



جريمة تعذيب المتهم لحمله على الاعتراف والمسؤولية  
الجنائية فيها وتطبيقاتها في النظام السعودي

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إهداء

إلى مَنْ حملني وتحملني .....

ودعا لي ورباني وأرشدني وأوصاني

إلى والدي ووالدتي.... أمدَّ الله في عمرهما على زيادة عمل

صالح.

إلى العم: الشيخ صالح عبد العزيز السعوي .. "حفظه الله".

إلى العم: عيد محمد المطرودي .... "حفظه الله".

إلى العم: محمد صالح العيد .... "حفظه الله".

إلى زوجتي وأبنائي .... لما لمستهم منهم من وقفات ودعوات

صديقة وإلى أخوتي وأخواتي.

مع دعائي للجميع بالتوفيق

## شكر و تقدير

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

## مُقَدِّمَةٌ

﴿ ولا ﴾ :

يُجْرِمَنَّكُمْ شَنَاٰنَ قَوْمٍ عَلَىٰ أَلَّا تَعْدِلُوا اعْدِلُوا هُوَ أَقْرَبُ لِلتَّقْوَىٰ ﴿١﴾ .

﴿ وأنزلنا معهم الكتاب والميزان ليقوم الناس بالقسط ﴾ ﴿٢﴾ .

﴿ يا أيها الذين آمنوا إن جاءكم فاسق بنبأ فتبينوا أن تصيبوا

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قوماً بجهالة فتصبحوا على ما فعلتم نادمين ﴿١﴾

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: ﴿فإني قريب أجيب دعوة الداع إذا دعان، فليستجيبوا لي ....﴾

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﴿أشّدتك الله إلا

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قضيت بيننا بكتاب الله، فقام خصمه وكان أفتقه منه، فقال: صدق، اقض بيننا بكتاب الله، وأذن لي، فقال ﷺ: قل. قال: إن ابني كان عسيفاً على هذا - قال مالك: والعسيف الأجير- فزنى بامرأته، فاقديت منه بمائة شاة وخادم، ثم سألت رجالاً من أهل العلم فأخبروني أن على ابني جلد مائة وتغريب عام، وعلى امرأة هذا الرجم، فقال النبي ﷺ: "والذي نفسي بيده لأقضين بينكما بكتاب الله، المائة شاة والخادم رَدّ، وعلى ابنك جلد مائة وتغريب عام، واغد أنيس على امرأة هذا فإن اعترفت فارجمها، فغدا أنيس عليها فاعترفت فرجمها ﴿١﴾".

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﴿ ولقد ﴾ :

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﴿ أخذناهم بالعذاب ﴾ ( )

﴿ أن قريشاً لما استعصوا على النبي ﷺ دعا عليهم بسنين كسني

يوسف، فأصابهم قحط وجهد حتى أكلوا العظام، فجعل الرجل ينظر إلى السماء فيرى ما بينه وبينها كهيئة الدخان من الجهد... ﴾ ( ) .

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﴿إِنْ دَمَاءَكُمْ﴾: ﴿﴾

﴿وَأَمْوَالِكُمْ عَلَيْكُمْ حَرَامٌ كَحُرْمَةِ يَوْمِكُمْ هَذَا فِي بِلَادِكُمْ هَذَا فِي شَهْرِكُمْ هَذَا...﴾: ﴿﴾

﴿كُلُّ الْمُسْلِمِ عَلَى الْمُسْلِمِ حَرَامٌ، عَرَضُهُ وَمَالُهُ وَدَمُهُ﴾: ﴿﴾

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: ﴿لو كنت راجماً أحداً بغير بينة لرجمتها﴾<sup>(١)</sup>.

