

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case: 2:17-cr-20274
Judge: Friedman, Bernard A.
MJ: Grand, David R.
Filed: 04-26-2017 At 10:18 AM
IND USA V. NAGARWALA ET AL

D-1 JUMANA NAGARWALA,
D-2 FAKHRUDDIN ATTAR,
D-3 FARIDA ATTAR,

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.

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this 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 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 the Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.

5. FARIDA ATTAR, FAKHURDDIN ATTAR's wife, was employed as the office manager of the Burhani Medical Clinic, located at 15712 Farmington Road, Livonia, Michigan.

6. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR are members of the Community.

7. A girl, Minor Victim One (MV-1), was a resident of Minnesota and was born in 2010.

8. A girl, Minor Victim Two (MV-2), was a resident of Minnesota and was born in 2010.

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

1. Paragraphs 1 through 8 of 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, and FARIDA ATTAR 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, 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. FARIDA ATTAR and JUMANA NAGARWALA facilitated FGM procedures performed on minor victims.
5. FAKHRUDDIN ATTAR allowed JUMANA NAGARWALA to perform FGM procedures at Burhani Medical Clinic after the clinic was closed for the day.
6. JUMANA NAGARWALA would perform FGM procedures on minor girls at Burhani Medical Clinic.
7. FAKHRUDDIN ATTAR was present in the Burhani Medical Clinic when JUMANA NAGARWALA performed FGM procedures on minor victims.
8. FARIDA ATTAR was present in the examination room when JUMANA NAGARWALA performed FGM procedures on minor victims.
9. 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:

10. On January 20, 2017, at 10:15 a.m., FAKHRUDDIN ATTAR made a phone call to a member of the Minnesota Community.
11. On January 23, 2017 at 3:04 p.m., JUMANA NAGARWALA sent a text message to a Minnesota parent of MV-1 stating: "Feb 3rd at 6:45pm?"
12. On January 24, 2017 at 2:44 p.m., FAKHRUDDIN ATTAR placed an approximately 18 minute and 46 second phone call to the aforementioned member of the Minnesota Community.
13. On February 2, 2017 at 9:05 a.m., FARIDA ATTAR placed a phone call to JUMANA NAGARWALA.
14. On or about February 3, 2017, FAKHRUDDIN ATTAR opened Burhani Medical Clinic to allow JUMANA NAGARWALA to perform FGM procedures on MV-1 and MV-2 at his clinic.
15. On or about February 3, 2017, FARIDA ATTAR arrived at Burhani Medical Clinic.
16. On or about February 3, 2017, JUMANA NAGARWALA performed an FGM procedure on MV-1 at the Burhani Medical Clinic.

17. On or about February 3, 2017, JUMANA NAGARWALA performed an FGM procedure on MV-2 at the Burhani Medical Clinic.

COUNTS TWO AND THREE

Female Genital Mutilation

18 U.S.C. §§ 116 and 2

D-1 JUMANA NAGARWALA

D-2 FAKHRUDDIN ATTAR

D-3 FARIDA ATTAR

18. Paragraphs 1 through 8 of General Allegations and paragraphs 4 through 9 of Manner and Means of this Indictment are realleged and incorporated by reference as though fully set forth herein.

19. On or about February 3, 2017, in the Eastern District of Michigan, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR 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	Defendant	Victim
2	D-1 D-2 D-3	MV-1
3	D-1 D-2 D-3	MV-2

in violation of Title 18, United States Code, Sections 116 and 2.

COUNT FOUR

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

20. Paragraphs 1 through 8 of General Allegations and paragraphs 4 through 9 of Manner and Means of this Indictment are realleged and incorporated by reference as though fully set forth herein.

21. From October 2016 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, United States Code, Section 2423(a), (e).

COUNT FIVE

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

22. Paragraphs 1 through 8 of General Allegations of this Indictment are realleged and incorporated by reference as though fully set forth herein.

23. From April 10, 2017 through April 21, 2017, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, and FARIDA ATTAR 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

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

Manner and Means

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

26. 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.

27. 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.

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

COUNT SIX

False Statement to Federal Officer

18 U.S.C. § 1001

D-1 JUMANA NAGARWALA

29. 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 and MV-2; all in violation of Title 18, United States Code, Section 1001.

COUNT SEVEN

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

D-2 FAKHRUDDIN ATTAR

30. 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, United States Code, Section 1001.

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON
April 26, 2017

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ORIGINAL

United States District Court Eastern District of Michigan	Criminal Case Cover
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

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: <u>SPV</u>

Case Title: USA v. JUMANA NAGARWALA et al

County where offense occurred : Wayne

Check One: Felony Misdemeanor Petty

Indictment/ Information --- no prior complaint.
 Indictment/ Information --- based upon prior complaint [Case number: 17-30182, 17-30197]
 Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

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

April 26, 2017
Date

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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.