreigners': The Myth of a Universal Right to Privacy and the Practice of Foreign Mass Surveillance, 18(2) CHI. J. INT'L L. 502.

Winner of '18 Yale Law School Raphael Lemkin Prize for Best Paper in Human Rights Law.

Asaf Lubin, The Dragon-Kings Restraint: Proposing a Compromise for the EEZ Surveillance Conundrum, 57 WASHBURN L. J. 17.

SYMPOSIUM PIECES

- Asaf Lubin, Disruptive Technologies and the Need to Future Proof International Law, 117 Am. Soc. Int'l. L. Proc. ____.
- 2023 Asaf Lubin, Cyber Plungers: Colonial Pipeline and the Case for an Omnibus Cybersecurity Legislation, 58 GA. L. REV. 1607.

Asaf Lubin, Collective Data Rights and their Possible Abuse, 95 TEMP. L. REV. 661.

Asaf Lubin, Remarks: Seventh Annual Detlev F. Vagts Roundtable on Transnational Law: Transnational Regulation of the Platform Economy, 116 Am. Soc. Int'l. L. Proc. 125.

- 2022 Asaf Lubin, The Law and Politics of Ransomware, 55 VAND. J. TRANSNAT'L L. 1177.
- 2021 Asaf Lubin, *Insuring Evolving Technology*, 28(1) CONN. INS. L. J. 130.
- 2019 Asaf Lubin, The Sovereign Right to Spy, 113 Am. Soc. INT'L L. PROC. 155.
- 2016 Asaf Lubin, Espionage as a Sovereign Right Under International Law and its Limits, 24(3) ILSA Q. 22.

BOOK CHAPTERS

- Ziad Al Achkar, Robert Grace, & Asaf Lubin, *Armed Conflict, Population Displacement, and Artificial Intelligence, in* HANDBOOK ON MIGRATION AND ARTIFICIAL INTELLIGENCE ____ (Ana Beduschi ed., Edward Elgar Publishing).
 - Asaf Lubin & Russell Buchan, *Intelligence and International Law*, *in* The Oxford Handbook of National Security Intelligence ____ (Loch K. Johnson ed., 2nd ed., Oxford University Press).
- William Marks & Asaf Lubin, *The Violence of Platforms? Schreibtischtäter and the Criminal Responsibility of Tech Companies*, in SCHREIBTISCHTÄTER IN INTERNATIONAL LAW ____ (Jens Meierhenrich ed., Cambridge University Press).
 - Asaf Lubin, *State Responsibility for Negligent Intelligence*, *in* RESEARCH HANDBOOK ON INTELLIGENCE AND INTERNATIONAL LAW ____ (Buchan & Navarette eds., Edward Elgar Publishing).
 - Asaf Lubin, Big Data and the Future of Belligerency: Applying the Rights to Privacy and Data Protection to Wartime Artificial Intelligence, in RESEARCH HANDBOOK ON WARFARE AND ARTIFICIAL INTELLIGENCE ____ (Geiss & Lahmann eds., Edward Elgar Publishing).
- Asaf Lubin, *The Duty of Constant Care and Data Protection in War, in Big Data and Armed Conflict: Legal Issues Above and Below the Armed Conflict Threshold 229 (Dickinson & Berg eds., Oxford University Press).*
 - Asaf Lubin, *The Prohibition on Extraterritorial Enforcement Jurisdiction in the Datasphere, in* RESEARCH HANDBOOK ON EXTRATERRITORIALITY IN INTERNATIONAL LAW 340 (Parrish & Ryngaert eds., Edward Elgar Publishing).
- Asaf Lubin, *Data Protection as an International Legal Obligation for International Organizations: The ICRC as a Case Study, in* THE RIGHTS TO PRIVACY AND DATA PROTECTION IN TIMES OF ARMED CONFLICT 248 (Buchan & Lubin eds., NATO Cooperative Cyber Defence Centre of Excellence).
- Asaf Lubin, *The Rights to Privacy and Data Protection under IHL and HRL*, *in* RESEARCH HANDBOOK ON HUMAN RIGHTS AND HUMANITARIAN LAW: FURTHER REFLECTIONS AND PERSPECTIVES 462 (Kolb, Gaggioli & Kilibarda eds., Edward Elgar Publishing).
- Asaf Lubin, *Cyber Insurance as Cyber Diplomacy*, in CYBER WAR & CYBER PEACE IN THE MIDDLE EAST: DIGITAL CONFLICT IN THE CRADLE OF CIVILIZATION 22 (Sexton & Campbell eds., Middle East Institute).
- Asaf Lubin, *Politics, Power Dynamics, and the Limits of Existing Self-Regulation and Oversight in ICC Preliminary Examinations, in 2 QUALITY CONTROL IN PRELIMINARY EXAMINATIONS: REVIEWING IMPACT, POLICIES, AND PRACTICES 77 (Bergsmo & Stahn eds., Torkel Opsahl Academic).*
 - Asaf Lubin, Cyber Law and Espionage Law as Communicating Vessels, 10th International Conference on Cyber Conflict: Maximising Effects 203 (Minárik, Jakschis & Lindström eds., NATO CCDCOE).