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ﷺ

﴿فقد روي أن قوماً من الكلاعيين سُرِق لهم متاع فاتهموا أناساً من الحالكة، فأتوا النعمان بن بشير - رضي الله عنه - صاحب النبي ﷺ، فحبسهم أياماً ثم خلى سبيلهم، فأتوا النعمان فقالوا: خليت سبيلهم بغير ضرب، ولا امتحان. فقال النعمان: ما شتمت؟ إن شتمت أن أضربهم فإن خرج متاعكم فذاك وإلا أخذت من ظهوركم مثل ما أخذت من ظهورهم، فقالوا:

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وقلبه مطمئن بالإيمان ﴿١﴾

﴿١﴾ : إن الله وضع عن أمتي الخطأ والنسيان وما

استكروا عليه ﴿١﴾

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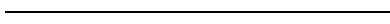
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﴿من أصاب شيئاً من هذه القاذورات﴾<sup>(١)</sup>

فليستر بستر الله، فإنه من يبد لنا صفحته نقم عليه كتاب الله ﴿<sup>(٢)</sup>

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حتى صالحوه على أن يخرجوا منها ولهم ما حملت ركابهم، ولرسول الله ﷺ الصفراء والبيضاء، واشترط عليهم أن لا يكتموه شيئاً فإن فعلوا فلا ذمة لهم ولا عهد، ثم غيبوا مسكاً<sup>(١)</sup> فيه مال، وحليّ لحَيِّي بن أخطب، فقال رسول الله ﷺ لعم حَيِّي: ما فعل مسك حَيِّي الذي جاء به من النضير؟ فقال أذهبته النفقات والحروب، فقال: العهد قريب والمال أكثر من ذلك. فدفعه رسول الله ﷺ إلى الزبير فمسه بعذاب، وقد كان حَيِّي قبل ذلك دخل خربة فقال: قد رأيت حياً يطوف في خربة ، فذهبوا وطافوا فوجدوا المسك في الخربة<sup>(٢)</sup>.

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كانت ✽ : ✽ ( )

امرأتان معهما ابناهما، جاء الذئب فذهب بابن إحداهما، فقالت صاحبتها: إنما ذهب بابنك.

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وقالت الأخرى: إنما ذهب بابنك. فتحاكما إلى داود عليه السلام، ففضى به للكبرى، فخرجتا على سليمان بن داود عليهما السلام، فأخبرتا، فقال: اتوني بالسكين أشقه بينكما، فقالت الصغرى: لا تفعل - يرحمك الله - هو ابنها. ففضى به للصغرى ﴿١﴾.

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﴿ جاء رجل من حضرموت ﴾ :

ورجل من كندة إلى النبي ﷺ فقال الحضرمي: يا رسول الله إن هذا غلبنني على أرض لي، فقال الكندي: هي أرضي وفي يدي ليس له فيها حق، فقال النبي ﷺ للحضرمي: ألك بينة، قال: لا، قال ﷺ: فلك يمينه، قال: يا رسول الله إن الرجل فاجر لا يبالي على ما حلف عليه وليس يتورع من شيء، قال ﷺ: ليس لك منه إلا ذلك ﴿<sup>(١)</sup>.

﴿ إن ﴾ :

دماءكم وأموالكم وأعراضكم وأبشاركم عليكم حرام... الخ ﴿<sup>(٢)</sup>.

﴿ ولا ﴾ :

تكنموا الشهادة ومن يكتنها فإنه آثم قلبه ﴿<sup>(٣)</sup>.

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: ﴿أن النبي ﷺ حبس رجلا في تهمة﴾<sup>(١)</sup>

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﴿أن رسول الله ﷺ حبس رجلا في

تهمة﴾ : ﴿أن النبي ﷺ حبس رجلا في تهمة يوما وليلة استظهارا

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واحتياطا﴾<sup>(١)</sup>

- ﴿أن النبي ﷺ أخذ ناسا في تهمة، فحبسهم، فجاء رجل إلى النبي ﷺ

وهو يخضب، فقال: يا محمد، علام تحبس جيرتي؟ فصمت النبي ﷺ عنه ، فقال: إن ناسا

ليقولون إنك تنهى عن الشر وتستخلي به، فقال النبي ﷺ: ما يقول؟... خلوا له

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ﷺ : ﴿إياكم والظن، فإن الظن أكذب الحديث، ولا

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تحسسوا، ولا تجسسوا، ولا تباغضوا، ولا تدابروا، وكونوا عباد الله إخوانا﴾<sup>( )</sup>.

