

# Deborah's Voice: The Role of Women in Sexual Assault Cases at the International Criminal Tribunal for the Former Yugoslavia<sup>\*,†</sup>

Kimi Lynn King, *University of North Texas*

James D. Meernik, *University of North Texas*

Eliza G. Kelly, *University of North Texas*

*Objectives.* To assess the impact of the gender of judges, prosecution attorneys, and defense lawyers on sentencing decisions at the International Criminal Tribunal for the Former Yugoslavia (ICTY). *Methods.* We use regression modeling of all sentences handed down by the ICTY and test for the impact of gender with direct measures of the numbers and percentages of female actors and through interactive terms to assess whether there is a gender impact on sexual violence cases. *Results.* The results demonstrate that higher levels of female representation in both the prosecution and defense teams are statistically significant predictors of ICTY sentencing. *Conclusions.* Gender exercises an important impact on ICTY sentencing, and our results show that concern for female representation in international organizations is appropriate and worthy of further study.

Sexual violence during war is as old as accounts of war itself, yet only within the last 30 years has the international community taken action to end the impunity. Rape was often viewed as the routine consequence of war, a weapon of mass conflict, or as a legitimate right of conquering armies. The establishment of the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 1993, and the International Criminal Tribunal for Rwanda (ICTR) in 1994, resulted in vigorous efforts to prosecute and punish sexual assaults and rape. The creation of the ad hoc tribunals not only established and advanced international law about sexual violence, it also increased substantially the role of women who were actively involved in the legal process as prosecutors, defense counsel, and judges. Advocates for greater gender representation argued that including women would assure that allegations of mass rape were vigorously prosecuted and punished (Askin, 2003; Copelon, 2000; Hoefgen, 1999; Bunch, 1995).<sup>1</sup> Chief Prosecutor for the ICTY and ICTR, Richard Goldstone, noted that concerns about sexual violence were critical in establishing the office of Legal Advisor for Gender-Related Crimes (Goldstone, 2002:278).

\*Direct correspondence to Kimi King, Department of Political Science, University of North Texas, 1155 Union Circle #305340, Denton, TX 76203-5017 (kking@unt.edu). The author will share all data and coding information for replication purposes. The authors wish to thank Dr. Regina Branton for feedback on this research.

<sup>†</sup>Deborah—the only female judge in the Old or New Testament—was sitting under a tree hearing community disputes when called by God to prophesy and exhort the Israelites to rise up against King Jabin and his General Sisera who oppressed them. Her lead warrior—Barak—is reluctant to follow her orders unless she goes into battle. There will be “no glory for you” because the “Lord will deliver Sisera into the hands of a woman” (Judges 4:9). The prophecy then comes true.

<sup>1</sup>Estimates indicate that between 12,000 and 50,000 rapes occurred from 1992 to 1995 in the former Yugoslavia (Coan, 2000:185). Concerns exist about underreporting because Muslim women feared being disowned by spouses or their communities (Askin, 2003; Copelon, 1994).

This call for a woman's "voice" assumes that the presence of women provides a distinctive perspective that can and should be represented in the decisional process and assumes a priori that women share homogenous values that translate into the representation of women's interests—whatever those may be (Pitkin, 1967; Celis and Childs, 2012; Schreiber, 2012). This may not be a tenable assumption, and it assumes that women's interests are aligned. Is the inclusion of women in international justice sufficient for achieving the policy goal of vigorously adjudicating sexual violence during armed conflict? Does greater gender representation imply that women will play a distinctive and influential role in the work of the international criminal tribunals?

The research explosion about the relationship between women's involvement in political institutions and the impact that it has on the process and policy outcomes has resulted in extensive theoretical development and analysis of women's rights and representation within domestic institutions. Quantitative analysis of those interests is more limited when it comes to examining regional or international organizations. To date, no research has examined empirically whether the involvement of women as jurists, prosecutors, *and* defense counsel translates into substantive representation within international tribunals. This article employs gender-based theory to further the dialogue by focusing on the effects of female inclusion on sentencing decisions handed down since the ICTY's inception.<sup>2</sup> We analyze the sentencing behavior of judges to evaluate the impact of gender in international justice. In the following sections, we outline the theoretical linkages between gender, substantive representation, and critical mass, and develop our hypotheses and test them on sentencing outcomes at the ICTY.

### From Margin to Mainstream

Increasingly scholars are examining the role that gender plays at both micro- and macrolevels of society, politics, and government in terms of the power structures, allocation of resources, and role orientations (Hudson et al., 2012; McBride and Mazur, 2010; Mazur, 2002). The idea that there are hierarchies of dominance premised on gender at the microlevel may contribute to nation-states using mechanisms of dominance that create conflict and divisions at the macrolevel (Hudson et al., 2012). Thus, the well-accepted notion that the "personal is political" to explain why male domination in the form of domestic and sexual violence is used to maintain control over women within societies has given way to a broader recognition that the "private is global," meaning that micro-level feminist frameworks offer insights into international relations (Hudson et al., 2012).

Gender-based scholars, who have become increasingly interdisciplinary in examining women's roles in international law, conflict, and organizations, have argued that women bring a unique "voice" to the table, and that gender-based analyses provide insight into traditionally male-dominated arenas (Tickner, 2001; Enloe, 1993; Menkel-Meadow, 1985, 2005; Gilligan, 1993). Feminist international relations (IR) research has moved from "margin to mainstream" (Kelly, 2005:474). Whether as victims of war, or arbiters of the peace, women's roles are reconceptualized in different contexts, providing opportunities to examine gender inside institutions and communities (McBride and Mazur, 2010; Kelly, 2005).

Today, feminist scholarship questions what "women's interests" are because they are not monolithic concepts that are *all* things to *all* people (Childs, 2013; Celis and Childs,

<sup>2</sup>We do not examine the ICTR at this time given the different emphases of that court in prosecuting sexual assault cases. The ICTY has given such cases greater priority and achieved greater levels of success.

2012; Schreiber, 2012). Women have different views depending on the substantive domain and it is important to identify what are women's issues (feminized) and what are men's issues (masculinized) (Youngs, 2008; Mazur, 2002). Explicitly incorporating gender-based strategies into research or institutions means that from the outset one is *looking* for gender differences or expects gender stereotypes. "Those seeking difference will find it, while those who seek to establish women's equality to men may be more likely to find more overlap than difference" (Menkel-Meadow, 2005:274). This is especially true where the issue under inquiry may make it difficult to define what is in "women's interests" (e.g., in abortion where conservative Republican women have championed anti-feminist legislation) (Reingold et al., 2015). In the case of sexual violence, women's interests may *not* all be aligned to protect female victims simply because they are women. For example women defense attorneys would not prefer to protect a female victim's interest if it is at the expense of their clients. Similarly, male judges may be just as sympathetic as their female colleagues to women who have been victims of sexual assault (Celis and Erzeel, 2015).

