

12

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Criminal No. 17-cr-20274

Plaintiff,

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,
D-7 HASEENA HALFAL, and
D-8 ZAINAB HARIYANAWALA,

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(k)

Defendants.

FILED

2017 SEP 13 P 2:50

U.S. District Court
Eastern District of Michigan
Southern Division

SECOND SUPERSEDING INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Second 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

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, FAKHRUDDIN 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. HASEENA HALFAL is a resident of Minnesota.
8. ZAINAB HARIYANAWALA is a resident of Minnesota.
9. FARIDA ARIF is a resident of Oakland County, Michigan.
10. FATEMA DAHODWALA is a resident of Oakland County, Michigan.
11. Minor Victim One (MV-1), a girl, is a resident of Minnesota and was born in 2010.
12. Minor Victim Two (MV-2), a girl, is a resident of Minnesota and was born in 2010.
13. Minor Victim Three (MV-3), a girl, is a resident of Michigan and was born in 2008.
14. Minor Victim Four (MV-4), a girl, is a resident of Michigan and was born in 2009.
15. Minor Victim Five (MV-5), a girl, is a resident of Michigan and was born in 2005.
16. Minor Victim Six (MV-6), a girl, is a resident of Michigan and was born in 2008.

17. JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA, HASEENA HALFAL and ZAINAB HARIYANAWALA 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
D-7 HASEENA HALFAL
D-8 ZAINAB HARIYANAWALA

18. Paragraphs 1 through 17 of the General Allegations are realleged and incorporated by reference as though fully set forth herein.

19. 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, FATEMA DAHODWALA, HASEENA HALFAL, and ZAINAB HARIYANAWALA, 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

20. It was the purpose of the conspiracy for JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, TAHERA SHAFIQ, FARIDA ARIF, FATEMA DAHODWALA, HASEENA HALFAL, and ZAINAB HARIYANAWALA 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:

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

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

23. FARIDA ATTAR, TAHERA SHAFIQ, or both assisted JUMANA NAGARWALA in the examination room while JUMANA NAGARWALA performed FGM procedures on minor victims.

24. 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:

25. 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.

26. On or about May 30, 2015, FARIDA ATTAR arrived at Burhani Medical Clinic.

27. On or about May 30, 2015, FARIDA ARIF arrived at Burhani Medical Clinic with MV-3.

28. On or about May 30, 2015, FARIDA ARIF caused an FGM procedure to be performed on MV-3 at Burhani Medical Clinic.

29. 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.

30. On or about August 19, 2016, FATEMA DAHODWALA caused an FGM procedure to be performed on MV-4.

31. On or about August 19, 2016, JUMANA NAGARWALA performed an FGM procedure on MV-4.

32. 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 HASEENA HALFAL and ZAINAB HARIYANAWALA, directing them to meet her on February 3, 2017, at 6:45 and 6:15, respectively.

33. On or about February 3, 2017, HASEENA HALFAL, MV-1, ZAINAB HARIYANAWALA, and MV-2 traveled by car from Minnesota to Michigan for the purpose of having JUMANA NAGARWALA perform FGM on MV-1 and MV-2.

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

35. On or about February 3, 2017, JUMANA NAGARWALA, FARIDA ATTAR, and TAHERA SHAFIQ went to Burhani Medical Clinic where they met HASEENA HALFAL, MV-1, ZAINAB HARIYANAWALA, and MV-2.

36. 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.

37. 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.

38. JUMANA NAGARWALA caused FGM procedures to be performed on MV-5.

39. 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

**DEFENDANTS CHARGED IN SPECIFIC
COUNTS LISTED IN CHART BELOW**

40. Paragraphs 1 through 17 of the General Allegations and paragraphs 21 through 24 of the Manner and Means of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

41. 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, FATEMA DAHODWALA, HASEENA HALFAL, and ZAINAB HARIYANAWALA 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	Approximate Date	Defendants	Victim
2	February 3, 2017	D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR D-4 TAHERA SHAFIQ D-7 HASEENA HALFAL	MV-1

3	February 3, 2017	D-1 JUMANA NAGARWALA D-2 FAKHRUDDIN ATTAR D-3 FARIDA ATTAR D-4 TAHERA SHAFIQ D-8 ZAINAB HARIYANAWALA	MV-2
4	May 30, 2015	D-1 JUMANA NAGARWALA D-3 FARIDA ATTAR D-5 FARIDA ARIF	MV-3
5	August 19, 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

42. Paragraphs 1 through 4, 9-12 and 15-17 of the General Allegations and paragraphs 21 through 24 of the Manner and Means of this Second Superseding Indictment are realleged and incorporated by reference as though fully set forth herein.

43. 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(k)

D-1 JUMANA NAGARWALA

D-2 FAKHRUDDIN ATTAR

D-3 FARIDA ATTAR

D-6 FATEMA DAHODWALA

44. Paragraphs 1 through 5, 8, 14 and 17 of the General Allegations and paragraph 24 of the Manner and Means of this Second Superseding Indictment are re-alleged and incorporated by reference as though fully set forth herein.

45. From on or about April 10, 2017 and continuing through the date of this indictment, in the Eastern District of Michigan and elsewhere, the defendants, JUMANA NAGARWALA, FAKHRUDDIN ATTAR, FARIDA ATTAR, and FATEMA DAHODWALA, did knowingly and willfully conspire and agree together and with other persons both known and unknown to the Grand Jury to corruptly persuade each other and other members of the Community, and did attempt to do so, and engage in misleading conduct toward each other and other members of the Community, with the intent to hinder, delay and prevent the communication to law enforcement officers and a judge of the United States of information relating to the commission or possible commission of a federal offense, and did also conspire and agree with each other and other persons known and unknown to the grand jury to

corruptly obstruct, influence and impede an official proceeding, all in violation of 18 U.S.C. §§ 1512(k).

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

DANIEL L. LEMISCH
Acting United States Attorney

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

s/Sara D. Woodward
SARA D. WOODWARD
Assistant United States Attorney
Deputy Chief, General Crimes Unit
211 West Fort Street, Ste. 2001
Detroit, MI 48226-3220
sara.woodward@usdoj.gov

s/Sandra Moser
SANDRA MOSER
Acting Chief, Fraud Section
Department of Justice, Criminal Division

s/Amy Markopoulos
AMY MARKOPOULOS
Trial Attorney
Department of Justice, Fraud Section
1400 New York Avenue, NW
Washington, DC 20005
amy.markopoulos@usdoj.gov

s/John Neal
JOHN NEAL
Assistant United States Attorney
Chief, White Collar Crimes Unit
211 West Fort Street, Ste. 2001
Detroit, MI 48226
john.neal@usdoj.gov

s/Malisa Dubal
MALISA DUBAL
Assistant Chief
Department of Justice, Fraud Section
1400 New York Avenue, NW
Washington, DC 20005
malisa.dubal@usdoj.gov

Dated: September 13, 2017

ORIGINAL

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number 17-cr-20274
--	----------------------------------	----------------------------

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

[Redacted]	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>MD</u>

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].

[Redacted]

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>
Haseena Halfal	18 U.S.C. § 371	
Zainab Hariyanawala	18 U.S.C. §§ 116 and 2	

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

September 13, 2017
Date

MD
 Malisa Dubal, Assistant Chief
 211 West Fort Street, Detroit, MI 48226
 Phone: (202) 660-2001
 Fax: (313) 226-0816
 E-Mail address: Malisa.Dubal@usdoj.gov
 Attorney Bar #: NY 4628111

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.