

## Case summary

### Issue(s)

Are prosecutions based on the covert sting operations of "paedophile hunters" compatible with the right to private life and correspondence?

### Facts

This case is about how the authorities should approach the activities of "paedophile hunters". These are self-appointed groups of vigilantes who impersonate children in order to expose people who they consider to be sexual predators. Some of these groups have attracted substantial online followings and debate in mainstream media.

In 2018 Mr Sutherland matched on a dating app with somebody who, when he communicated with them, claimed to be a 13-year old child. He sent sexual messages and images to that person, and they eventually arranged to meet at Partick station. In fact, he was speaking to an adult member of a "paedophile hunter" group. Members of that group confronted Mr Sutherland at the meeting point at the arranged time. They broadcast the encounter on social media and handed the evidence to the police. Mr Sutherland was convicted of attempting to communicate indecently with an older child and related offences. He appealed against his conviction on the basis that the covert investigation (and the use of the resulting evidence by the prosecuting authorities) breached his right to respect for his private life and correspondence under ECHR Article 8.

## Parties

### Appellant(s)

Mark Sutherland

### Respondent(s)

Her Majesty's Advocate

### Intervener(s)

Director of Public Prosecutions

## Appeal

### Justices

Lord Reed, Lord Hodge, Lord Lloyd-Jones, Lord Sales, Lord Leggatt

### Hearing start date

03 Jun 2020

### Hearing finish date

03 Jun 2020

## Watch hearing

03 Jun 2020 [Morning session](#) [Afternoon session](#)