

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal No. 17-cr-20274

Honorable Bernard A. Friedman

v.

D-1 JUMANA NAGARWALA,
D-2 FAKHRUDDIN ATTAR,
D-3 FARIDA ATTAR,
D-4 TAHERA SHAFIQ,
D-5 FARIDA ARIF,
D-6 FATEMA DAHODWALA,

VIO: 18 U.S.C. § 371
18 U.S.C. § 116
18 U.S.C. § 2
18 U.S.C. § 2423(a), (e)
18 U.S.C. § 1001
18 U.S.C. § 1512(c)(2), (k)

Defendants.

FIRST SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Superseding Indictment:

1. Some members of a particular community (the Community) are known to practice female genital mutilation (FGM) on young girls within the Community.
2. According to the World Health Organization (“WHO”), FGM is an internationally recognized violation of human rights of girls and women. FGM is

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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 (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.

Relevant Individuals

3. JUMANA NAGARWALA, an emergency room physician, was employed by a major southeastern Michigan medical center.
4. FAKHRUDDIN ATTAR, an internal medicine physician, owned and operated Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.
5. FARIDA ATTAR, FAKHURDDIN ATTAR's wife, was employed as the office manager of Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.
6. TAHERA SHAFIQ is a resident of Wayne County, Michigan.
7. FARIDA ARIF is a resident of Oakland County, Michigan.
8. FATEMA DAHODWALA is a resident of Oakland County, Michigan.
9. Minor Victim One (MV-1), a girl, is a resident of Minnesota and was born in 2010.
10. Minor Victim Two (MV-2), a girl, is a resident of Minnesota and was born in 2010.
11. Minor Victim Three (MV-3), a girl, is a resident of Michigan and was born in 2008.
12. Minor Victim Four (MV-4), a girl, is a resident of Michigan and was born in 2009.

13. Minor Victim Five (MV-5), a girl, is a resident of Michigan and was born in 2005.

14. Minor Victim Six (MV-6), a girl, is a resident of Michigan and was born in 2008.

15. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, and FATEMA DAHODWALA are members of the Community.

COUNT ONE

Conspiracy to Commit Female Genital Mutilation
18 U.S.C. § 371

D-1 JUMANA NAGARWALA

D-2 FAKHRUDDIN ATTAR

D-3 FARIDA ATTAR

D-4 TAHERA SHAFIQ

D-5 FARIDA ARIF

D-6 FATEMA DAHODWALA

1. Paragraphs 1 through 15 of the General Allegations are realleged and incorporated by reference as though fully set forth herein.

2. From 2005 to April 21, 2017, the exact dates unknown, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, and FATEMA DAHODWALA did willfully and knowingly combine, conspire, confederate and agree with each other and with other persons both known and

unknown to the Grand Jury, to commit certain offenses against the United States, that is:

To violate Title 18, United States Code, Section 116, by knowingly circumcising, excising, and infibulating the whole or any part of the labia majora, labia minora and clitoris of a person who had not attained the age of 18 years;

Purpose of the Conspiracy

3. It was the purpose of the conspiracy for JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, and FATEMA DAHODWALA and others to knowingly circumcise, excise, and infibulate the whole or any part of the labia majora, labia minora, and clitoris of any person who had not attained the age of 18 years.

Manner and Means

The manner and means by which the defendants and others sought to accomplish the purpose of the conspiracy included, among other things:

4. FAKHRUDDIN ATTAR allowed JUMANA NAGARWALA to perform FGM procedures at Burhani Medical Clinic after the clinic was closed for the day.

5. JUMANA NAGARWALA performed FGM procedures at Burhani Medical Clinic.

6. FARIDA ATTAR, TAHERA SHAFIQ, or both assisted JUMANA NAGARWALA in the examination room while JUMANA NAGARWALA performed FGM procedures on minor victims.
7. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR instructed others not to speak about FGM procedures that had taken place.

Overt Acts

In furtherance of the conspiracy, and to accomplish its purposes and objects, at least one of the conspirators committed, or caused to be committed, in the Eastern District of Michigan, the following overt acts, among others:

8. On or about May 30, 2015, FARIDA ATTAR made Burhani Medical Clinic available to allow JUMANA NAGARWALA to perform an FGM procedure on MV-3 at this clinic.
9. On or about May 30, 2015, FARIDA ATTAR arrived at Burhani Medical Clinic.
10. On or about May 30, 2015, FARIDA ARIF arrived at Burhani Medical Clinic with MV-3.
11. On or about May 30, 2015, FARIDA ARIF caused an FGM procedure to be performed on MV-3 at Burhani Medical Clinic.

