

IN THE HIGH COURT OF SOLOMON ISLANDS
Civil Jurisdiction

CRC NO: 528 of 2024

REX_V_KOTI JOE

Date of Hearing: 6th February 2026

Date of Judgment: 11th February 2026

Mr Zoze J W: For the Crown

Mr Ifuto'o & Fiuga: For the Accused

Sentence

Kouhota PJ:

The Accused Joe Koti was charge with one count of murder to section 200 of the Penal Code and one count of rape contrary to section 136(F) of the Penal Code (Amended) (Sexual Offences) Act 2016. This followed an incident where it was alleged that he rapes the victim late Elsie Kela and caused injury to her cervix and injuries to her vagina which resulted in her death. The accused pleaded not guilty to both charges.

The brief facts of the case, were that on the night of 26th August 2024 between 12 and 3 am at Niu Vunuha village, the accused met the victim late Elsie Kela, held her hands pulled her to a spot near the men's latrine and had sexual intercourse with her. During sexual intercourse the victim sustained serious injury to her cervix and vagina. Due to the serious injuries the victim was taken to Tulagi hospital and referred to the National Referral Hospital the same morning but died the same day from the injuries.

The Accused pleaded not guilty to both charges and a trial ensued. At the end of the trial the Court found that the Accused was guilty of rape but not guilty of murder and the Accused was acquitted of the offence of murder. The Court however, found the evidence proved the presence of the lesser offences of manslaughter thus by virtue of section 159 (2) of the Criminal Procedure code, convicted the Accused of the offence of manslaughter.

The offences for which you have been convicted are very serious offences, both offences carries a penalty of life imprisonment which reflects the seriousness of the offences.

In considering the appropriate sentence to impose the Court took into account the submissions of counsels relating to the aggravating and mitigating factors. The Court also took into account counsel's submission on the principle of sentencing and the cases authorities on sentencing method used in this jurisdiction.

In addition to the aggravating factors submitted by the prosecution I also consider the severe agony the deceased went through. The agony was unusual because the deceased did not die instantly but over four hours after she sustained the injuries, has suffered physical pain and distress because she know that she will die from the injuries, knowing that your death is near is a very frightening thing. This is a situation which only few have or will experience.

The only mitigating factors I can take in your favour is that you are a first offender and that you have no previous conviction. I also take into account that you have family and children to look after.

After considering the facts of this case, for the offence of manslaughter I considered the appropriate sentence should be 10 years imprisonment as the starting point. However, after taking into account the aggravating factors, the suffering endured by the victim, the loss of life and sorrow endured by the children, husband and relatives and the effect the loss of a mother and wife will have on the young children and the husband, I increase the sentence by 2 years imprisonment.

Taking into account that you are a first offender with no previous convictions and you had used no weapon in inflicting injuries from which the victim died I reduced the sentence by 1 year. Thus, you are sentenced to 11 years imprisonment.

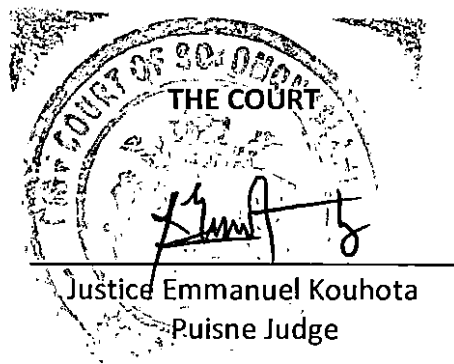
For the offence of rape, taking into account the aggravating facts and the mitigating factors I considered the starting point should be 8 years imprisonment. Since there is no big difference between the aggravating and mitigating factors, it is not necessary to consider increase or reducing from the starting point of the sentence but to stick with the starting point. Since the offences arises out of one incident, I ordered that the two sentence to run concurrently. I also order that time spent in custody be counted as part of the sentence.

Total sentence

1. Manslaughter -11 years imprisonment
2. Rape – 8 years imprisonment

Sentence to run concurrently.

IRA



THE COURT
Justice Emmanuel Kouhota
Puisne Judge