Our research adopts a gender-based strategic perspective in contrast to the more "masculinist" (victor's justice) or "neutral" (legal) models of decisional process (Meernik, King, and Dancy, 2005; Meernik and King, 2004). We examine whether female interests are differentially goal-based by examining decision-making contexts where women's roles and policy goals are varied (Reingold et al., 2015). We seek to determine whether the gender composition of the prosecutors, defense counsel, and jurists at the Yugoslav tribunal results in differential case outcomes by questioning what it means to "represent" female interests. The ICTY at its creation utilized gender-inclusive strategies in its core mission, assuming that substantive female representation would necessarily follow in sexual violence cases. Was that the case?

### ***Representing Gender***

To examine how gender interests translate at the ICTY, we rely on Pitkin's typology of representation and accountability, which identified four types of representation that women may have inside institutions: (1) *substantive representation* (women "act for" women); (2) *formalistic representation* (bestowing of authority on women); (3) *descriptive representation* (women resemble those they represent); and (4) *symbolic representation* (figurehead representation with no authority) (Pitkin, 1967). We focus here only on the symbolic and substantive representation of women acting for women, which has received the lion's share of research attention.

Theories and findings about representation and gender disparities seem dependent on the institution and the substantive policy domain under inquiry. There are gender-related differences in legislative (Bratton and Haynie, 1999; Thomas, 1994) and judicial bodies (Songer, Davis, and Haire, 1994; Thomas, 1994), while other research is inconclusive (Kirpatrick, 1974; Bers, 1978). The basic premise in all research is that certain policy domains—those traditionally considered "women's work"—have environments where gender can make a difference (Childs, 2013; Celis and Childs, 2012; Bratton and Ray, 2002; Mazur, 2002; Reingold, 1992).<sup>3</sup> In a "skewed" environment, where the nondominant group (female) is seen as token (and hence marginalized), real substantive representation may

<sup>3</sup>Descriptive representation assumes policy consequences necessarily follow from representation rather than being a direct consequence of group representation. Substantive representation is concerned with whether identifiable and desirable policy outcomes for the minority (nondominant) group are translated to the group as a result of the policy process.

be more symbolic. Until diversity increases to a critical mass or tipping point, the nondominant group is more likely to take on minority group concerns (Dahlerup, 2006; Kanter, 1977). Thus, women in skewed environments may use their voice more loudly—especially in the judicial context where women often have greater opportunity to exert their voice (Songer, Davis, and Haire, 1994).

If gender diversity plays a role in outcomes, it seems most likely that greater levels of gender representation—the ability of women to be a voice inside the decision-making process—translates into favorable policy outcomes (or greater substantive representation) for women or the preferred policy outcome. Women actively contribute to the decision-making environment in different ways because of the perspective they bring (Farhang and Wawro, 2004). Kanter's (1977) seminal study of corporate group culture and decision-making environments categorized minority group representation to explain differences. "Uniform groups" contained only members of the majority population; "token" groups contained less than 15 percent of the population; "tilted groups" comprised 15–40 percent of the group; and "balanced groups" were 40–50 percent. It was only within tilted and balanced groups that the minority produced any substantive changes. Does critical mass make a difference inside institutions, and is there a consensus about what constitutes a critical mass?

Research remains mixed and inconsistent—the vast majority examines legislatures, and most effects seem marginal. Dahlerup (1988) used the 30 percent figure to question whether a critical mass of women in legislatures could change the political dynamics, including: policy, political discourse, political culture, performance/efficiency, reaction, and power. She found no support for any proposition except for a gender impact on political climate. There is some indication that women act for women in legislatures if certain discrete policy areas are considered where women can use their limited voice to produce changes. Women need not reach the "tilted" category to have an impact—a 15 percent threshold of New Zealand female parliamentary members resulted in a policy change for childcare, but even a 30 percent critical mass of those same members resulted in *no* substantial policy changes (Grey, 2006). This suggests that perhaps higher levels of women are needed for substantive policy influence (Dahlerup, 2006:492).

Other research has found that majority numbers may not be needed for women to influence policy changes (Reingold, 2000; Towns, 2003), and it may be that lower numbers of women have greater effectiveness in legislatures because women are perceived as less threatening to a dominant male agenda (Crowley, 2006). This latter finding is interesting when viewed from the limited application of critical mass theory to judicial panels, where scholars have found similar results. Women, when reaching a "tilted group" (15–40 percent), seem to produce different judicial outcomes when sitting in panels. The presence of at least one woman on a panel is associated with liberal gender effects in U.S. courts of appeals generally and in support of Title VII sex discrimination and harassment cases (Peresie, 2005:1780–81), as well as employment discrimination cases specifically (Farhang and Wawro, 2004).

### **Gender and Sexual Assault Cases at the Tribunals**

Calls for aggressive enforcement of international humanitarian law in the aftermath of mass sexual violence in the Balkans were premised on gender-based strategies (Coan, 2000). When the ICTY opened its doors, women became a pivotal part of the organization in large part because of this external pressure by women's groups and nongovernmental organizations to investigate and prosecute vigorously allegations of sexual violence because

it was an attack on identity, self-determination, bodily integrity, families, and the wider community (Askin, 2003; Tinker, 1999; Stephenson, 1995). As a weapon of war it was a tactic to annihilate a population by destroying female fertility (preventing future births, damaging women physically and psychologically, and forcing impregnation by the enemy). Rape allowed warring males the opportunity to dehumanize a population and give soldiers the “spoils” of war (Stiglmeier, 1994; Ray, 1999).

From its creation, the ICTY used a gender strategy by focusing on “sexual violence” with the understanding it was code for “this is a crime against women” and must be prosecuted (Sellers, 2009). Rule 34 in the Rules of Procedure and Evidence required the appointment of “qualified women,” and the first Chief Prosecutor, Richard Goldstone, appointed Patricia Viseur Sellers as the legal advisor to the Office of the Prosecutor (OTP) for Gender Crimes in 1994 (Carlson, 2006:16). Sellers’s focus was to investigate, indict, and prosecute gender crimes. The OTP developed guidelines for field investigations of sexual violence, distributed recommendations for “identifying, deterring, and resolving sexual or moral harassment inside the Office of the Prosecution,” and developed gender-integrated teams to enhance investigation effectiveness (Sellers, 2009:6).

The importance of gender-inclusive strategies was vital to ensure women were “judges, prosecutors, and peacemakers” (Askin, 2003:296). Women became an integral part of the staffing at the bench and bar of the ICTY and have occupied prominent roles at all levels within the policy hierarchy—from the presidents and registrars to the defense and prosecuting attorneys, including two Chief Prosecutors (Louise Arbour and Carla del Ponte); two Vice Presidents (Judge Florence Mumba, Zambia; Elizabeth Odio Benito, Costa Rica); one President (Gabrielle Kirk McDonald, USA); and one of the ICTY Registrars (Dorothee’ De Sampayo, The Netherlands). There was greater gender inclusiveness within all the different units including OTP, Defense, and the Registry (Mertus, 2008). Thus, women’s rights groups advocating harsh sentences for those convicted of sexual violence and the inclusion of women at the ICTY came to be seen as women acting for women (Sellers, 2009).

