

IN THE HIGH COURT OF SOLOMON ISLANDS (KIRA KIRA CIRCUIT)

CRIMINAL JURISDICTION

Criminal Case Number 244 of 2025

REX -V- SILAS TELEU

Date of Hearing: 5/09/2025.

Date of Sentence: 8/09/2025.

Counsel; Mr. Vaike and Mr. Fanasia Junior for the Crown.

Counsel; Mr. Brooke for the Defendant.

KENIAPISIA; PJ:


VERDICT AND SENTENCE

1. This file had the speediest time in the court. Mr. Teleu was charged on **16/06/2025** in the court below for sexual intercourse with a child under 15 years. He pleaded guilty on **16/06/2025**. He maintained the same plea when the matter came before the court below for PI committal proceeding on the **20/06/2025**. The matter was committed to the High Court on **20/06/2025**. Information was filed in the High Court on **11/07/2025** charging Mr. Teleu for rape. I pushed for the file to be dealt with during this circuit. I arraigned Teleu on **3/09/2025**. He entered a guilty plea. I adjourned to **5/09/2025** for sentencing, mitigation and the settlement of agreed facts. After sentencing and mitigation submissions on **5/09/2025**, I sentenced Teleu to 7 years imprisonment straight away. I promised to give the reasons on **8/9/2025**. The reasons are contained in this decision.
2. Mr. Teleu is from Waipapa settlement via Rongoijeni village, West Bauro, Makira Ulawa Province. He is 41 years old. Ms. Harriet Raroa (HR) is 4 years old and comes from Poronaohe village, West Bauro, Makira Ulawa Province.
3. On the **11 May 2025**, between 9 am and 10 am, HR was having tea at the veranda of their house at Poronaohe village. Her parents were inside the house.
4. Mr. Teleu and Peter Haso arrived at Poronaohe village and bought two packets of twisty from the village canteen. Mr. Teleu took one of the packets of twisties, went to HR's parents' kitchen house and sat on a bed.
5. Mr. Teleu then saw HR sitting alone at the veranda of their house and called her over to the kitchen house to get the packet of twisty. HR went over to Teleu in the kitchen.
6. As HR arrived, Teleu lifted her up onto a bed, opened the packet of twisty and fed her with it.

7. After feeding HR with the twisty on the bed, Teleu lifted HR down to the ground, laid her on the ground and poked inside her vagina using his right pointing finger.
8. HR felt pain when Teleu poked inside her vagina and cried. She then ran into their house where her parents were and reported what Teleu did to her.
9. HR was brought to Kirakira Hospital for medical assessment on the same day. The registered nurse who did the assessment confirmed in his medical assessment report that HR's vagina was opened, as if something was inserted into it and that the hymen was not really noted (meaning it was disturbed from its normal position).
10. The matter was later reported to the police. The police arrested Teleu, charged him and remanded him in custody to this date.
11. Mr. Teleu admitted the offence to the police and pleaded guilty to the charge during the preliminary hearing before the Magistrate Court.
12. Mr. Teleu is charged for rape of HR contrary to Section 136F (1) (a) and (b) of the Penal Code Act (Cap 26) as amended by the Penal Code (Amendment) (Sexual Offences) Act 2016, (No. 3 of 2016). I will use "the 2016 Act" when referencing this amendment Act. This is a serious offence, as reflected in the punishment of life-imprisonment.
13. However, the Court has the power to impose a lesser sentence term. The seriousness of this offence is also due to HR's tender age. HR was only 4 years old when Mr. Teleu sexually abused her, by poking his finger into her vagina. Prior to the year 2016, this conduct would not amount to rape.
14. Under the 2016 Act, this conduct is classified as rape, because the meaning of sexual intercourse was broadened to include the penetration, to any extent, of the genitalia of another person by any part of the body of another person (Section 136D (2) (a) of the 2016 Act). Here Teleu's finger was inserted into HR's vagina. Parliament enacted the 2016 Act, with the objective to protect women and girls from new forms of sexual abuse offences and increased the punishments for the new offences.
15. The undisputed and binding starting point sentence for the offence here is 8 years because this is a sexual offence under Section 136F of the 2016 Act, is a non-contested matter and involves a child victim under the age of consent (Sinatau, Court of Appeal 2023). The age of consent is 16 years (Pana, Court of Appeal 2013).
16. I identify the following serious aggravating factors:
 - (i) Age disparity
 - (ii) Young tender age
 - (iii) Pre-planning
 - (iv) Enticement (using Twisties to lure the victim)

- (v) Abuse committed in the home
- (vi) Psychological harm and trauma
- (vii) Physical harm/injury (poking inside the vagina and rape amounts to physical violation of a victim, despite the absence of physical violence).
- (viii) Weak and vulnerable.

17. For all of the above 8 serious aggravating factors combined, I will uplift the start point sentence by 8 more years. Increases due to serious aggravation should be made in years and not merely in weeks and months (*Bade, Court of Appeal 2023*). That will bring me to 16 years aggravated head sentence before mitigation.
18. I also determine the following mitigation factors to reduce the aggravated head sentence downward: -
- (i) Early guilty plea – this is a real genuine guilty plea both in the court below and in this court (repeat paragraph 1). I will reduce the sentence by 30 percent. That comes to 4.8 years rounded to 5 years.
 - (ii) First time offender with no previous convictions – 2 years.
 - (iii) Rehabilitation – 1 year.
 - (iv) Cooperation with police – 1
19. The final head sentence after reduction for mitigation is 7 years (16 years aggravated head sentence minus 9 years mitigated head sentence). Mr. Teleu I will sentence you to 7 years imprisonment. I use the case of *Pige, Court of Appeal 2023* as my authority for the sentence term of 7 years, because the facts of your offending are parallel to *Pige* (insertion of finger into the victim's vagina).
20. Mr. Teleu, I will convict you for rape premised on your guilty plea and agreed facts. I will sentence you to 7 years imprisonment. You are also entitled to a further reduction for pre-trial detention time, as determined by the correctional authority. This sentence is to punish your conduct which is sexual abuse and violation of a vulnerable child victim. At the same time, it will act as deterrence for people in our villages to be aware of this unacceptable and unlawful conduct (not to play around with the vagina of small girls).


JUSTICE JOHN A. KENIAPISIA
PUISNE JUDGE