ONLINE PUBLICATIONS

- 2024 Asaf Lubin & Scott Shackelford, *The Coming of the Cyber Militia*, GEORGETOWN J. OF INT'L AFF. (forthcoming).
 - Asaf Lubin, Lieber Studies Big Data Volume Algorithms of Care: Military AI, Digital Rights, and the Duty of Constant Care, ARTICLES OF WAR (forthcoming).
 - Omar Yousef Shehabi & Asaf Lubin, *Israel-Hamas 2024 Symposium, Algorihtms of War: Military AI and the War in Gaza*, ARTICLES OF WAR.

- 2023 Asaf Lubin, *Regulating Commercial Spyware*, LAWFARE.
- 2022 Asaf Lubin, *Data in War*, THE DATASPHERE INITIATIVE.
 - Asaf Lubin, Introductory Note to Big Brother Watch v. UK (Eur. Ct. H.R. Grand Chamber), INT'L L. MATERIALS.
 - Asaf Lubin, *Governance in the Metaverse*, THE DATASPHERE INITIATIVE.
- 2021 Asaf Lubin & João Marinotti, Why Current Botnet Takedown Jurisprudence Should Not be Replicated, LAWFARE.
 - João Marinotti & Asaf Lubin, <u>Law, Artificial Intelligence, And Science Fiction: Reflections on Implications of "Upload" on Copyright, Contract, and Human Rights Law, JURIST.</u>
 - Asaf Lubin, <u>Can the world stop Israel and Hamas from committing war crimes? 7 questions answered about international law</u>, THE CONVERSATION.
- 2020 Asaf Lubin, *SolarWinds as a Constitutive Moment: A New Agenda for the International Law of Intelligence*, JUST SECURITY.
 - Asaf Lubin, *The Initially-Foreign-Trained Law Student and the U.S. Legal Academic Job Market: A Survival Guide*, PRAWFSBLAWG.
 - Asaf Lubin & Hendrick Townley, *The International Law of Rabble Rousing*, 45 YALE J. INT'L L. ONLINE 1.
- 2018 Asaf Lubin, Legitimizing Foreign Mass Surveillance in the European Court of Human Rights, JUST SECURITY.
 - Scarlet Kim, Diana Lee, Asaf Lubin & Paulina Perlin, <u>Newly Disclosed Documents on the Five Eyes Alliance and What They Tell Us about Intelligence-Sharing Agreements</u>, LAWFARE.
- 2017 Asaf Lubin, <u>A Principled Defence of the International Human Right to Privacy: A Response to Frédéric Sourgens</u>, 42 YALE J. INT'L L. ONLINE 1.
 - Asaf Lubin, Israeli Airstrikes in Syria: The International Law Analysis You Won't Find, JUST SECURITY.
 - Asaf Lubin, A New Era of Mass Surveillance is Emerging Across Europe, JUST SECURITY.
 - Asaf Lubin, The Investigatory Powers Act and International Law, UCL J. L. & JURIS. BLOG.
- 2014 Asaf Lubin, <u>Alice Through the Looking Glass: Operational Debriefings, Temporal Delimitations, and Commissions of Inquiry</u>, THE EMIL ZOLA JUDICIAL DECISIONS HIGHLIGHT NO. 37 (in Hebrew).