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﴿أقررتم وأخذتم على ذلكم إصري قالوا أقررنا قال فاشهدوا وأنا معكم من

الشاهدين ﴿١﴾ : ﴿فاعترفوا بذنوبهم﴾ (١) : ﴿وأخرون اعترفوا

بذنوبهم﴾ (١) : ﴿واغدُ يا أنيس إلى امرأة هذا فإن اعترفت فارجمها﴾ (١).

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- ﴿وَإِذْ أَخَذْنَا مِيثَاقَكُمْ لَا تَسْفِكُونَ دِمَاءَكُمْ وَلَا تَخْرُجُونَ أَنْفُسَكُمْ مِنْ

دِيَارِكُمْ ثُمَّ أَقْرَرْتُمْ وَأَنْتُمْ تُشْهَدُونَ﴾<sup>(١)</sup>.

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- ﴿وَإِذْ أَخَذَ اللَّهُ مِيثَاقَ النَّبِيِّينَ لَمَا آتَيْتُكُمْ مِنْ كِتَابٍ وَحِكْمَةٍ ثُمَّ جَاءَكُمْ رَسُولٌ مُصَدِّقٌ لِمَا مَعَكُمْ لَتُؤْمِنُنَّ بِهِ وَلَتَنْصُرُنَّهُ ، قَالَ أَأَقْرَرْتُمْ وَأَخَذْتُمْ عَلَىٰ ذَٰلِكُمْ إِصْرِي قَالُوا أَقْرَرْنَا قَالَ فَاشْهَدُوا وَأَنَا مَعَكُمْ مِنَ الشَّاهِدِينَ ﴿١﴾ .

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- ﴿وَلِيَمْلِكِ الَّذِي عَلَيْهِ الْحَقُّ وَلِيَتَّقِ اللَّهَ رَبَّهُ وَلَا يَبْخَسَ مِنْهُ شَيْئًا﴾ (١) .  
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- ﴿يَا أَيُّهَا الَّذِينَ آمَنُوا كُونُوا قَوَّامِينَ بِالْقِسْطِ شُهَدَاءَ لِلَّهِ وَلَوْ عَلَىٰ أَنْفُسِكُمْ﴾ (١) .

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- ﴿بل الإنسان على نفسه بصيرة﴾<sup>( )</sup> .  
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- ﴿وآخرون اعترفوا بذنوبهم خلطوا عملاً صالحاً وآخر سيئاً عسى الله أن يتوب عليهم إن الله غفور رحيم﴾<sup>( )</sup> .

: "وآخرون اعترفوا بذنوبهم" :

- ﴿وإذ أخذ ربك من بني آدم من ظهورهم ذريتهم وأشهدهم على أنفسهم ألست بربكم قالوا بلى شهدنا أن تقولوا يوم القيامة إنا كنا عن هذا غافلين﴾<sup>( )</sup> .  
: "ألست بربكم قالوا بلى شهدنا"

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عند النبي ﷺ فقام رجل فقال : أنشدك الله ، إلا قضيت بيننا بكتاب الله، فقام خصمه  
- وكان أفه منه - فقال: أقض بيننا بكتاب الله وأذن لي، قال: قل، قال: إن ابني كان

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عسيفا<sup>(١)</sup> على هذا فزنى بامرأته فاقتديت منه بمائة شاه وخادم، ثم سألت رجلاً من أهل العلم فأخبروني أن على ابني مائة جلدة وتعريب عام وعلى امرأته الرجم، فقال النبي ﷺ: ﴿والذي نفسي بيده لأقضين بينكما بكتاب الله جل ذكره، واغد يا أنيس إلى امرأة هذا فإن اعترفت فارجمها، فغدا عليها فاعترفت فرجمها﴾<sup>(٢)</sup>.