There were successes—the ICTY was at the forefront of developing international law, issuing landmark precedents, defining “sexual assault” explicitly in international law, and outlawing sexual enslavement. Over time, the tribunal altered the contours of international humanitarian law on sexual violence and established the form and substance of sexual violence jurisprudence during armed conflict (Askin, 2004; Sellers, 2002).

All was not gender-friendly, however, at the ICTY. First, while women served in greater numbers than ever before, there has been only one female president (Judge Gabrielle Kirk McDonald, USA), and women comprise only two of the 20 current permanent judicial positions, seven of the 31 former permanent judges, and 13 of the 32 former *ad litem* or temporary judges (at the time of writing). Second, the ICTY has been criticized for poor handling of sexual violence cases—in the early years slow efforts to prosecute and low numbers of female investigators hampered investigations (Copelon, 2000). As a result, some female victims were reluctant to report rape or share information, especially with male investigators (Peterson, 2008:5). Finally, it seemed male-dominated investigators did not “get it”—“I’ve got ten dead bodies, how do I have time for rape?” and “so a bunch of guys got riled up after a day of war, what’s the big deal?” (Kuo, 2002:311). There were numerous criticisms by feminists and women’s groups who raised concerns that the tribunals would not provide gender justice (Davis, 2000; Sellers and Okuizumi, 1997; Niarachos, 1995).

Does gender matter at the ICTY? In the context of the ICTY’s adversarial process, women’s “voices” may be heard on both the prosecution and the defense sides of the courtroom, leaving jurists to make the ultimate policy determination. We take as the starting point for model testing the notion that greater numbers of women (symbolic

representation) increase the likelihood that there are differences in policy outcomes (substantive representation).

## **Hypotheses**

Prosecutors, defense counsel, and judges each have a standpoint, perspective, and consciousness of gender inequality—even if it is that they believe none exists (Martin, Reynolds, and Keith, 2002). Feminist theory would hypothesize that women's subordinate status raises consciousness about gender and its relation to power structures. Judges, as part of the "societal gender order," are necessarily expected to represent their gender in the courts (Martin et al., 2002). Women will have greater consciousness about gender stereotypes and the status of women relative to men. This awareness about the dynamics of gender bias implies that women will have greater sensitivity to it in gender-related issues, especially those involving victims' rights and the larger community recovering from mass conflict (Hudson et al., 2012; Sellers, 2009; Mertus, 2008; Gilligan, 1993; Matsuda, 1996).

## ***On the Bench***

Women's groups called for the appointment of female judges to bring greater gender sensitivity to give a unique voice to the ICTY because it had been entirely missing from earlier efforts at judging international crimes (Davis, 2000; Dewey and St. Germain, 2012; Menkel-Meadow, 2005). Women's groups were critical in drafting certain rules to borrow from national laws on sexual violence to provide greater protection from these assaults. Female judges have even been instrumental in convincing the OTP to amend indictments to include charges of rape (Goldstone, 2002; King and Greening, 2007). As one female judge, H. E. Odio-Benito said: "There will be no justice unless women are part of that justice" (quoted in Hoefgen, 1999:168). While the issue of sexual violence may have facilitated the inclusion of women in the decisional process at the ICTY, that does not necessarily mean that women give lengthier sentences in nonsexual violence cases.

We argue that female ICTY judges may impose lengthier sentences because they more readily identify with victims of the war—especially the women and the children who lost family members. Typically, women are the keepers of the community while men go off to conflict. Moreover, in the wake of mass violence, women may bear the brunt of cleaning up the mess after the war is over (Hudson et al., 2012). While this "ethic of care" for female judges may be heightened in the context of sexual violence—an area that has been a "traditional" female policy domain for judges and lawmakers (Campanaro, 2001; MacKinnon, 1994)—women jurists may also translate this into their role in cases that do not involve sexual violence.<sup>4</sup> Female jurists at the ICTY have noted gender matters as a judge (Wald, 2000; McDonald, 2000). "Gender difference has been a significant factor in judicial decision-making" because women "bring new humanity to bear on the decision-making process" (Wilson, 1990:522). So while we might expect female judges to be particularly sensitized to issues in their policy domain (sexual violence), this may also translate into a larger worldview about being tough on defendants convicted of other crimes under the Tribunal's jurisdiction. Thus, gender difference may stem from sentiments that the culture

<sup>4</sup>The overwhelming number of defendants has been male with the exception of Biljana Plavsic (ICTY) and Pauline Nyiramasuhuko (ICTR).

of impunity contributes to violence in the future, and that this will disproportionately affect women because men make the decision about militarization, but women deal with the consequences on the family (Enloe, 2014). Accordingly, we suggest the following hypotheses:

*Hypothesis 1a:* In general, Trial Chambers with female judges will sentence defendants to longer terms in prison.

*Hypothesis 1b:* Trial Chambers with female judges will sentence defendants convicted of sexual crimes to longer terms in prison.

### ***At the Bar***

When it comes to the OTP and defense counsel, women's involvement at the ICTY—especially in sexual violence cases—was thought to be important because women would be more sensitive to gender issues (Goldstone, 2002) and more attentive to the needs of the community in the aftermath of war (Hudson et al., 2012; Enloe, 2014). In assessing whether women bring a unique voice, perspective, and set of interests to the prosecution and defense of gender crimes, we must first acknowledge the role orientations of the attorneys and recognize that gender is not a monolithic concept (Menkel-Meadow, 1985, 2005). Both prosecutors and defense counsel are presumably advocates first and gender advocates second. Both prosecutors and defense attorneys have different and competing priorities for how they see the imposition and application of international legal principles. As advocates, they represent for their clients. Differences exist between male and female attorneys in terms of attitudes and opinions, and these perspectives play themselves out in the decisional process. These differences, in turn, have an impact on the ultimate outcomes—the sentences that those convicted of international humanitarian crimes ultimately receive.

***Prosecution.*** We contend that the increased presence of women on the prosecution both in general and in sexual violence cases in particular brings a different voice and expertise to cases that may or may not be more effective (Elliott, 2011). It is not whether women are acting *for* women, but whether female prosecutors are acting *for the public* as a whole—both men and women. Women as “keepers of the community” have insights and “gender-specific perceptions” that enhance the ability of female prosecutors to make the case that the defendant deserves to pay for his crimes (Copelon, 2000; Hoefgen, 1999:169). Women working in prosecution teams at the ICTY have pushed for aggressive enforcement, especially sexual violence claims (Sellers, 2009; Coan, 2000; Goldstone, 2002; Hoefgen, 1999; Kuo, 2002). Female prosecutors may be sensitized to victims' issues (MacKinnon, 1994; Merry, 2001) and from the outset of the case can develop strategies that marshal the best evidence, key attributes of the case, and the defendant's responsibility that contribute to lengthier sentences. Especially in rape cases where international law and jurisprudential doctrine is relatively new, there may be particular legal strategies that are more successful for winning convictions. Women may bring a different, and *perhaps* a stronger, skillset to the resolution of the case (Askin, 2003; Sellers, 2009).