BOOK REVIEWS

- Asaf Lubin, Review of State of Silence: The Espionage Act and the Rise of America's Secrecy Regime (by Sam Lebovic), H-DIPLO AND THE ROBERT JERVIS INTERNATIONAL SECURITY STUDIES FORUM (forthcoming).
- Asaf Lubin, Review of Technology and the Law on the Use of Force: New Security Challenges in the Twenty-First Century (by Jackson Maogoto), 40(2) YALE J. INT'L. L. 441.

WORKS IN PROGRESS

João Marinotti & Asaf Lubin, Cyber Vigilantes

Asaf Lubin & Cherry Tang, Data Colonizers or Data Stewards?

Asaf Lubin, Industries of Prediction.

Asaf Lubin, The Cybersecurity Common Law Vacuum

TEACHING EXPERIENCE

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN	
Torts	Fall 2020-2022, 2024
Cybersecurity Law and Policy	Spring 2020-2024
	g 2021-2022, Fall 2022
Espionage and International Law	Spring 2024
Teaching Awards:	
Indiana University Trustees Teaching Award	2022
Most Outstanding Interactive Professor Award (selected by the Black Law Student Associa	ation) 2022
COLUMBIA LAW SCHOOL, New York, NY	
Intelligence and International Law (Seminar co-taught with Prof. Matthew Waxman)	Fall 2023
YALE COLLEGE, New Haven, CT	
Lecturer, Espionage and International Law (Residential College Seminar)	Fall 2017-2018
Lead Instructor, Yale Young Global Scholars	Summer 2015-2019
OTHER PROFESSIONAL AND ACADEMIC EXPERIENCE	
CYTACTIC, CYBER CRISIS MANAGEMENT STARTUP, Tel Aviv Academic Partner	2024 –
PHILIP C. JESSUP MOOT COURT COMPETITION, International Law Student Association Member of the Problem Editorial Committee Author of the 2016 Jessup Problem ("Case Concerning the Frost Files") Co-Author of the 2023 Jessup Problem ("Case Concerning the Clarent Belt")	2016 –
DATASPHERE INITIATIVE, Internet and Jurisdiction Policy Network Inaugural Fellow	2021-2022
UNIVERSITY OF NEBRASKA COLLEGE OF LAW, Nebraska Governance and Technology Center Faculty Fellow	2020-2022
UNITED NATIONS OFFICE OF DRUGS AND CRIME, United Nations Expert, Education for Justice Module Series on Cybercrime	2018-2019
TUFTS UNIVERSITY, Fletcher School of Law and Diplomacy Cybersecurity Policy Postdoctoral Fellow	2018-2019
PRIVACY INTERNATIONAL, Legal Team Robert L. Bernstein International Human Rights Fellow	2016-2017
ISRAELI MINISTRY OF FOREIGN AFFAIRS, Office of the Legal Advisor Articled Clerk	2013-2014
JUSTICE (RET.) JACOB TURKEL PUBLIC COMMISSION OF ENQUIRY, Israeli Prime Minister's O Research Assistant	ffice 2011-2013
OFFICE OF THE PROSECUTOR , International Criminal Tribunal for the Former Yugoslavia <i>Intern</i>	2012