- - - : "أتى رسول الله ﷺ رجل من الناس وهو في المسجد فناده: يا رسول الله، إني زنيت يريد نفسه، فأعرض عنه النبي ﷺ فتحنى لشق وجهه الذي أعرض قبله، فقال: يا رسول الله إني زنيت، فأعرض عنه، فجاء لشق النبي ﷺ الذي أعرض عنه، فلما شهد على نفسه أربع شهادات دعاه النبي ﷺ فقال: أبك جنون؟ قال: لا يا رسول الله، فقال: أحصنت؟ قال: نعم يا رسول الله، قال ﷺ: اذهبوا فارجموه"<sup>(٣)</sup>.

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حجرين فقيل لها: من فعل بك هذا؟ أفلان أو فلان؟ حتى سُمي اليهودي فأشارت:

نعم، فأتى به النبي ﷺ فلم يزل به حتى أقر به، فرضَّ رأسه بالحجارة ﴿<sup>(١)</sup>﴾.

- ﴿<sup>(٢)</sup>﴾: أن امرأة من جهينة أتت النبي ﷺ وهي حبلى من

الزنى فقالت: يا نبي الله، أصبت حداً فأقمه عليّ، فدعا نبي الله وليها فقال: أحسن

إليها فإذا وضعت فأتني بها، ففعل، فأمر النبي ﷺ فشكت ثيابها ثم أمر بها فرُجمت

ثم صلى عليها، فقال له عمر: تُصلي عليها يا نبي الله وقد زنت؟ فقال: لقد تابت

توبة، لو قسمت بين سبعين من أهل المدينة لوسعتهم، وهل وجدت توبة أفضل من أن

جادت بنفسها لله تعالى ﴿<sup>(٣)</sup>﴾.

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(١) . ﷺ: ﴿رفع القلم عن ثلاثة: عن المجنون

المغلوب على عقله حتى يفيق، و عن النائم حتى يستيقظ، و عن الصبي حتى يحتلم﴾ (١).

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﴿يا أيها الذين آمنوا لا تقربوا الصلاة وأنتم سكارى حتى

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تعلموا ما تقولون﴾<sup>(1)</sup>.

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﴿ رفع القلم عن ثلاثة: عن المجنون المغلوب على عقله حتى يفيق، و

عن النائم حتى يستيقظ، و عن الصبي حتى يحتمل ﴾ (1)

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المجنون المغلوب على عقله حتى يفوق، و عن النائم حتى يستيقظ، و عن الصبي حتى

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﴿ من كفر بالله من بعد إيمانه إلا من أكره وقلبه مطمئن بالإيمان ﴾<sup>(١)</sup>

﴿ إن الله وضع عن

أمتي الخطأ والنسيان وما استكرهوا عليه ﴾<sup>(٢)</sup>

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﴿ ليس كمثلته شيء وهو السميع البصير ﴾<sup>(١)</sup>

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﴿تدخلن المسجد الحرام إن﴾ :

﴿شَاءَ اللَّهُ آمَنِينَ مُحَلِّقِينَ رُؤُوسَكُمْ﴾ ( )

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ﷺ

: ﴿ حتى غاب ذلك منك في ذلك منها، قال: نعم، قال:

كما يغيب المرود في المكحلة والرشا في البئر، قال: نعم ﴾<sup>(١)</sup>.

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- ﴿ يَا رَسُولَ اللَّهِ: ﷺ ﴾

إني سرقت جملاً لبني فلان ، فأرسل إليهم النبي - ﷺ فقالوا: إنا فقدنا جملاً لنا فأمر به النبي ﷺ ففُطعت يده ﴿ (١) .

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﴿والذين يرمون المحصنات ثم لم يأتوا بأربعة شهداء فاجلدوهم

ثمانين جلدة ولا تقبلوا لهم شهادة أبداً وأولئك هم الفاسقون﴾<sup>(١)</sup>.