*Hypothesis 2a:* In general, greater numbers of women on prosecution teams should result in lengthier sentences for defendants.

*Hypothesis 2b:* More women on prosecution teams should result in lengthier sentences for defendants in cases where the accused is convicted of sexual violence.

**Defense.** Women appear not only for the prosecution, they also appear on behalf of the defendant, and their presence may or may not help the defendant's case. In the context of the ICTY, women's "interests" may not manifest themselves in the same way because there is not the same sense of shared interests given the role orientation and ultimate goals of the prosecutorial process (Schreiber, 2012; Celis and Childs, 2012). Prosecutors want to see lengthy sentences, while defense attorneys seek lower ones. Simply put, OTP females have a perspective that focuses on women's rights and ending the culture of impunity while the defense is concerned with defendants' rights and ensuring that the process is fundamentally fair for the accused. Thus, substantive representation is more strategic in the context of an international institution like the ICTY because here it is not "*how*" women make a difference for women, but "*whether*" they make a difference for their clients (the OTP "represents" victim interests and the defense represents defendant interests). Thus, female defense attorneys are much less likely to see the issue of war crimes prosecution through a "gendered lens," and instead see it as one where the international community is trying to hold their client unfairly responsible for something that was the consequence of domestic upheaval and power struggles (Žarkov, 2010).

This distinction is especially important. There is no *a priori* reason to believe that a female defense attorney will be less zealous for the defendant because there are rape charges. The notion of a gender standpoint—a consciousness about gender identity—relevant to female judges because of their decisional role or to female prosecutors because of their advocacy role may not trigger the same way for female defense attorneys (Martin, Reynolds, and Keith, 2002). This may be particularly important where propaganda and nationalism influenced notions of masculinity and femininity about sexual violence (Žarkov, 2010). ICTY defendants using female attorneys may be seeking to enhance their legitimacy or sympathy, or in some other manner create a connection with the victims or judges (Jacobs, 1993), as if to say "he cannot be such a bad man after all, look at who is defending him." Accused war criminals may have greater credibility if a woman defends them on such charges. Women may have an easier time cross-examining witnesses, or a female attorney may present a sympathetic face to the chambers—especially in sexual violence cases (Siemens 2004).

The female attorney's own role identity may be heightened *because* she is a woman. She may feel particularly determined to see her client exonerated or receive a lower sentence because she has unique insights into how to guide testimony in ways that make more compelling arguments. Here, gender consciousness may give women an advantage. Women may present the case in chief and cross-examine before judges using alternative lines of argument, thus undermining OTP witness testimony by challenging male prosecutors with different perspectives (Sellers, 2009; Askin, 2003).

*Hypothesis 3a:* In general, the greater the number of female defense attorneys on teams, the lower the sentences given to defendants.

*Hypothesis 3b:* More women on defense teams should result in lighter sentences in cases where the accused is convicted of sexual violence.

## Data and Variables

All data described below are available from the ICTY website and court documents that are publicly available.<sup>5</sup> We analyze sentences handed down for each defendant from

<sup>5</sup>Found at ([www.un.org/icty](http://www.un.org/icty)). We chose not to analyze specific verdicts of the ICTY as currently there are no data regarding (1) quality of courtroom evidence that specific crimes occurred; (2) quality of courtroom



1996 (the date of the first decision) to the present for all cases in which the defendant was either found guilty or pled guilty. We do not include cases sent back after appeal because these are more about appellate command rather than cases of first impression. We do not examine the decision to convict as a substantial majority of cases result in a guilty verdict (approximately 91 percent). The final set comprises 95 guilty verdicts, of which 47 cases involved sexual violence and 38 cases resulted in convictions (12 of these 38 were guilty pleas).

The dependent variable—sentence length—measures the number of months the ICTY mandates the defendant should receive for the crimes for which he or she is found guilty. The sentences for sexual violence cases range from 24 months to life (mean 217 months). Consistent with all other research on ICTY sentencing, life sentences are artificially set to the highest nonlife sentence handed down at the Trial-Chamber level—552 months (Radislav Krstic) (Meernik, King, and Dancy, 2005).

Our independent variables are the gender composition of the legal teams and Chambers in any given case and whether the individual was found guilty of rape or sexual violence among the charges ultimately convicted. Gender distributions of the three-judge panels, prosecutors, and defense counsel were taken from ICTY records and public documents. For each case, we coded judges' gender and percentages of women on the prosecution and defense teams. There were no all-female judicial panels. Raw numbers for males and females and the percentages used for "critical mass" (which are the proportion of women to men on teams) can be found in the online appendix.

### *Control Variables*

We include several control variables to ensure the model is as accurate as possible and that gender effects are not being conflated with other factors. These variables include: (1) the gravity of the crime; (2) the level of responsibility of the accused; (3) whether the defendant entered a plea of guilty; (4) the number of counts on which the defendant was found guilty; and (5) the number of aggravating and mitigating factors used by the Trial Chamber to determine the sentence. The gravity of the crime is especially critical (Meernik, King, and Dancy, 2005). Genocide (the crime of all crimes) and crimes against humanity are crimes against civilian populations, while war crimes do not always carry such a stigma. The latter categories of crimes (while horrific) may not receive the same sanction because they are committed in the fog of war, whereas the former categories may receive greater sentences because of the impact on noncombatants. Therefore, we employ a binary variable for persons convicted of genocide, and a binary variable for those convicted of crimes against humanity. We also control for the defendant's authority in the political and military hierarchy (Power). We distinguish the defendant's level of authority—the greater the level of power, the greater the sentence (this variable is coded "1" for low-level foot soldiers and guards; "2" for local or mid-level military and political commanders; and "3" for persons with national military or political command authority). We also include a dummy variable for whether a guilty plea was entered (presumably lowering the overall sentence) and a counter (ranging from 1 to 31) for the number of guilty counts for which the defendant was convicted (the more counts convicted, the lengthier the sentence). We count the number of aggravating circumstances and the number of mitigating circumstances the judges cite as relevant in their sentencing decisions.

evidence that the specific individual possessed the necessary liability and intent. We are not aware of any research that seeks to predict judges' verdicts on criminal activity in general and accusations of sexual assault in particular.

TABLE 1  
Sentencing Model at ICTY

	Coefficient	Standard Error
Power	21.8	11.3*
Guilty plea	11.0	29.4
Genocide	303.0	54.3***
Crime against humanity	96.4	21.7***
Number of guilty	7.0	2.1***
Total number of aggravating factors	26.2	7.3***
Total number of mitigating factors	-12.1	5.2**
Rape charge	-28.3	26.7
Constant	33.5	35.0
<i>R</i> -squared	59.7	
<i>N</i> = 95		

\*0.05 significance level; \*\*0.01 significance level; \*\*\*0.001 significance level.