SERVICE

	A UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN tree Positions	
	Education Policy Committee	2022-2024
	Dean Search Committee	2021 2021-2022
	Faculty Appointments Committee Dean's Advisory Policy Committee	
	Admissions Committee	2020-2021
Public I	Interest and Student-Facing Service	
	International Law Society (Faculty Advisor)	2021 -
	Singing for Summer Salaries (Public Interest Foundation Fundraiser)	Spring 2021-202
	Cybersecurity Clinic (Faculty Advisor)	Fall 2021-202
Doctore	al Dissertation Committees	
	Attamongkol Tantratian	2022
	Simon (Chieh-Jan) Sun	2020 -
	CAN ASSOCIATION OF LAW SCHOOLS, Washington, DC	
Executi	ve Committee Memberships	
	Section on Torts and Compensation Systems	2023-202
	Section on Insurance Law (incoming co-chair)	2022-202
	Section on Internet and Computer Law (incoming co-chair)	2022-202
	Section on National Security Law	2021-202 2021-202
	Section on International Human Rights Law	2021-202
	CAN SOCIETY OF INTERNATIONAL LAW, New York, NY tional Law and Technology Interest Group	
mema	Co-Chair	2022-202
	Vice-Chair	2021-202
Lieber S	Society on the Law of Armed Conflict	2021 202
	Executive Committee Member	2023-2020
	CAN BRANCH OF THE INTERNATIONAL LAW ASSOCIATION (ABILA), Washington, DC r, Organizing Committee of the 2024 International Law Weekend	202
JUNIOR INTERNATIONAL LAW SCHOLARS ASSOCIATION (JILSA), USA Co-Chair		2023-2025
Social	SCHENGE DESEARCH METHODY (SCDM). Dochostor, MV	
	Law & Society: Private Law – Torts eJournal	2020 -
SELEC	T MEDIA APPERANCES AND INTERVIEWS	
2022		
2023	Even War Has Rules, So Why None for Espionage? HARVARD GAZETTE.	
2023	<u>Asaf Lubin on Regulating Commercial Spyware</u> , THE LAWFARE PODCAST.	
2023	Asaf Lubin on Cyber Espionage and International Law, THE LAWFARE PODCAST.	
2023	Spies, Balloons, and International Law, JUST SECURITY PODCAST.	
2023	How a Classified Document Crisis Endangers America: Explained, THE ECONOMIC TIMES.	

- 2023 Cybersecurity expert discusses Supreme Court's arguments over free speech on the internet, ABC57.
- 2022 *The Future of Cyber Insurance*, TECH REFACTORED PODCAST.
- 2021 Orin Kerr and Asaf Lubin on Apple v. NSO Group, LAWFARE PODCAST.
- 2021 Intelligence and Information Warfare, UNSW LAW SOCIETY'S INCITES VODCAST.
- 2021 Placing Blame: Liability Questions Loom Over Autonomous Vehicles, GOVERNMENT TECHNOLOGY.
- 2021 Social media bans do not violate First Amendment rights, Fox 59.
- 2021 <u>Local, federal authorities continue search for instigators at violent Capitol protest Wednesday,</u> Fox 59.
- 2020 Harvard to Track Affiliates' Wi-Fi Signals as Part of Contact Tracing Pilot, HARVARD CRIMSON.
- 2020 *Cybersecurity Expert Weighs in on Foreign Threats to the Election*, Fox 59.
- 2019 *Cyber Insurance*, LEX CYBERNETICA PODCAST.
- 2019 Ransomware, Data Breaches Expose Gaps in Cyber Insurance Market, BLOOMBERG LAW.

SELECT PRESENTATIONS

The Hague Program on International Cyber Security & Leiden University, Protecting the Core of the Internet, Contributing Author and Speaker, "Spying on the Core"

NATO CCDCOE, Invited Participant, "Conference on the Law Applicable to the Use of Biometrics by Armed Forces"

Privacy Law Scholars Conference, Georgetown Law School, Selected Presenter, "Cyber Vigilantes"

International Studies Association Annual Meeting, Tackling the Proliferation of Spyware: Challenges and Opportunities, Panelist, "Selling Surveillance"

Yale Journal of Law and Technology and the Jackson School of Global Affairs, Invited Speaker, "Data Colonizers or Data Stewards?"