12. On or about May 30, 2015, JUMANA NAGARWALA performed an FGM procedure on MV-3 at Burhani Medical Clinic. FARIDA ATTAR participated in MV-3's FGM procedure.

13. On a date between June 2016 and September 20, 2016, FATEMA DAHODWALA caused an FGM procedure to be performed on MV-4.

14. On a date between June 2016 and September 20, 2016, JUMANA NAGARWALA performed an FGM procedure on MV-4.

15. In January 2017, JUMANA NAGARWALA sent text messages to FARIDA ATTAR and TAHERA SHAFIQ to confirm their availability on February 3, 2017. JUMANA NAGARWALA also sent text messages to MV-1 and MV-2's mothers, directing them to meet her on February 3, 2017 at 6:45 and 6:15, respectively.

16. On or about February 3, 2017, FAKHRUDDIN ATTAR allowed JUMANA NAGARWALA to perform FGM procedures on MV-1 and MV-2 at his clinic.

17. On or about February 3, 2017, JUMANA NAGARWALA, FARIDA ATTAR, and TAHERA SHAFIQ went to Burhani Medical Clinic where they met MV-1 and MV-2 and their mothers.

18. On or about February 3, 2017, JUMANA NAGARWALA performed an FGM procedure on MV-1 at Burhani Medical Clinic. FARIDA ATTAR and TAHERA SHAFIQ participated in MV-1's FGM procedure.

19. On or about February 3, 2017, JUMANA NAGARWALA performed an FGM procedure on MV-2 at Burhani Medical Clinic. FARIDA ATTAR and TAHERA SHAFIQ participated in MV-2's FGM procedure.
20. JUMANA NAGARWALA caused FGM procedures to be performed on MV-5.
21. FARIDA ATTAR caused FGM procedures to be performed on MV-6.

COUNTS TWO THROUGH FIVE

Female Genital Mutilation
18 U.S.C. §§ 116 and 2

- D-1 JUMANA NAGARWALA**
- D-2 FAKHRUDDIN ATTAR**
- D-3 FARIDA ATTAR**
- D-4 TAHERA SHAFIQ**
- D-5 FARIDA ARIF**
- D-6 FATEMA DAHODWALA**

22. Paragraphs 1 through 15 of the General Allegations and paragraphs 4 through 7 of the Manner and Means of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.
23. On or about the dates specified below, in the Eastern District of Michigan, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, and FATEMA DAHODWALA knowingly circumcised, excised, and infibulated the whole or any part of the labia

majora, labia minora and clitoris of a person who had not attained the age of 18, and aided and abetted each other in doing so, as detailed in the table below:

Count	Date	Defendant	Victim
2	February 3, 2017	D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR D-4 TAHERA SHAFIQ	MV-1
3	February 3, 2017	D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR D-4 TAHERA SHAFIQ	MV-2
4	May 30, 2015	D-1 JUMANA NAGARWALA D-3 FARIDA ATTAR D-5 FARIDA ARIF	MV-3
5	On a date between June 2016 and September 20, 2016	D-1 JUMANA NAGARWALA D-6 FATEMA DAHODWALA	MV-4

In violation of Title 18, United States Code, §§ 116 and 2.

COUNT SIX

Conspiracy to Transport Minor with Intent to Engage in Criminal Sexual Activity
18 U.S.C. § 2423(a), (e)

D-1 JUMANA NAGARWALA
D-2 FAKHRUDDIN ATTAR

24. Paragraphs 1 through 4, 9, 10 and 15 of the General Allegations and paragraphs 4 through 7 of the Manner and Means of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

25. From January 2017 to February 4, 2017, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA and FAKHRUDDIN ATTAR, did knowingly and willfully conspire and agree together and with other persons both known and unknown to the Grand Jury, to knowingly transport an individual who had not attained the age of 18 years, in interstate and foreign commerce, with the intent that the individual engage in any sexual activity for which any person can be charged with a criminal offense, in violation of Title 18 U.S.C. § 2423(a), (e).