## Analysis

All estimates are derived from OLS regression using Stata 13 with the defendant's sentence as the unit of analysis. We use robust standard errors that are clustered on the trials ( $n = 56$ , as many trials involve more than one defendant) of defendants ( $n = 95$ ). We note that within trials, sentences vary between defendants because of differences in individual charges and convictions. Before exploring our hypotheses, we examine a basic decision-making model in Table 1 that examines our control variables accounting for whether the defendant was convicted of sexual violence.

Examining the basic model indicates that even after controlling for other factors used by ICTY judges in the sentencing process, persons charged with sexual violence receive lower sentences. With the exception of guilty plea, all of the control variables have the anticipated sign and are consistent with what other research has shown regarding ICTY sentencing behavior (Meernik, 2011). These results could reinforce what critics have said about the ICTY and sexual violence because if a defendant was found guilty of a sexual violence charge, he was sentenced to 28 months less, *ceteris paribus*. While the variable is *not* statistically significant, these results are contrary to what has previously been found about sexual violence in a study from the first decade of sexual violence cases looking exclusively at judicial gender (King and Greening, 2007).

This still leaves outstanding the role of gender and substantive orientation in the cases generally, and the sexual violence cases specifically. To examine more holistically how gender plays itself out at the ICTY, four different versions of the model were specified to measure specific effects from the independent variables of judge and attorney gender, along with sexual violence and interactive terms to capture the effects of each on sentencing outcomes. The results are presented in Table 2. The numbered models include the gradual inclusion of variables of interest to measure the effects of gender and sexual violence cases on sentencing outcomes.

In the "Female Voice" (model 2) results, it seems that the gender compositions of OTP and defense have an impact on sentencing outcomes, but that increased percentages of women on the bench do not. The gender of the judge seems to make no significant difference in sentencing outcomes. Looking across versions 2 through 4 of the models, it appears that panels involving female judges give higher sentences, but the results are consistently insignificant. We note that in model 4, women judges give, *ceteris paribus*,

TABLE 2  
Regression Estimates of Gender and Rape on ICTY Sentencing

	Basic Model (1)		Female Voice (2)		Female Voice & Rape (3)		Female Voice/Rape Interaction (4)	
	Coefficient	Standard Error	Coefficient	Standard Error	Coefficient	Standard Error	Coefficient	Standard Error
Power	22.2	11.9*	22.3	11.3**	20.7	10.5*	23.0	10.8*
Guilty plea	3.1	27.7	12.2	30.3	20.9	30.5	23.8	29.1
Genocide	305.9	52.1***	330.6	51.6***	330.5	54.6***	321.9	54.0***
Crime against humanity	95.6	22.0***	96.9	21.2***	99.9	19.9***	102.8	24.5***
Number of guilty factors	6.5	2.5**	8.5	1.6***	9.2	1.3***	10.2	1.5***
Total number of aggravating factors	23.9	6.8***	18.6	6.5**	21.1	6.3***	21.0	6.1***
Total number of mitigating factors	-11.8	5.0***	-11.9	4.6**	-12.1	4.5**	-10.2	4.5*
Percentage of female prosecutors	-	-	26.9	9.4**	31.7	9.4***	12.0	12.2
Percentage of female defense counsel	-	-	-34.2	19.2*	-30.9	18.2*	-13.6	18.2
Percentage of female judges	-	-	21.1	15.2	16.7	15.0	-1.2	19.1
Rape	-	-	-	-	-38.6	23.6	-96.8	32.7**
Percentage of female prosecutors × Rape	-	-	-	-	-	-	39.1	17.7*
Percentage of female defense counsel × Rape	-	-	-	-	-	-	-38.9	34.3
Percentage of female judges × Rape	-	-	-	-	-	-	32.7	33.6
Constant	29.4	36.3	-12.2	38.4	-7.4	36.4	4.2	36.2
R-squared	58.9	-	63.8	-	65.1	-	67.1	-

\*0.05 significance level; \*\*0.01 significance level; \*\*\*0.001 significance level.

only 1.2 months less for nonsexual violence cases, but that this number increases to 32.7 months if the defendant is found guilty of a sexual violence charge. Consistent with prior research and calls for women to be included as part of the legal strategy for the effective prosecution of sexual violence cases, the results, while not significant, may indicate that female judges provide more lengthy sanctions to sexual predators (King and Greening, 2007; Sellers, 2009).

Are there effects coming from the inclusion of women on legal teams? What is striking about the results in Table 2 is the disentangling of gender effects more generally, and the impact of women's voices in sexual violence cases more specifically. If we examine "Female Voice and Rape" (model 3), which only measures female influence and the separate impact of sexual violence charges, it appears that women have had more of an impact in nonsexual violence cases. The coefficient for the percentage of women in OTP teams is positive and statistically significant and shows that greater female involvement leads to lengthier sentences. To sort out the interaction effects of women working on prosecution and defense teams in sexual violence cases, an additional model "Female Voice/Rape Interaction" (model 4) measures the individual effects of each. What we find is that once we account for the involvement of women in sexual violence cases, defendants receive 96.8 months less than they would otherwise have received. For ICTY critics and those who have argued that the institution does not "get it" (Clark, 2014; Askin, 2003; Kuo, 2002), our results indicate that such concerns may be valid.

Yet that would not tell the whole story. The calls to include women as part of the legal and institutional structure produced the desired effect of the critics who championed the involvement of women to further the substantive representation of women's interests for prosecuting sexual violence. Looking first to the OTP we see that "Female Voice" (model 2; 26.9 months) and "Female Voice and Rape" (model 3; 31.7 months) versions of the model show significant increased sentences in cases with higher rates of women. This effect, however, is owing to the increased effectiveness of women in sexual violence cases as the "Female Violence/Rape Interaction" (model 4) reveals. Once we account for the percentages of women on prosecution teams in sexual violence cases, defendants receive 39.1 months more, *ceteris paribus*—while the effect of including women in nonsexual violence cases is no longer significant. In general, the results are more supportive of a positive relationship between gender representation and increased sentencing on sexual assault cases.

Turning to defense attorneys, the results are more limited. While having greater proportions of women on a defendant's team resulted in significantly *reduced* sentences for both the "Female Voice" (model 2; 34.2 months) and the "Female Voice and Rape" (model 3; 30.9 months) versions of the model, this effect disappears in the final model (model 4) that separates out the effects of gender composition and sexual violence. While not significant, defendants do receive almost 39 months less in sexual violence cases and 13.6 months less in nonsexual violence cases by having women on their side. This provides support for the proposition that women do not always act "for" women, but that the role orientation of the woman, not just gender, is what matters more (Celis and Childs, 2012).

