

*“Lawfare is the newest, most visible and increasingly emergent form of asymmetric warfare, which must be countered both tactically and strategically.”*

Brooke Goldstein  
Director, The Lawfare Project

## What is Lawfare?

*Lawfare* denotes “the use of law as a weapon of war”\* or, more specifically, the abuse of the law and judicial systems to achieve strategic military or political ends.

It consists of the *negative* manipulation of international and national human rights laws to achieve purposes other than those for which they were originally enacted.

\*Maj. Gen. Charles Dunlap, *Law and Military Interventions: Preserving Humanitarian Values in 21st Century Conflicts* (2001)



**The Lawfare Project** is the only organization of its kind dedicated solely to identifying, analyzing and, above all, counteracting *lawfare* in all of its manifestations.

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# THE LAWFARE PROJECT



## The Lawfare Project

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*Raising awareness and  
facilitating a response to  
the abuse of the law as a  
weapon of war...*

# Why is *Lawfare* a Threat?

## Modern-day *lawfare* has three goals:

- To silence and punish free speech about issues of national security and public concern.

- To delegitimize the sovereignty of democratic states such as the United States and Israel.
- To frustrate and hinder the ability of democracies to fight against and defeat terrorism.

These goals are interconnected – any one instance of *lawfare* may serve to achieve more than one of the aims above...

The enemies of the West and liberal democracies are pursuing a campaign of *lawfare* that complements terrorism and asymmetric warfare. Terrorists and their sympathizers understand that where they can't win by advocating and exercising violence, they can attempt to undermine the willingness and capacity to fight them using legal means. Moreover, serious legal questions remain unanswered which must be resolved in the best interests of democracies, such as: *What legal limits should be placed on those who fight the war against terrorism and what rights should be granted to the terrorists we are fighting? Should a U.N. voting bloc comprised largely of non-democratic member states have the power to dictate international human rights norms?*

The precedents set by *lawfare* actions threaten all liberal democracies equally. It's imperative that *lawfare* be opposed and that international human rights law and its interpretation be managed properly and in line with the tenets of democracy. **The Lawfare Project** is therefore dedicated to re-examining the processes by which human rights laws are currently enforced, the bodies by which they are being defined, and the procedures that dictate the membership of those bodies.

## Examples of *Lawfare*:

- Al Qaeda manuals instructing captured militants to file false claims of torture in order to reposition themselves as victims in the eyes of the law and media.
- Attempts by terrorist organizations such as Hamas to impede the free movement of democratic state officials and achieve legitimacy by hiring lawyers and instituting "human rights" litigation abroad.
- The Goldstone Report and similar flawed & politicized documents masquerading as legitimate legal analysis and created solely to give legal patina to military and political goals.
- Efforts at the United Nations to exclude attacks on American and Israeli civilians from any international definition of terrorism, and to enact a global ban on the "defamation" of religion.
- Predatory defamation and "hate speech" lawsuits filed against anyone brave enough to speak publicly about radical Islam, terrorism, and its sources of financing.
- The lack of legal accountability demanded of theocratic states that recruit their own children as suicide bombers and child soldiers.

## The Lawfare Project's Mission:

To neutralize and combat *lawfare*, **The Lawfare Project** seeks to:

- (i) Raise awareness about the phenomenon (the threat and specific instances thereof) assuring the subject matter receives the credibility and immediacy that it warrants,
- (ii) Facilitate (legal and non-legal) responses to the perversion and misapplication of international & national human rights law,
- (iii) Pre-empt the *lawfare* disease by identifying potential *lawfare* threats and mobilizing human and institutional resources to combat them, and
- (iv) Bring diverse and interested parties together in a common forum to discuss the phenomenon.