

IN THE HIGH COURT OF SOLOMON ISLANDS

CRIMINAL JURISDICTION

Criminal Case No. 2 of 2025

REX

v

JOHN IRO

Date of Sentencing Submissions: 18th July 2025

Date of Sentence: 21st July 2025

Mr. S. Tovosia for the Crown

Mr. H. Harunari for the Defendant

SENTENCE

1. The defendant, John Iro, was rearraigned on 18th July 2025 and pleaded guilty to a single charge of rape of a child contrary to section 136F (1)(a) and (b) of the *Penal Code (Amendment) (Sexual Offences) Act 2016*. By his guilty plea, I am satisfied that he has committed a serious sexual offence which carries a maximum penalty of life imprisonment. However, the Court will not impose the maximum sentence because of two reasons. First, due to his guilty plea which inevitably results in a discounted sentence and second, there is no life imprisonment sentence has yet been imposed by the Courts in Solomon Islands for a rape case whether or not it is contested.
2. Both the prosecution and the defence counsel have agreed that an immediate custodial sentence is the appropriate sentence given the objective seriousness of the

offence. The prosecution suggested a sentence ranging from 10 to 12 years while the defence proposed 6 to 9 years custodial term.

3. The ultimate question for me to decide is what should be the appropriate sentence to be imposed on the defendant. To decide the appropriate sentence, I will consider the circumstance of his case, his aggravating and mitigating factors, and other extenuating factors that may operate in his favour, including the recent increase in sentencing for this offence as prescribed by the Court of Appeal.
4. The facts that uncovered how he committed the offences show that the defendant and the victim, whom I shall refer to as "J.B." are from Kwailebesi village in North Malaita. The defendant was 25 years old while J.B was 16 years old and a Form 4 student at Auki High School at the time of the offending.
5. On 12th September 2024, the defendant and J.B boarded a public motor vehicle (pickup truck) and were travelling with other passengers to their Kwailebesi village. The defendant was working as a crew member of that vehicle.
6. When the vehicle reached Kwailebesi, J.B dropped off and followed a footpath back to her house. It was an isolated footpath normally used by the villagers. At that time, it was already dark in the evening.
7. The defendant also got out of the vehicle and started to follow J.B. It was when J.B was still walking along the footpath that the defendant approached her from behind and asked her to have sexual intercourse. She refused his request and so the defendant immediately moved closer to her and bit her left neck and top of her breast. The defendant then pulled her into the bush beside the road and removed her clothes. At that location, the defendant then pushed his penis into her vagina.
8. She struggled to resist him but she was unable to do so since the defendant was physically big and stronger than her. The defendant, after raping her, then walked away.

9. After the offending, she walked back to her house crying and informed her aunty Evalyn of what the defendant had done to her.
10. As a result of the incident, the matter was reported to police. The defendant then was charged with rape contrary to section 136F (1)(a) and (b) of the *Penal Code (Amendment) (Sexual Offences) Act 2016*.
11. The defendant was apprehended by police and remanded in custody, as submitted by his counsel, since 26th September 2024.
12. From the facts described, there are a number of aggravating factors that are present in the case. First, the age disparity of 9 years between the defendant and J.B. She was a child of 16 years while the defendant was 25 years at the time of the offending. The age disparity denotes the power imbalance that existed between the defendant and J.B, making her defenseless, vulnerable and easily overpowered by the defendant at the time of the offending. Second, the physical injuries sustained by the victim immediately before and during the time she was raped. She was bitten on her right neck and breast by the defendant as means of causing her fear to have sex. No doubt, these had caused her bodily pain. Further, it was noted from the medical report that she suffered bleeding and laceration to her vagina as a result of the offending. Third, she suffered psychological trauma as a result of the offending. In a sexual offending, psychological trauma is an inevitable consequence that the victim has suffered, a factor which the Court may dispense without the need for proof. Fourth, the offending occurred in the late evening when it was already dark. An offence that occurred in the night will make the offending aggravating because of the vulnerability she was placed in to defend herself in person against the defendant. Fifth, the fact that the defendant was the crew member of the vehicle placed him in a position of trust especially when he raped her not long after she was dropped off the vehicle. It constitutes a breach of trust because there was an obvious expectation from the scope of his duty as the crew of the vehicle to ensure nothing would happen to her along that footpath and that she would reach her home safely that night.