To investigate more fully the impact of gender inclusion, we calculated the predicted values of our key variables of interest while holding other variables constant at specific values. The results in Table 3 illustrate the estimated impact on sentences that resulted. The baseline estimated sentence is predicated on an all-male panel, which is estimated to sentence individuals, on average, to terms of 107.4 months—holding all variables constant at their mean. Going from no women to the mean number of women for each role orientation (judge, prosecutor, and defense), we see an increase of 74.1 months in

TABLE 3  
Estimating Sentencing Outcomes

	Female Representation Scenarios Sexual Violence Case Sentence	All-Male Panel (107.4 Months) Difference
Mean female panel	181.5	74.1
Critical mass female panel	201.3	93.9
Judicial voice (one judge)	142.5	35.1
Judicial voice (two judges)	141.1	33.7
No female prosecutors	133.1	25.7
No female defense	98.4	-9.0

sentencing. We also calculated a “critical mass” value (a predicted value that relies on the composition of panels at key cutpoints in the data), which we set at 0.33 for female prosecutors, 0.2 for female defense counsel, and at 0.33 for female judges. The findings support the proposition that incorporating women as prosecutors and judges serves to increase sentences in sexual violence cases. Having one or two women judges on the panel increases the overall sentence by 35.1 months (one judge) or 33.7 months (two judges). This raises an important finding for future research. To what extent is there a saturation point for substantive representation? Here, more female judges did not necessarily result in higher sentences as we shift from trials with one judge to two judges. Perhaps once there is a critical mass, increasing female representation does not necessarily translate into more favorable outcomes for women’s interests. Finally, holding all other variables at their mean, we see that the absence of females on the prosecution team still means that the defendant gets 25 months more than in cases where there is no female voice in the courtroom in any of the roles (defense or Chambers). Conversely, women as defense attorneys are also effective in reducing overall sentences, as the final row reflects—here the predicted value changes to show that defendants who have at least one female attorney in a sexual violence case receive (on average) nine months less than those who have no female representation.

### Conclusions and Implications for Further Research

So where do gender-based strategies go from here for both mainstream IR and feminist IR? Should scholars continue to examine such gender-based approaches in the context of international judicial and other international institutions and events? Do women bring a different voice to international relations and does this voice vary depending upon the context and environment where it is raised? Our results support the proposition that including women to represent “a woman’s domain”—here sexual violence—results in the desired representation being actualized (at least as measured by our policy outcomes—lengthier sentences for war crimes defendants). If women are using their “voice,” it is not to be advocates *exclusively* for sexual violence victims. As the results from female defense attorneys reveals, women have role orientations that are not exclusively gender based and that can shift depending on their client (Kanter, 1977; Dahlerup, 2005). It is important to move beyond gender-based stereotypes about female roles, and instead analyze all aspects of the influence of gender in IR research (Celis and Childs, 2012; Schreiber, 2012).

Like the majority of “critical mass” research, we find that regardless of tipping points or minority status, women have the ability to shape outputs that are part of a “woman’s

domain” even when their numbers do not constitute majorities (Kanter, 1977; Dahlerup, 1988, 2006; Reingold, 2000; Towns, 2003; Crowley, 2006). It is important to note that our findings regarding judicial decision making may be substantively different from other policy domains and environments where majorities are needed to accomplish representational goals (Peresie, 2005; Farhang and Wawro, 2004; Towns, 2003).

Perhaps female prosecuting attorneys and female judges do not have the luxury of being able to pursue a “gender strategy” (Sellers 2009), but it appears as though there has still been an impact on sentencing outcomes in cases where more women’s voices are heard. We find, like some research on legislatures, that the pursuit of gender-based strategies depends on how and why women are participating, not just where they are participating (Bratton, 2005; Celis, 2008; Crowley, 2006). Our results also highlight the importance of the development of a better understanding of women’s integration into the institution and how such integration and substantive representation may influence institutional outcomes.

We question whether women need to hold majorities to shape substantive representation outputs. Women attorneys and jurists alike may be able to exert gender influence inside judicial institutions more easily in certain policy domains where they have specific interests, such as sexual assault issues, but further research is needed in this area. What substantive representation research should examine is whether there are short-term or long-term gains in policy outputs that come with the integration of women. Given that Carla del Ponte—a woman—systematically cut back on the prosecution of sexual violence crimes, we should be careful in assuming that “putting women in” will necessarily mean gender benefits will accrue. Perhaps gender-based strategies can work for a short period of time, but the question remains about whether strategies survive over the long term (see King and Greening, 2007). This, too, has been noted by those at the war crimes tribunal who caution that competing pressures limit the ability to maintain such strategies (Sellers, 2009; Wald, 2003).

## REFERENCES

- Askin, Kelly D. 1999. “The International War Crimes Trial of Anto Furundija: Major Progress Towards Ending the Cycle of Impunity for Rape Crimes.” *Leiden Journal of International Law* 4:935–55.
- . 2003. “Prosecuting Wartime Rape and Other Gender-Related Crimes Under International Law: Extraordinary Advances, Enduring Obstacles.” *Berkeley Journal of International Law* 21:288–349.
- . 2004. “A Decade of the Development of Gender Crimes in International Courts and Tribunals: 1993 to 2003.” *Human Rights Brief* 11:16–19.
- Bers, Trudy H. 1978. “Local Political Elites: Men and Women on Boards of Education.” *Western Political Quarterly* 78:381–91.
- Boyd, Christina, Lee Epstein, and Andrew D. Martin. 2010. “Untangling the Causal Effects of Sex on Judging.” *American Journal of Political Science* 54:389–423.
- Bratton, Kathleen A. 2005. “Critical Mass Theory Revisited: The Behavior and Success of Token Women in State Legislatures.” *Politics and Gender* 1:97–125.
- Bratton, Kathleen A., and Kerry L. Haynie. 1999. “Agenda Setting & Legislative Success in State Legislatures: The Effects of Gender & Race.” *Journal of Politics* 61:658–79.
- Bratton, Kathleen A., and Leonard P. Ray. 2002. “Descriptive Representation, Policy Outcomes, and Municipal Day-Care Coverage in Norway.” *American Journal of Political Science* 46:428–37.
- Bunch, Charlotte. 1995. “Health and Human Rights.” *Women’s Health and Human Rights* 1(4):449–53.
- Cahn, Naomi R. 2006. “Women in Post-Conflict Reconstruction: Dilemmas and Directions.” *William and Mary Journal of Women and the Law* 12(Winter):1–20.
- Campanaro, Jocelyn. 2001. “Women, War & International Law: The Historical Treatment of Gender-Based Crimes.” *Georgetown Law Journal* 89(8):2557–92.

