

AO 91 (Rev. 11/11) Criminal Complaint

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UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America
v.

D-1 FAKHRUDDIN ATTAR,
D-2 FARIDA ATTAR,

Defendants.

Case: 2:17-mj-30197
Assigned To: Unassigned
Assign. Date: 4/20/2017
Description: RE: SEALED MATTER
(EOB)
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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. Sections 116, 371	Conspiracy to Commit Female Genital Mutilation
18 U.S.C. Sections 116, 2	Aiding and Abetting Female Genital Mutilation

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

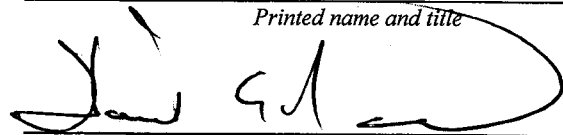
Continued on the attached sheet.


Complainant's signature

Special Agent Lisa Keith, HSI

Printed name and title

Sworn to before me and signed in my presence.



Judge's signature

Date: April 20, 2017

City and state: Detroit, Michigan

U.S. Magistrate David Grand

Printed name and title

AFFIDAVIT IN SUPPORT OF COMPLAINT

The undersigned, Lisa Keith, 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 Department of Homeland Security (DHS), Homeland Security Investigations (HSI), in Detroit, Michigan. I have been employed as a Special Agent since August 2007. I was previously assigned to the Michigan Internet Crimes Against Children task force ("ICAC"). The Michigan ICAC is a cooperative effort of members of the Michigan State Police, local Michigan Police Departments and the Federal Government, whose purpose is to enforce criminal statutes involving the sexual exploitation of children. I have received training from the U.S. Department of Justice in child exploitation investigations and online undercover investigations. I have conducted nearly 100 investigations relating to child exploitation and have assisted HSI Detroit Cybercrimes Group in numerous others.
2. This affidavit is made in support of a criminal complaint and arrest warrant for violations of Conspiracy to Commit Female Genital Mutilation, in violation of Title 18 U.S.C. §§ 371 and § 116 (female genital mutilation), and Aiding and Abetting Female Genital Mutilation, in violation of Title 18 U.S.C. §§ 116 and 2 by FAKHRUDDIN ATTAR (ATTAR) and FARIDA ATTAR (FARIDA).

3. This affidavit is submitted for the limited purpose of securing a criminal complaint and arrest warrants; 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 FAKHRUDDIN ATTAR and FARIDA ATTAR 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.

4. 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.”

Female Genital Mutilation

5. 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.

6. 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.

7. An increasing number of females in the Community worldwide have begun to speak out publicly against 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

8. FBI and HSI received information that JUMANA NAGARWALA was performing FGM in the Eastern District of Michigan at Burhani Medical Clinic (BMC), in Livonia, Michigan.

9. FAKHRUDDIN ATTAR (ATTAR), FARIDA ATTAR (FARIDA), JUMANA NAGARWALA, and others known and unknown, comprise the members of the conspiracy to commit FGM and are members of the Community.

10. The investigation revealed that BMC is a clinic owned and operated by ATTAR, a medical doctor. FARIDA, ATTAR's wife, is employed at BMC as an office manager. As detailed further below, ATTAR and FARIDA arrange and assist in the female genital mutilation of minor females, which is performed by NAGARWALA. Additionally, ATTAR and FARIDA allow ATTAR's clinic, BMC, to be used by NAGARWALA to perform the procedures, and FARIDA assists NAGARWALA during the procedures.

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 BMC and there is no record of her billing for medical procedures there.

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. In February 2017, your Affiant and other agents served an 18 U.S.C. § 2703(d) court order on T-Mobile requesting call detail records for ATTAR's phone. On March 8, 2017, T-Mobile provided the requested records to the FBI.

13. 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.

14. 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 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.

15. Review of ATTAR's telephone calls identified a series of phone communications between ATTAR and a Minnesota phone number beginning in October 2016. Your Affiant and other agents determined that this phone number belonged to a member of the Minnesota Community. According to your Affiant's review of the records to date, ATTAR did not have contact with any telephone numbers associated with the Minnesota Community from May 27, 2016 until October 21, 2016. On October 22, 2016, ATTAR's number then began to contact the aforementioned phone number. According to your Affiant's review of the records to date, from October 22, 2016 through January 20, 2017, ATTAR had over 50 calls with this phone number from the Minnesota Community.

16. Your Affiant and other agents have reviewed camera surveillance video of ATTAR's clinic, BMC, recorded on Friday, February 3, 2017. The video recording shows the following events on February 3, 2017:

- At approximately 6:09 p.m., NAGARWALA arrived in the parking lot of ATTAR's clinic, BMC.
- At approximately 6:12 p.m., ATTAR approached NAGARWALA in her vehicle and handed her a white bag. ATTAR and NAGARWALA then entered BMC together.

