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AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

11

United States of America
v.
JUMANA NAGARWALA

Case:2:17-mj-30182
Judge: Unassigned,
Filed: 04-12-2017 At 10:39 AM
IN RE:SEALED MATTER(CMP)(MLW)

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 2005 to 2017 in the county of Wayne and Oakland in the Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. Section 116	Female Genital Mutilation
18 U.S.C. Section 2423(a), (e)	Transportation with intent to engage in criminal sexual activity, and conspiracy
18 U.S.C. Section 1001	Making a false statement to a federal officer

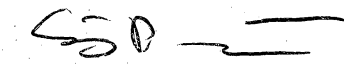
This criminal complaint is based on these facts:
See attached affidavit.

Continued on the attached sheet.


Complainant's signature
Special Agent Kevin J. Swanson, FBI
Printed name and title

Sworn to before me and signed in my presence.

Date: April 12, 2017


Judge's signature
U.S. Magistrate Anthony P. Patti
Printed name and title

City and state: Detroit, Michigan

AFFIDAVIT IN SUPPORT OF COMPLAINT

The undersigned, Kevin J. Swanson, hereinafter referred to as the Affiant, being first duly cautioned and sworn, hereby deposes and states the following:

Affiant's Background and Qualifications

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the Detroit field office since July 2010.
2. As part of my duties, I investigate crimes related to health care fraud, prescription drug diversion, public corruption, and international human rights violations. I have received specialized training on the subjects of health care fraud, money laundering, telephone analysis, and white collar crime from the FBI. I have also met with domestic and foreign law enforcement agents and officers in order to investigate international corruption and human rights violations. I am also working with, and consulting with Special Agent Lisa Keith of Homeland Security Investigations (HSI), who has extensive training and experience in the investigation of child exploitation crimes.
3. This affidavit is made in support of a criminal complaint and arrest warrant for JUMANA NAGARWALA for violating 18 U.S.C. § 116 (female genital mutilation), 18 U.S.C. § 2423(a), (e) (transportation with intent to engage in criminal sexual activity, and conspiracy), and 18 U.S.C. § 1001 (making a false statement to a federal agent).

4. This affidavit is submitted for the limited purpose of securing a criminal complaint and arrest warrant; therefore, this affidavit does not contain every fact that I have learned during the course of the investigation. I have only set forth the facts necessary to establish probable cause to believe that NAGARWALA violated the statutes identified above. The information contained in this affidavit is based upon my personal knowledge, training and experience, as well as the combined training and experience of other law enforcement officers and agents with whom I have had discussions.

5. Title 18, United States Code, Section 116 prohibits “knowingly circumcis[ing], excis[ing], or infibulat[ing] the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years.”

6. Title 18, United States Code, Section 2423(a) makes it a crime to knowingly transport a minor in interstate or foreign commerce with the intent that the child engage in “any sexual activity for which any person can be charged with a criminal offense.” Section 2423(e) states that “whoever . . . conspires to violate subsection (a) . . . shall be punishable in the same manner as a completed violation of that subsection.” Federal law defines “sexual act” as touching of the genitalia with the intent to abuse, humiliate, harass, or degrade. 18 U.S.C. § 2246. NAGARWALA’s removal of clitoral skin from seven-year-old minor females is a sexual activity that

violates both federal and state law.¹

Female Genital Mutilation

7. According to the World Health Organization (WHO), FGM is an internationally recognized violation of human rights of girls and women. FGM is classified into four major types, which vary based on severity of the procedure.

The following information regarding the types of FGM is published by the WHO:

- a. Type 1: Often referred to as clitoridectomy, this is the partial or total removal of the clitoris (a small, sensitive and erectile part of the female genitals), and in very rare cases, only the prepuce (the fold of skin surrounding the clitoris);
- b. Type 2: Often referred to as excision, this is the partial or total removal of the clitoris and the labia minora (the inner folds of the vulva), with or without excision of the labia majora (the outer folds of skin of the vulva);
- c. Type 3: Often referred to as infibulation, this is the narrowing of the vaginal opening through the creation of a covering seal. The seal is formed by cutting and repositioning the labia minora, or labia majora, sometimes through stitching, with or without removal of the clitoris

¹One purpose of FGM is to curb the sexuality of girls and women by making sex painful. As a result, there is probable cause to believe that the intent is to abuse, humiliate, harass, or degrade. Therefore, FGM qualifies as a “sexual act” for which any person can be charged with a criminal offense.