- Caprioli, Mary, and Mark A. Boyer. 2001. "Gender, Violence, and International Crisis." *Journal of Conflict Resolution* 45(4):503–18.
- Carlson, Eric Stener. 2006. "The Hidden Prevalence of Male Sexual Assault During War." *British Journal of Criminology* 46:16–25.
- Carroll, S. J. 2001. *The Impact of Women in Public Office*. Bloomington, IN: Indiana University Press.
- Celis, Karen. 2008. "Studying Women's Substantive Representation in Legislatures: When Representative Acts, Contexts and Women's Interests Become Important." *Representation: Journal of Representative Democracy* 44(2):111–23.
- Celis, Karen, and Sarah Childs. 2012. "The Substantive Representation of Women: What to Do with Conservative Claims?" *Political Studies* 60(1):213–25.
- Celis, Karen, and Silvia Erzeel. 2015. "Beyond the Usual Suspects: Non-Left, Male and Non-Feminist MPs and the Substantive Representation of Women." *Government and Opposition* 50(1):45–64.
- Chaney, P. 2006. "Critical Mass, Deliberation and the Substantive Representation of Women." *Political Studies* 54(4):691–714.
- Childs, Sarah. 2013. "Negotiating Gendered Institutions: Women's Parliamentary Friendships." *Politics and Gender* 9:127–51.
- Clark, Janine Natalya. 2014. *International Trials and Reconciliation: Assessing the Impact of the International Criminal Tribunal for the Former Yugoslavia*. New York: Routledge.
- Coan, Christin B. 2000. "Rethinking the Spoils of War: Prosecuting Rape as a War Crime in the International Criminal Tribunal for the Former Yugoslavia." *North Carolina Journal of International Law & Commercial Regulation* 26:183–237.
- Copelon, Rhonda. 1994. "Surfacing Gender: Reconceptualizing Crimes Against Women in Time of War." Pp. 197–218 in Alexandra Stiglmyer, ed., *Mass Rape: The War Against Women in Bosnia-Herzegovina*. Lincoln, NE: Nebraska University Press.
- . 2000. "Gender Crimes as War Crimes: Integrating Crimes Against Women into International Criminal Law." *McGill Law Journal* 46(1):217–41.
- Crowley, Jocelyn Elise. 2006. "Moving Beyond Tokenism: Ratification of the Equal Rights Amendment and the Election of Women to State Legislatures." *Social Science Quarterly* 87(3):519–39.
- Dahlerup, Drude. 1988. "From a Small to a Large Minority: Women in Scandinavian Politics." *Scandinavian Political Studies* 11(4):275–97.
- . 2006. "The Story of the Theory of Critical Mass." *Politics & Gender* 2(4):511–22.
- Dahlerup, Drude, and Lenita Freidenvall. 2005. "Quotas as a 'Fast Track' to Equal Representation for Women." *International Feminist Journal of Politics* 1.
- Davis, Patricia. 2000. "The Politics of Prosecuting Rape as a War Crime." *International Lawyer* 34(4):1223–49.
- Dewey, Susan, and St. Germain, Tonia. 2012. "Between Global Fears and Local Bodies: Toward a Transnational Feminist Analysis of Conflict-Related Sexual Violence." *Journal of International Women's Studies* 13(3):49–64.
- Dodson, D. 2006. *The Impact of Women in Congress*. Oxford: Oxford University Press.
- Elliott, Charles. 2011. "Juries, Sex and Emotional Affect." *Law & Psychology Review* 35:37–59.
- Enloe, Cynthia. 1993. *The Morning After: Sexual Politics at the End of the Cold War*. Berkeley, CA: University of California Press.
- . 2014. *Bananas, Beaches and Bases: Making Feminist Sense of International Politics*. Oakland, CA: University of California Press.
- Farhang, Sean, and Gregory Wawro. 2004. "Institutional Dynamics on the U.S. Court of Appeals: Minority Representation Under Panel Decision Making." *Journal of Law, Economics and Organization* 20(2):299–330.
- Gilligan, Carol. 1993. *In a Different Voice: Psychological Theory & Women's Development*, 2nd ed. Cambridge: Harvard University Press.
- Goldstone, Richard. 2002. "Prosecuting Rape as a War Crime." *Case Western Reserve Journal of International Law* 34(3):277–85.

- Grey, Sandra. 2006. "Numbers and Beyond: The Relevance of Critical Mass." *Politics and Gender* 2(4):492–502.
- Hawkesworth, M. 2003. "Congressional Enactments of Race-Gender: Toward a Theory of Raced-Gendered Institutions." *American Political Science Review* 97(4):529–50.
- Hoefgen, Anne M. 1999. "There Will be No Justice Unless Women are Part of That Justice: Rape in Bosnia, the ICTY & "Gender Sensitive" Prosecution." *Wisconsin Womens' Law Journal* 14:155–79.
- Hudson, Valerie M., Bonnie Ballif-Spanvill, Mary Caprioli, and Chad F. Emmett. 2012. *Sex and World Peace*. New York: Columbia University Press.
- Jacobs, Sally. 1993. "Lawyer's Gender a Factor?" *Boston Globe* November 27:1.
- Johnson, Susan W., and Donald R. Songer. 2009. "Judge Gender and the Voting Behavior of Justices on Two North American Supreme Courts." *Justice System Journal* 30(3):265–79.
- Johnson, Susan W., Donald R. Songer, and Nadia A. Jilani. 2011. "Judge Gender, Critical Mass, and Decision Making in the Appellate Courts of Canada." *Journal of Women, Politics & Policy* 32(3):237–60
- Kanter, Rosabeth M. 1977. *Men & Women of the Corporation*. New York: Basic Books.
- Kelly, L. 2005. "Insiders Outsiders: Mainstreaming Violence Against Women into Human Rights Discourse and Practice." *International Feminist Journal of Politics* 7(4):471–95.
- King, Kimi Lynn, and Megan Greening. 2007. "Gender Justice or Just Gender? The Role of Gender in Sexual Assault Decisions at the International Criminal Tribunal for the Former Yugoslavia." *Social Science Quarterly* 88(5):1049–71.
- Kirkpatrick, Jeane J. 1974. *Political Woman*. New York: Basic Books.
- Kuo, Peggy. 2002. "Prosecuting Crimes of Sexual Violence in an International Tribunal." *Case Western Reserve Journal of International Law* 34:305–21.
- MacKinnon, Catherine. 1994. "Rape, Genocide and Women's Human Rights." Pp. 183–96 in Alexandra Stiglmeier, ed., *Mass Rape: The War Against Women in Bosnia-Herzegovina*. Lincoln, NE: University of Nebraska Press.
- Martin, Patricia Yancey, John R. Reynolds, and Shelley Keith. 2002. "Gender Bias and Feminist Consciousness Among Judges and Attorneys: A Standpoint Theory Analysis." *Signs* 27(3):665–701.
- Matsuda, Mari J. 1996. *Where is Your Body? And Other Essays on Race, Gender, and the Law*. Boston, MA: Beacon.
- Mazur, Amy G. 2002. *Theorizing Feminist Policy*. New York: Oxford University Press.
- McBride, Dorothy E., and Amy G. Mazur eds. 2010. *The Politics of State Feminism: Innovation in Comparative Research*. Philadelphia, PA: Temple University Press.
- . 2012. *Gender Machineries Worldwide*. Washington, DC: World Bank. Available at (<https://openknowledge.worldbank.org/handle/10986/91118>).
- McDonald, Gabrielle Kirk. 2000. "Friedmann Award Address: Crimes of Sexual Violence: The Experience of the International Criminal Tribunal." *Columbia Journal of Transnational Law* 39:1–17.
- Meernik, James. 2011. "Sentencing Rationales and Judicial Decision-Making at the International Criminal Tribunals." *Social Science Quarterly* 92(3):588–608.
- Meernik, James, and Kimi King. 2004. "Crimes & Punishment: How the International Criminal Tribunal for the Former Yugoslavia Distinguishes Among Massive Human Rights Violations." Pp. 147–59 in Sabine Carey and Steve C. Poe, eds., *Understanding Human Rights Violations*. Aldershot, UK: Ashgate.
- Meernik, James, Kimi King, and Geoff Dancy. 2005. "Judicial Decision Making & International Tribunals: Assessing the Impact of Individual, National & International Factors." *Social Science Quarterly* 86(3):682–703.
- Menkel-Meadow, Carrie. 1985. "Portia in a Different Voice: Speculations on a Women's Lawyering Process." *Berkeley Women's Law Journal* 1:39–63.
- . 2005. "Portia Redux: Another Look at Gender, Ethics, and Legal Feminism." Pp. 274–81 in Susan D. Carle, ed., *Lawyer's Ethics and the Pursuit of Social Justice*. New York: New York University Press.



