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Tearful German HIV pop star escapes jail



SUSPENDED SENTENCE: Benaissa waiting for the verdict in her trial in the district court house in the western German city of Darmstadt on Thursday. The singer walked free after the court handed her a two-year suspended sentence. — AFP photo

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DARMSTADT, Germany:

An HIV-positive pop star broke down in tears on Thursday after a German court handed her a two-year suspended sentence for infecting a former sex partner with the virus.

The court in Darmstadt, western Germany, convicted 28-year-old Nadja Benaïssa, a member of girl group No Angels, on one count of grievous bodily harm and two counts of attempted bodily harm.

Presiding judge Dennis Wacker also ordered her to do 300 hours of community service with people infected with HIV, saying the sentence was relatively light because she had "learned to be responsible and deal with her illness."

The glamorous half-Moroccan star, wearing a black top and jeans, sighed deeply with relief when the verdict was read out and shortly afterwards began to sob. She cried for several minutes, hiding her eyes with her hands.

The singer had confessed to having unprotected sex and keeping her virus secret but denied intending to infect anyone during a trial that has sparked a media frenzy in Germany.

She had previously made an emotional apology during closing arguments, telling the court: "I am sorry from the bottom of my heart. I would love to turn back the clock, but I can't."

She said she had made an "enormous mistake."

The charges against Benaïssa could have led to up to 10 years behind bars, but both the prosecutors and the defence argued for a suspended sentence as she had admitted to the crime and said sorry.

Wacker said the sentence was relatively light because Benaïssa was "aware of the mistakes she made and

wanted to take responsibility for them." The passing-on of the virus was "not intentional," he ruled.

Benaïssa's lawyer Oliver Wallasch said: "I think we can be satisfied with the verdict."

He explained his client's emotional response by saying, "the tension was very high ... but now she can breathe again."

During the trial, medical experts determined she had almost certainly infected one of her ex-boyfriends with the HIV virus, which leads to AIDS, as they both had a strain of the virus that is relatively rare in Germany.

The man, who was a plaintiff in the case, launched a bitter and scathing attack on the singer during the trial, accusing her of causing "a lot of suffering in this world."

Benaïssa endured a difficult youth, the court heard.

She began to fall off the rails at the age of 12, taking

up with a bad crowd, and became an habitual user of soft drugs and alcohol, then a crack addict at the age of 14, living on the streets near Frankfurt station.

Finding out in 1999 that she was HIV positive and pregnant, she tried to turn her life around and appeared on a television talent show, during which she was chosen to form part of the group No Angels.

The all-female band had a string of hits, mainly in central Europe but split up in 2003. They reformed in 2007 and competed in the 2008 Eurovision Song Contest, coming 23rd out of 25 countries.

Benaïssa said doctors had told her the risk of transmitting the virus was "practically zero" and she did not want to jeopardise her success by revealing she was HIV positive.

The case prompted a debate about trial by media and presumption of innocence in a country that partly for historical reasons is highly sensitive about

privacy.

Respected news magazine Der Spiegel described the trial as a "witch hunt" and AIDS organisations expressed their concern that HIV carriers would feel pressured to take sole responsibility for safe sex.

One group, "AIDS help", slammed the verdict as giving the "wrong message" about dealing with the HIV virus.

"If the responsibility for prevention is placed only on women and those with HIV, we are not recognising that two people share this responsibility," said Marianne Rademacher from the group.

Wacker, the judge, insisted that "only an open debate without prejudice can help to prevent such cases."

In October an authorised biography of the singer, who is rumoured to be leaving No Angels, is due to be released with the title: 'Nadja Benaïssa — Everything is Going to be All Right.' — AFP