COUNT SEVEN

Conspiracy to Obstruct an Official Proceeding
18 U.S.C. § 1512(c)(2), (k)

D-1 JUMANA NAGARWALA
D-2 FAKHRUDDIN ATTAR
D-3 FARIDA ATTAR
D-6 FATEMA DAHODWALA

26. Paragraphs 1 through 5, 11, 12 and 15 of the General Allegations and paragraph 7 of the Manner and Means of this Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

27. From April 10, 2017 through April 21, 2017, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA did willfully and knowingly combine, conspire, confederate and agree with each other

and with other persons both known and unknown to the Grand Jury, to commit certain offenses against the United States, that is:

To violate Title 18, United States Code, Section 1512(c)(2), (k) by corruptly obstructing, influencing and impeding any official proceeding and attempting to do so;

Purpose of the Conspiracy

28. It was the purpose of the conspiracy for JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA and others to corruptly obstruct, influence, impede any official proceeding and attempt to do so.

Manner and Means

29. The manner and means by which the defendants and others sought to accomplish the purpose of the conspiracy included, among other things:

30. JUMANA NAGARWALA and FAKHRUDDIN ATTAR would agree to make false statements to law enforcement and other investigating agencies regarding whether FGM procedures took place, or were, in fact, taking place in the Community.

31. JUMANA NAGARWALA and FAKHRUDDIN ATTAR made false statements to law enforcement and other investigative agencies regarding whether FGM procedures took place, or were, in fact, taking place in the Community.

32. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR would instruct others to make false statements to law enforcement and other investigating agencies regarding whether FGM procedures took place, or were, in fact, taking place.

33. FATEMA DAHODWALA made false statements to law enforcement and other investigating agencies regarding whether FGM procedures took place, or were, in fact, taking place after speaking with JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR.

34. JUMANA NAGARWALA and FAKHRUDDIN ATTAR took steps to delete evidence of communications between co-conspirators.

COUNT EIGHT

False Statement to Federal Officer
18 U.S.C. § 1001

D-1 JUMANA NAGARWALA

35. On or about April 10, 2017, in the Eastern District of Michigan, the defendant, JUMANA NAGARWALA, did willfully and knowingly make a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States by stating to HSI Special Agent James Klawitter that she has never been present when FGM has been performed on any minor children and that she has no knowledge of FGM being performed; the statements and representations were false, when in truth

and in fact, defendant JUMANA NAGARWALA then and there well knew, she had performed FGM procedures on numerous minor girls, including MV-1, MV-2, MV-3 and MV-4 and she had knowledge of FGM being performed on MV-5; all in violation of Title 18 U.S.C. § 1001.

COUNT NINE

False Statement to Federal Officer
18 U.S.C. § 1001

D-2 FAKHRUDDIN ATTAR

36. On or about April 10, 2017, in the Eastern District of Michigan, the defendant, FAKHRUDDIN ATTAR, did willfully and knowingly make a materially false, fictitious and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States by stating to HSI Special Agent Lisa Keith and FBI Special Agent Joseph Michael that FGM procedures had not taken place at Burhani Medical Clinic by JUMANA NAGARWALA; the statements and representations were false, when in truth and in fact, defendant FAKHRUDDIN ATTAR then and there well knew, JUMANA NAGARWALA was seeing minor children at Burhani Medical Clinic to perform FGM procedures on numerous minor girls, including MV-1 and MV-2; all in violation of Title 18 U.S.C. § 1001.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

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Acting United States Attorney

s/Matthew A. Roth
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Assistant United States Attorney
Chief, General Crimes Unit

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Dated: June 21, 2017

ORIGINAL

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 17-cr-20274
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <i>MD</i>

Case Title: USA v. Jumana Nagarwala, et al.

County where offense occurred : Wayne County, Oakland County

Check One: Felony Misdemeanor Petty

Indictment/ Information --- no prior complaint.
 Indictment/ Information --- based upon prior complaint [Case number: _____]
 Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: 17-cr-20274 Judge: Hon. Bernard A. Friedman

- Corrects errors; no additional charges or defendants.
- Involves, for plea purposes, different charges or adds counts.
- Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
Tahera Shafiq	18 U.S.C. § 371	17-mj-30297
Farida Arif	18 U.S.C. §§ 116 and 2	
Fatema Dahodwala	18 U.S.C. § 1512(c)(2), (k)	

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

June 21, 2017
Date

Malisa Dubal

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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.