- Mertus, Julie. 2004. "Shouting from the Bottom of the Well: The Impact of International Trials for Wartime Rape on Women's Agency." *International Feminist Journal of Politics* 6(1):110–28.
- . 2008. "When Fighting Stops: When Adding Women Matters: Women's Participation in the International Criminal Tribunal for the Former Yugoslavia." *Seton Hall Law Review* 38:1–34.
- Niarachos, Cathernie M. 1995. "Women, War, and Rape: Challenges Facing the International Tribunal for the Former Yugoslavia." *Human Rights Quarterly* 17.
- Peresie, Jennifer L. 2005. "Female Judges Matter: Gender and Collegial Decisionmaking in the Federal Appellate Courts." *Yale Law Journal* 114(7):1759–90.
- Peterson, Lindsay. 2008. "Shared Dilemmas: Justice for Rape Victims Under International Law and Protection for Rape Victims Seeking Asylum." *Hastings International and Comparative Law Review* 31(Winter):1–30.
- Pitkin, Hannah F. 1967. *The Concept of Representation*. Berkeley, CA: University of California Press.
- Ray, Amy E. 1997. "The Shame of it: Gender-Based Terrorism in the Former Yugoslavia and the Failure of International Human Rights Law to Comprehend the Injuries." *American University Law Review* 793.
- Reingold, Beth. 1996. "Conflict and Cooperation: Legislative Strategies and Concepts of Power Among Female and Male State Legislators." *Journal of Politics* 58:464–85.
- . 2000. *Representing Women: Sex, Gender and Legislative Behavior in Arizona and California*. Chapel Hill, NC: University of North Carolina Press.
- . 2008. *Legislative Women, Getting Elected, Getting Ahead*. Boulder, CO: Lynne Rienner.
- Reingold, Beth, Rebecca Kreitzer, Tracy Osborn, and Michele L. Swers. 2015. "Antifeminism and Women's Representation in the States." Paper prepared for the Annual Meetings of the American Political Science Association, San Francisco, CA, September 3–6.
- Resnik, Judith. 1996. "Asking About Gender in Courts." *Signs* 21(4):952–90.
- Riger, Stephanie, Pennie Foster-Fishman, Julie Nelson-Kuna, and Barbara Curran. 1995. "Gender Bias in Courtroom Dynamics." *Law and Human Behavior* 19(5):465–80.
- Schreiber, Ronnee. 2012. *Righting Feminism*. Oxford: Oxford University Press.
- Sellers, Patricia Viseur. 2002. "Sexual Violence and Peremptory Norms: The Legal Value of Rape." *Case Western Reserve Journal of International Law* 34:287–303.
- . 2009. "Gender Strategy is Not Luxury for International Courts Symposium: Prosecuting Sexual and Gender-Based Crimes Before Internationalized Criminal Courts." *American University Journal of Gender, Social Policy & the Law* 17(2):327–35.
- Sellers, Patricia Viseur, and Kaoru Okuizumi. 1997. "Prosecuting International Crimes: An Inside View: Intentional Prosecution of Sexual Assaults." *Transnational Law and Contemporary Problems* 7:45–80.
- Songer, Donald R., and Kelley A. Crews-Meyer. 2000. "Does Judge Gender Matter? Decision Making in State Supreme Courts." *Social Science Quarterly* 81:750–62.
- Songer, Donald R., Sue Davis, and Susan Haire. 1994. "A Reappraisal of Diversification in the Federal Courts: Gender Effects in the Courts of Appeals." *Journal of Politics* 56:425–39.
- Stephenson, C. 1995. "Women's International Nongovernmental Organizations and the United Nations." Pp. 135–54 in Anne Winslow, ed., *Women, Politics and the United Nations*. New York: Greenwood Press.
- Stiglmayer, Alexandra. 1994. "The Rapes in Bosnia-Herzegovina." Pp. 182–69 in Alexandra Stiglmayer, ed., *Mass Rape: The War Against Women in Bosnia-Herzegovina*. Lincoln, NE and London: University of Nebraska Press.
- Szpak, Agnieszka. 2011. "Gender and Sexual Crimes Before Ad Hoc International Criminal Tribunals." *International Journal of Public Law and Policy* 1(3):284–98.
- Thomas, Sue. 1994. *How Women Legislate*. Oxford: Oxford University Press.
- Tickner, J. Ann. 2001. *Gendering World Politics*. New York: Columbia University Press.
- Tinker, I. 1999. "NGOs: An Alternative Power Base for Women?" Pp. 88–106 in Mary K. Meyer and Elizabeth Prugl, eds., *Gender Politics and Global Governances*. New York: Rowman and Littlefield.

Towns, Ann. 2003. "Understanding the Effects of Larger Ratios of Women in National Legislatures: Proportions and Gender Differentiation in Sweden and Norway." *Journal of Women, Politics & Policy* 25(1):1–29.

Wald, Patricia M. 2000. "Judging War Crimes." *Chicago Journal of International Law* 1(1): Article 21.

———. 2002. "Dealing with Witnesses in War Crimes Trials: Lessons from Yugoslav Tribunal." *Yale Human Rights & Development Law Journal* 5:1–21.

Youngs, Gillian. 2008. "From Practice to Theory: Feminist International Relations and Gender Mainstreaming." *International Politics* 45(6):688–702.

Žarkov, Dubravka. 2010. *The Body of War: Media, Ethnicity, and Gender in the Break-Up of Yugoslavia*. Durham, NC: Duke University Press.

### Supporting Information

Additional supporting information may be found in the online version of this article at the publisher's website:

**Table S1.** Attorney Gender Representation on Panels

**Table S2.** Judge Gender Representation on Panels

**Table S3.** "Critical Mass" Representation in all Cases

**Figure S1.** Summary of Sexual Violence Cases Over Time