

Muslim Brotherhood Statement on The Complementary Constitutional Declaration



After Egyptians rid themselves of the oppressive nightmare that weighed heavily on their lives, on February 11, 2011, they hoped the Supreme Council of the Armed Forces (SCAF) would honor its pledge to transfer power to the elected civilian authority, for the people to regain full sovereignty and freedom, to establish democracy and build constitutional institutions on June 30, 2012.

However, after a transition period filled with confusion, uncertainty and anxiety, people were surprised by SCAF issuing a so-called complementary constitutional declaration, when in fact SCAF does not have the right, power or authority to issue any constitutional article – and indeed it has only ten days before it hands over ruling power to the elected President.

Ultimately, this announcement amounts to a total coup d'état against constitutional, popular and revolutionary legitimacy. Evidently, the purpose of this is to grab legislative power and the authority to form the Constituent Assembly to write the country's new permanent constitution. SCAF aims to select for that Assembly those it finds 'acceptable', who will draw up a constitution tailored to its requirements, so it can persist in power indefinitely.

In order to clearly understand the political scene, we have to remember the following:

1. The parliamentary election law was made by SCAF in consultation with a number of Supreme Constitutional Court (SCC) judges, who have just invalidated it.
2. Members of parliament were elected by 30 million voters, in unprecedented free and fair elections based on that law, over a period of three months, at a cost of \$2 billion Egyptian pounds.

Although the people were allowed to choose their representatives in parliament in a complete free and democratic electoral process, hurdles and obstacles were continually, purposely placed by the executive branch in the way of lawmakers striving to do their duty. Nevertheless, they accomplished numerous reforms and key achievements that were completely and deliberately ignored by the media.

3. Suddenly, the constitutionality of the parliamentary election law was challenged. The SCC rushed to issue a decision ruling unconstitutional some articles of that law, in record time. On the same day, the government

announced that decision in the Official Gazette.

The next day, SCAF issued a decree to dissolve the People's Assembly (the lower house of parliament). The matter of fact is, the SCC's decision does not require, and SCAF does not have the constitutional authority for dissolving parliament.

The People's Assembly, therefore, is still valid, and no-one can usurp its legislative and oversight powers. Instead, there must be discussion on how to implement the SCC decision ruling unconstitutional some articles enacted by SCAF after consulting SCC justices, as already explained. That is the appropriate discourse because SCAF and the SCC are responsible for this law and the processes that were based on it.

4. The Minister of Justice issued a decision to grant intelligence and military police extraordinary powers to arrest, detain and prosecute civilians without judicial warrant. This means militarization of the state, spreading terror among the citizens, and it clearly contradicts the principles of a civil state.

5. The Constituent Assembly was finally formed, after months of negotiations, meetings and discussions, to author the constitution, achieving a broad consensus amongst the nation's political and social parties and stakeholders, including personalities from the entire spectrum of society, and all in the presence of SCAF.

Suddenly, we are shocked to see SCAF give itself the right to form yet another Constituent Assembly. It also gave a number of individuals the right to object to any text they deem in conflict with the goals of the revolution and its basic principles or with the principles of past Egyptian constitutions.

All these are deliberately vague phrases designed to prolong the debate, so matters have to be referred to the SCC, which is only meant to rule on the constitutionality of laws, not author a Constitution.

This, therefore, is another attempt to usurp people's right to choose members of the Constituent Assembly, either directly or indirectly, through their MPs, so the Constitution would be a document essentially made by the people for the people, which is the global definition of constitutions.

6. The new Declaration authored by SCAF invalidates many articles and provisions of the main Constitutional Declaration endorsed by the people in March 2011's public referendum, with positive approval of eighteen million Egyptians. SCAF's latest maneuvers mean that it wants to impose its will as superior to the will of the people, with all due respect for SCAF's role as leaders, and for our heroic military forces it represents.

For all the above and many other reasons, we categorically reject the so-called complementary constitutional declaration.

We hold that the People's Assembly still stands valid as a legitimate institution and legal entity, and that the SCC's ruling can be implemented regarding the relevant articles of the election law that have been invalidated.

The Constituent Assembly is a valid constitutional assembly and legal entity which SCAF must not interfere with, leaving it free to perform its national duty for which its members were selected. Further, the people alone will judge the country's most important document to be drawn up by that assembly, just as its referendum has been the roadmap of developments throughout the period after the revolution, until now.

Hence, we find that there is encroachment on the popular will and a genuine desire not to relinquish power, but to circumvent this requirement and to frustrate the people's hopes. There is a clear and deliberate attempt to grab legislative power, and to strip president of many of his traditional powers.

There certainly is a persistent and urgent desire to dissolve the legitimate Constituent Assembly, and to form another assembly that enables SCAF to interfere in the writing of the Constitution to suit its own purposes, not popular will and legal proceedings.

For all this, we will participate vigorously with all the Egyptian people, in expressing unequivocal rejection of all the foregoing, by joining the million-man marches and protests, in Tahrir Square, Tuesday June 19, 2012.

May God protect Egypt and the revolution and help us all rebuild and rejuvenate our homeland.

The Muslim Brotherhood

Cairo: June 18, 2012