

NAJIB FAILS IN BID TO CITE TERRIRUDIN FOR CONTEMPT

Former A-G under no obligation to confirm or deny alleged addendum order, says judge

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DATUK Seri Najib Razak has failed in his bid to initiate contempt proceedings against former attorney-general Tan Sri Ahmad Terrirudin Mohd Salleh over the royal addendum issue.

High Court judge Alice Loke Yee Ching dismissed the former prime minister's leave application to start contempt proceedings against Terrirudin, who is now a Federal Court judge.

Loke held that Terrirudin was under no obligation to confirm or deny the alleged addendum order at the leave stage of the judicial review.

"To my mind, it is pure conjecture to attribute dishonourable conduct to the respondent merely from the position taken to oppose Najib's leave application," she said.

She added that Najib's claim that Terrirudin directed his officers to advance false arguments and deny the order's existence remained speculative in the absence of clear evidence.

"One cannot infer a specific instruction to present untrue arguments solely from the stand taken by the respondent's officers. The consequences of contempt proceedings are serious, and this court will act with caution, not on mere supposition," she said.

The judge said Najib's application relied heavily on subsequent events, including the later introduction of the alleged addendum order at the Court of Appeal stage.

At the time Najib filed his leave application, she said, he himself

was uncertain whether it existed.

"Upon being allowed to introduce the addendum order, the applicant now contends it exists and that the respondent knew of it all along... However, even the applicant was uncertain as to its existence when the leave application was filed."

The court also ruled the application fatally out of time, saying it was filed in May 2025, nearly a year after the Attorney-General's Chambers objected to Najib's judicial review in April 2024.

"The significant lapse of time undermined the strength of the applicant's claim and does not justify the extraordinary remedy of committal. I find the delay fatal to the application," Loke said.

Najib's counsel, Tan Sri Muhammad Shafee Abdullah, said an appeal would be filed.

Najib had argued that Terrirudin, while serving as attorney-general, knew of the alleged royal addendum order but chose to mislead the court. The order, if proven, would have allowed Najib to serve the remainder of his sentence under house arrest.

On Aug 13, the Federal Court upheld a 2-1 Court of Appeal decision to remit Najib's judicial review application on the addendum order back to the High Court for a full hearing.

Najib filed the judicial review leave application on April 1, 2024, naming seven respondents: the home minister, the Prisons commissioner general, the attorney-general, the Federal Territories Pardons Board, the minister in the Prime Minister's Department (Law and Institutional Reform), the Prime Minister's Department Legal Affairs director-general and the government.

In his notice of application, Najib sought a mandamus order compelling the respondents to verify the existence of the alleged order dated Jan 29, 2024.

Should the order exist, he asked that it be executed immediately to move to his Kuala Lumpur residence to serve the balance of his sentence under house arrest.