(clitoridectomy); and

- d. Type 4: This includes all other harmful procedures to the female genitalia for non-medical purposes, e.g. pricking, piercing, incising, scraping and cauterizing the genital area.

8. Based on your Affiant's experience in this investigation, some members of a particular religious and cultural community (hereafter "the Community") are known to practice FGM on young girls in the Community as part of their religious and cultural practice. Based on your Affiant's experience in this investigation, when FGM is performed in the Community, varying amounts of a girl's clitoris or clitoral hood, or prepuce, are removed by the person who is performing the cutting. According to some members of the Community who have spoken out against the practice, the purpose of this cutting is to suppress female sexuality in an attempt to reduce sexual pleasure and promiscuity.

9. An increasing number of females in the Community worldwide have begun to speak publicly about FGM and the effects it has had on them and their families. Many describe pain during the procedure and a variety of effects on their physical and mental health later in life.

Probable Cause

10. FBI and HSI received information that NAGARWALA was performing FGM in the Eastern District of Michigan. The information indicated that

NAGARWALA performed FGM on girls, who were about 7 years old at the time, at a medical clinic in Livonia, Michigan (“Medical Clinic²”).

11. Your Affiant and other agents determined that NAGARWALA is employed as an emergency room physician at a hospital in Detroit. NAGARWALA does not work at the Medical Clinic and there is no record of her billing for medical procedures there. NAGARWALA is a member of the Community.

12. In February 2017, your Affiant and other agents served an 18 U.S.C. § 2703(d) court order on Sprint PCS requesting call detail records for NAGARWALA’s phone. On February 27, 2017, Sprint PCS provided the requested records to the FBI. Review of NAGARWALA’s telephone calls identified a series of phone communications between NAGARWALA’s phone and a Minnesota telephone number. Your Affiant and other agents determined, through database and social media checks, that the Minnesota number was associated with a Minnesota family that had a daughter who had just turned 7 years old (Minnesota Victim One, or MN-V-1). The Minnesota family was part of the Community in Minnesota.

13. On March 3, 2017, your Affiant and other agents requested call detail records for the Minnesota telephone number (MN number). Review of these records revealed that on February 3, 2017, the phone assigned to the MN number

² The name and address of the Medical Clinic is known to your Affiant.

traveled from Minnesota to Michigan. On the evening of February 3, 2017, the MN number contacted a tower in Farmington Hills, Michigan, near multiple hotels. On February 4, 2017, the phone returned to Minnesota.

14. Your Affiant and other agents requested records from hotels in Farmington Hills, and determined that MN-V-1, Minnesota Victim Two (MN-V-2) and their parents stayed at a hotel in Farmington Hills (Hotel 1) on the evening of February 3, 2017. Records show that a parent of MN-V-2 rented two hotel rooms at Hotel 1 on February 3, 2017. Surveillance video obtained from Hotel 1 shows two adult women and two minor girls checking into Hotel 1. Your Affiant believes those people were MN-V-1, MN-V-2, and their mothers.

15. On April 10, 2017, MN-V-1 was interviewed by a child forensic interviewer employed by the FBI. MN-V-1 is seven years old. MN-V-1 stated that she was brought to Detroit, Michigan, with MN-V-2 for a "special" girls' trip. After they arrived at the hotel, MN-V-1 advised that she and MN-V-2 had to go to the doctor because "our tummies hurt." While at the doctor's office, a procedure "to get the germs out" of her was performed. MN-V-1 identified an unmarked photograph of NAGARWALA, and said that she was the person who performed the procedure. MN-V-1 said she took off her pants and underwear and laid on an examining table with her knees near her chest and her legs spread apart. MN-V-1 said that NAGARWALA "pinched" her on the "place [where] she goes pee," and that she

was given a pad to wear in her underwear. MN-V-1 said that she was told not to talk about the procedure.

