The G.J. Wiarda Research Talent Prize 2025

Hylke Jellema: 'Perpetrator knowledge: a Bayesian account', *Law, Probability and Risk*, 2024, 23, p. 1-21.

This article deals with a topic that is very important for criminal procedure, namely perpetrator knowledge. This is knowledge that only the perpetrator of a crime could have. It is often crucial evidence in criminal cases and it can be used to prevent or detect miscarriages of justice. However, as Hylke demonstrates, there is not a clear definition of the concept of perpetrator knowledge. Therefore, he develops a nuanced, probabilistic definition, using Bayesian probability theory. The jury was impressed by Hylkes step-by-step approach in which he uses the Bayesian likelihood ratio to define perpetrator knowledge. He illustrates his steps with concrete examples as well as visualizes them with several figures. By doing so, he informs the reader about the Bayesian probability theory and allows the reader to follow and understand his line of reasoning. Subsequently, Hylke creates a taxonomy of arguments used in legal practice on the basis of a well-designed study of 438 court rulings. He analyzes these rulings to develop a systematic classification of the type of arguments in relation to perpetrator knowledge used in these criminal cases. To this end, a codebook was developed. This is a sound methodology for a systematic case law analysis. In separate sections and sub-sections with clear headings, Hylke identifies and discusses three types of arguments from the presence of perpetrator knowledge, and three types of arguments from the absence of perpetrator knowledge. Next stop in the article is a catalogue of arguments to establish whether someone has or does not have perpetrator knowledge. This wealth of arguments underpins the main message of the article, which is that perpetrator knowledge is not an all-or-nothing matter, but should be evaluated probabilistically. And this is also illustrated with a concrete example and visualized with a figure and tables.

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Cristiana Santos: 'Two Worlds Apart! Closing the Gap Between Regulating EU Content and User Studies', *Harvard Journal of Law & Technology*, 2023, 37, p. 1295-1333, which she co-authored with Nataliia Bielova and Colin M. Gray.

This article addresses a topic everyone encounters almost daily, but many of us often do not really evaluate what we are consenting to – we just click the buttons. It's about consent banners on commercial and non-commercial websites and apps. These consent banners are subject to the EU's GDPR and the ePrivacy Directive which is implemented in national implementing measures. This legal framework gives rules for a valid consent, supervision mechanisms, data protection etc. The European Data Protection Board and national regulators provide guidelines on consent banners. So, we have EU law in the interaction with national laws, an EU oversight body in interaction with national regulators, hard law and soft law, thus a complex legal framework. The article demonstrates clearly that this legal framework leaves much discretion to designers of websites and apps. As a consequence, there is room for manipulative tactics, which are known as dark patterns. User studies show that these dark patterns influence user's choices, our choices. The article uses a transdisciplinary methodology by combining knowledge and insights from computer science, data protection law and design. The transdisciplinary methodology is substantially

explained, and it is explained how Cristiana as a legal scholar collaborated with Nataliia Bielova as a computer scientist and Colin M. Gray as a researcher in design. Multiple figures and tables are used to visually present the methodology, types of banners, the user studies, design parameters and so on. The well-structured article presents the results of the analyses of the guidelines, the identified eleven gaps and five insights. It concludes with actionable recommendations for regulators and the authors are in favor of a further development of consent interface standardization. Thus, no two worlds apart, but bringing two worlds together!

By the way, when selecting Cristiana's article, the jury did not take into account that this article already received a prestigious price in France, the CNIL-Inria Prize 2025. CNIL is a French independent oversight authority on information technology and liberties.