Instead, he raped her which is contrary to the trust bestowed on him. Sixth, J.B was a student and a 16-year-old child when she was raped. By section 4 of the *Penal Code (Amendment) (Sexual Offences) Act 2016*, she was still considered a child and a person below consenting age. This is a serious aggravating factor.

13. Besides the above, I have noted from her Victim Impact Statement filed by the prosecution regarding a number of matters pertinent for the Court to consider how the offending had negatively affected her life. For example, she stated, amongst others, that after the offending, she was scared of going out with her friends in case someone might do the same thing to her again, that she was hurt and angry as a result of what had happened to her, she would sometimes awake all night because she was afraid to sleep alone, she was ashamed to go out in the public because people would talk about her, she did not attend youth and fundraising programs anymore, she is no longer interested in playing sports especially when seeing the presence of boys at the playing field, she experienced she would cry easily and lost her confidence when standing in front of people, and her concentration was impaired and would be easily distracted when recalling what had happened to her. All these things happened to her as a result of what the defendant had done to her. No doubt that she will have to live and grow with these realities for the rest of her life. No right-thinking Solomon Islander, far less to a person lived in the same village with the victim, would have done this to her. He chose to humiliate and degrade her that night to satisfy his selfish sexual gratification. Persons who preyed on young girls to satisfy their immoral thoughts or sexual gratification like the defendant herein were described by the Court in *R v Rafita* [2012] SBHC 150 as “devils” in the lives of young girls.
14. There is no doubt as this is a serious offending that involved a child victim. I take into account that the victim herein, as evidenced from the Victim Impact Statement has suffered a profound physical and mental health effects that can be long lasting to her. Therefore, it is only proper that this Court must take a zero-tolerance attitude against the barbaric act of this sexual assault that the victim had suffered that night,

and must give effect to the intention of the *Penal Code (Amendment) (Sexual Offences) Act 2016* when it comes to sentencing the defendant.

15. I am also conscious of the fact that there is an unprecedented increase of rape cases of young girls in Solomon Islands and the wider public concern regarding the disturbing rise of this type of offending in our communities. The Court has a duty to respond to this widespread public concern in the community by ensuring that an appropriate sentence is imposed that will send a clear message of both general and specific deterrence to the communities that those who offend will expect an immediate and lengthy custodial sentence if convicted.
16. Upon considering all the above factors and aligned with the case of *Bade v R* [2023] SBCA 39, the starting point for this case is 8 years imprisonment. The case of *Pana v R* [2013] SBCA 19, at paragraph 15, confirmed that the starting point for this case should be 8 years in this manner “*we consider that, when the victim is a child below the age of consent, that should always bring the starting point up to eight years*”. In light of the aggravating factors, I therefore add 5 years imprisonment to this starting point, making it a total of 13 years imprisonment.
17. However, this sentence is reduced by 2 years to reflect his mitigating and personal factors such as his guilty plea, being a first-time offender, his remorse and the fact that he is still a single person.
18. I do not have any evidence of whether the defendant or his family had paid any form of customary reconciliation to the family of J.B. and for that reason, this mitigating factor is not considered. I consider this reduction appropriate, as in a sexual offence case, matters of mitigation and personal factors of the defendant should not be taken to outweigh the objective seriousness of the offence.
19. The final sentence therefore is that the defendant, John Iro, is sentenced to 11 years imprisonment. Time spent in custody is to be taken into account.

20. Order accordingly.



Justice Augustine Sylvester Aulanga

PUISNE JUDGE