- At approximately 6:22 p.m., FARIDA arrived at BMC. FARIDA entered the clinic.
- At approximately 6:25 p.m., a vehicle arrived in the parking lot of BMC, and an adult woman and a minor child (MN-V-1) went into the clinic.
- At approximately 6:42 p.m., an adult woman and MN-V-1 came out of the clinic and returned to the vehicle. An adult woman and a minor child (Minnesota Victim Two, or MN-V-2) then entered the clinic.
- At approximately 7:02 p.m., an adult woman and MN-V-2 exited the clinic and returned to the vehicle. The vehicle drove away from the parking lot and off camera.
- At approximately 7:03 p.m., NAGARWALA and ATTAR left BMC. NAGARWALA got into her vehicle and drove out of the parking lot.

17. Your Affiant and other agents requested records from hotels in Farmington Hills, and determined that MN-V-1, 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 entering Hotel 1. Your Affiant believes those people were MN-V-1, MN-V-2, and their mothers.

18. 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 that two other adult women were present in the examining room during the procedure. She said that the other adults were members of the Community. 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.

19. On April 11, 2017, a medical doctor in Minnesota performed a complete medical examination of MN-V-1 pursuant to a search warrant. 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.

20. 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 that two other adult women were present in the examining room during the procedure, and that the two women held her hands during the procedures. MN-V-2 identified a photograph of FARIDA as one of the women who held her hands. 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.

21. On April 11, 2017, a medical doctor in Minnesota performed a complete medical examination of MN-V-2 pursuant to a search warrant. 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.

22. 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.

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

24. On April 10, 2017, ATTAR was interviewed by your Affiant and another federal agent. ATTAR said:

- That he owns and operates BMC;
- That he knows NAGARWALA;
- That NAGARWALA occasionally sees patients at his clinic;
- That the patients that NAGARWALA sees at BMC are girls, between the ages of 6 and 9, that are members of the Community;
- That NAGARWALA does not charge anything for seeing patients at BMC;
- That NAGARWALA sees minor girls for problems with their genitals, including treatment of genital rashes;
- That NAGARWALA only sees patients at BMC when the clinic is

closed, on Friday evenings or Saturdays;

- That FARIDA is present in the examining room while NAGARWALA treats minor girls at BMC in order to comfort them and hold their hands;
- That NAGARWALA sees patients in this manner at BMC 5 to 6 times per year.

25. This investigation has identified other children who may have been cut by NAGARWALA at ATTAR's clinic, BMC, between and 2005 and 2017, including children in Michigan. On April 10, 2017, child forensic interviewers employed by the FBI and HSI interviewed several minor girls in Michigan about FGM. In these interviews, multiple minor girls informed forensic interviewers that procedures had been performed on their genitals by NAGARWALA.¹ One minor girl said that FARIDA was present during the procedure performed by NAGARWALA.

26. 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 at ATTAR's clinic, BMC. Others denied knowledge of the procedure or said that it did not happen.

¹ Some of the minor children who were interviewed made no statements about FGM procedures, NAGARWALA, or BMC.


27. On March 31, 2017, United States District Court Judge Laurie J. Michelson entered an order authorizing the interception of wire communications to and from NAGARWALA's telephone. After interviews discussed in paragraph 26, FARIDA was intercepted on NAGARWALA's telephone advising one of the Michigan parents to deny to law enforcement that the procedures were being performed; FARIDA told the parent to completely deny the allegation, and to say that nothing has happened.²

28. During the course of the investigation, using consensual recording, law enforcement recorded a statement by a parent of a minor who was the victim of FGM years ago. The parent was audio recorded identifying FARIDA as being present while FGM was performed by NAGARWALA on the minor, and that procedure took place at a clinic owned by ATTAR.

² The conversation took place in Gujarati. A Gujarati translator has confirmed that the above is an accurate summary of a portion of the telephone call discussed in paragraph 27.

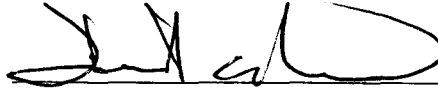
Conclusion

29. Based on the aforementioned factual information, there is probable cause to believe that FAKHRUDDIN ATTAR and FARIDA ATTAR have violated Title 18 U.S.C. § 371 (conspiracy) and Title 18 U.S.C. §§ 116 (female genital mutilation) and 2 (aiding and abetting).



Lisa Keith
Special Agent
Homeland Security Investigations

Sworn to and subscribed before me
this 20th day of April, 2017.



Honorable David Grand
United States Magistrate Judge