2023 ILA-ASIL Asia Pacific Research Forum, Co-Convenor and Moderator, "Indo - Pacific Strategies and International Law"

Temple Law School Institute for Law, Innovation & Technology (iLIT) Speaker Series, Invited Speaker, "Cyber Vigilantes"

NYU Law School Center for Human Rights and Global Justice, Selected Participant, "Future of Rights and Governance (FORGE) Conference"

Duke Law School, Center for International and Comparative Law and the International Human Rights Clinic, Invited Speaker, "Artificial Intelligence and Human Rights"

Stanford Law School, Sixth Annual Junior Faculty Forum for Law and STEM, Selected Speaker, "Selling Surveillance"

Yale Law School's Information Society Project, Ideas Lunch, Invited Speaker, "Cyber Vigilantes"

International Law Weekend, American Branch of the International Law Association, Panelist, "Assessing the Legal Personality and Obligations of International Courts and Tribunals"

Harvard Law School and Harvard Journal of International Law, Invited Speaker, "The International Law of Intelligence: The World of Spycraft and the Law of Nations" (Event Reviewed by the Harvard Gazette)

American Society of International Law, Annual Meeting, Co-Convenor and Moderator, "Time, Technology, and International Law: Keeping pace with an Accelerating World"

Georgia Law Review, The Intersection of Law & Technology Symposium, "Cyber Plungers: Colonial Pipeline and the Case for an Omnibus Cybersecurity Legislation"

2022 State Department, Bureau of Democracy, Human Rights, and Labor, Invited Expert, "Export Controls and Human Rights Initiative"

Temple University Institute for Law, Innovation & Technology (iLIT) and the Temple Law Review (TLR), Sovereign Identity Crisis: State, Self, and Collective in a Digital Symposium, Invited Speaker, "Collective Data Rights and their Possible Abuse"

International Law Weekend, American Branch of the International Law Association, Co-Convenor and Moderator, "The Secret Life of International Law"

American University, Tech, Law and Security Program, The Evolving Face of Cyber Conflict and International Law: A Future Perspective, Invited Panelist, "*The Baseline of Sovereignty*"

"The Rights to Privacy and Data Protection in Times of Armed Conflict", Book Launches:

NATO CCDCOE 13TH CYBER CONFERENCE (CYCON)
AMERICAN RED CROSS

Department of Defense, Defense Institute of International Legal Studies, Law of Military Operations Resident Course, Invited Guest Lecturer ("Intelligence Production and the Law of Targeting")

Ostrom Workshop, Indiana University, Colloquium Series, Invited Speaker, "The Law and Politics of Ransomware"

American Society of International Law, International Law and Technology Interest Group, Co-Convenor and Moderator, "The International Law of Data Protection and the Responsibilities of Int'l Courts and Organizations"

2021 Internet Governance Forum, *GigaNet Annual Symposium*, Selected Speaker, "*The Prohibition on Extraterritorial Enforcement Jurisdiction in the Datasphere*"

Center for Security, Intelligence, and Defense Studies, Norman Paterson School of International Affairs, Carleton University, *The Year Ahead 2021: An International Security, Intelligence and Defence Outlook for Canada*, Invited Panelist, "Legal Challenges of the Grey Zone Operations"

UCLA School of Law, Institute for Technology, Law and Policy, <u>Caliberating Data Surveillance</u>, Invited Panelist.

United Nations Institute for Disarmament Research (UNIDIR), Security and Technology Programme, Invited Participant, "Applying Chapters VI and VII of the United Nations Charter in the Cyber Context"

2020 Internet Governance Forum, GigaNet Annual Symposium, Selected Speaker, "<u>The Prohibition on Extraterritorial</u> Enforcement Jurisdiction in the Datasphere"

Cybersecurity Law & Policy Scholars Conference, Invited Panelist "Panel on Cybersecurity Law Policy Pedagogy" (October 2020)

MEMBERSHIPS

Junior International Law Scholars Association	2022 –
American Branch of the International Law Association	2021 –
American Bar Association	2020 –
American Society of International Law	2016 –
European Society of International Law	2016 –

OCCASIONAL PEER REVIEWER

Yale Law Journal
Chicago Law Review
Oxford University Press
Cambridge University Press
The Geneva Papers on Risk and Insurance
Tort Law Review
Journal of International Criminal Justice
International Political Science Review
International and Comparative Law Quarterly

Security and Human Rights Monitor

Israel Law Review

Melbourne Journal of International Law

Indiana Journal of Global Legal Studies

Grotiana

Cyber Law Toolkit

National Law University Delhi (NLUD) Journal of Legal Studies

Rutgers International Law and Human Rights Journal

Security and Human Rights Journal