16. On April 11, 2017, a medical doctor in Minnesota performed a complete medical examination of MN-V-1 pursuant to a search warrant. Your Affiant has spoken with the medical doctor who performed the exam, and the doctor's

preliminary findings are that MN-V-1's genitals are not normal in appearance.

MN-V-1's labia minora has been altered or removed, and her clitoral hood is also abnormal in appearance. Finally, the doctor observed some scar tissue and small healing lacerations.

17. On April 10, 2017, MN-V-2 was interviewed by a child forensic interviewer employed by the FBI. MN-V-2 is also 7 years old. MN-V-2 said that she came to Detroit with MN-V-1, and that she went to a doctor's office. She identified a photograph of NAGARWALA as the doctor who she saw in Detroit. MN-V-2 said that in the examination room, NAGARWALA took off her pants and underwear and put her on the table. She said that she "got a shot," and that it hurt really badly and she screamed. MN-V-2 said the "shot" was on her upper right thigh. MN-V-2 drew a picture of the room, and she drew an "X" to indicate blood on the examining table. MN-V-2 said her parents told her that the procedure is a secret and that she is not supposed to talk about it. MN-V-2 said that after the procedure, she could barely walk, and that she felt pain all the way down to her ankle. MN-V-

2 said NAGARWALA told her that she was fine. MN-V-2 said that she left one of her winter gloves in the medical office.

18. On April 10, 2017, a search warrant was executed at the Medical Clinic. During the search, agents found a child's winter glove in the Medical Clinic. The glove had MN-V-2's first name written on it.

19. On April 11, 2017, a medical doctor in Minnesota performed a complete medical examination of MN-V-2 pursuant to a search warrant. Your Affiant has spoken with the medical doctor who performed the exam, and the doctor's preliminary findings are that MN-V-2's clitoral hood has a small incision, and there is a small tear to her labia minora.

20. On April 10, 2017, local Minnesota Child Protective Services personnel and a federal agent interviewed the parents of MN-V-2. The parents of MN-V-2 confirmed that they took MN-V-2 to Detroit to see NAGARWALA for a "cleansing" of extra skin.

21. This investigation has identified other children who may have been victimized by NAGARWALA between and 2005 and 2007, including children in Michigan. On April 10, 2017, local Child Protective Services personnel and child forensic interviewers employed by the FBI and HSI interviewed several minor girls in Michigan about FGM. In these interviews, multiple minor girls informed Child Protective Services and forensic interviewers that procedures had been performed

on their genitals by NAGARWALA.³

22. Parents of some of the Michigan children interviewed on April 10, 2017 were also interviewed by law enforcement on April 10, 2017. Two parents stated that NAGARWALA had performed procedures on their daughter's genitals, while others denied knowledge of the procedure or said that it did not happen.

23. On April 10, 2017, NAGARWALA voluntarily agreed to be interviewed by an HSI special agent and Michigan child protective services personnel. During the interview, NAGARWALA was told that the HSI agent was a federal officer, and that making false statements to a federal officer was a criminal offense.

NAGARWALA then stated:


- a. That she is aware that FGM is illegal in the United States;
- b. That she had no knowledge of FGM being performed by anyone in her community;
- c. That she had never performed FGM on any minor children;
- d. That she was not involved in any FGM procedures.

Conclusion

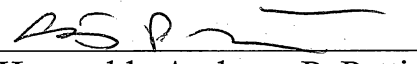
24. Based on the aforementioned factual information, there is probable cause to believe that NAGARWALA has violated 18 U.S.C. § 116 (female genital

³ Some of the minor children who were interviewed made no statements about FGM procedures or NAGARWALA.

mutilation), 18 U.S.C. § 2423(a), (e) (transportation with intent to engage in criminal sexual activity, and conspiracy), and 18 U.S.C. § 1001 (making a false statement to a federal agent).


Kevin J. Swanson
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me
this 12th day of April, 2017


Honorable Anthony P. Patti
United States Magistrate Judge