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ثلاثة: عن المجنون المغلوب على عقله حتى يفيق، و عن النائم حتى يستيقظ، و عن

الصبي حتى يحتلم<sup>(١)</sup>.

: وإذا بلغ الأطفال منكم الحلم فليستأذنوا كما استأذن

الذين من قبلهم<sup>(٢)</sup>

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﴿إن الله تجاوز عن أمتي الخطأ والنسيان وما استكرهوا عليه﴾<sup>(١)</sup>.

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﴿ وكل إنسان ألزمناه طائره في عنقه ﴾<sup>(١)</sup>،

﴿ ولا تزر وازرة وزر أخرى ﴾<sup>(٢)</sup>

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﴿إلا بالحق﴾ ( ) : ﴿والذين يؤذون المؤمنين والمؤمنات بغير ما اكتسبوا فقد

احتملوا بهتاناً وإثماً مبيناً﴾ ( ) .

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﴿ كل مولود يولد على الفطرة، فأبواه ﴾

يهودانه أو ينصرانه أو يمجسانه ﴿<sup>(1)</sup>

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ﷺ

: ﴿إنه زنى بامرأة سماها، فأرسل النبي ﷺ إلى المرأة فدعاها، فسألها عما

قال فأنكرت، فحده وتركها﴾<sup>(١)</sup>.

ﷺ: ﴿... إذا

جلس إليك الخصمان، فلا تقض بينهما حتى تسمع من الآخر، كما سمعت من

الأول...﴾<sup>(٢)</sup>.

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: ﴿إن الله يأمر بالعدل والإحسان﴾<sup>(١)</sup>

ﷺ: ﴿لو يعطى الناس بدعواهم لادعى أناس دماء رجال وأموالهم، ولكن اليمين على  
المدعى عليه﴾<sup>(٢)</sup>.

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﴿ وإن خفتن شقاق بينهما فابعثوا حكما من أهله

وحكما من أهلها إن يريدوا إصلاحا يوفق الله بينهما إن الله كان عليما خبيرا ﴾<sup>(1)</sup>.

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﴿ إِنَّمَا أَنَا بَشَرٌ وَإِنتُمْ كَمَا كُنْتُمْ يَوْمَ أَنبَأْتُكُم بِاللَّحْيَةِ ﴾

تختصمون إلي ولعل بعضكم أن يكون ألحن بحجته من بعض فأقضي له على نحو ما أسمع فمن

قضيت له من حق أخيه شيئاً فلا يأخذه ﴿ ( )

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﴿ لا ضرر ولا ضرار ﴾<sup>(١)</sup> .

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
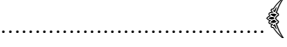
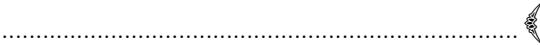
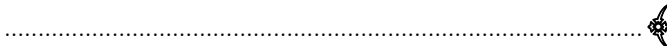
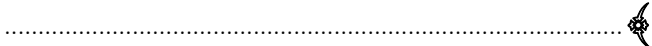

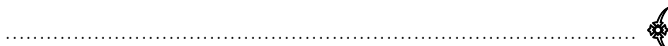

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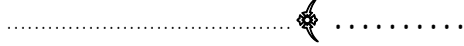
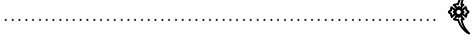
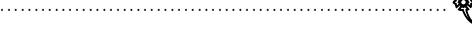

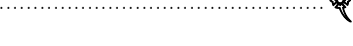


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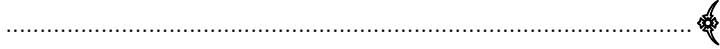
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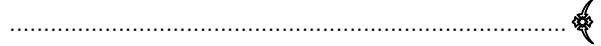
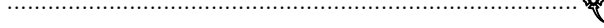
	
	
	
	
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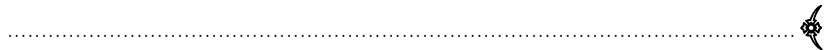
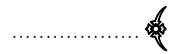
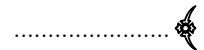
157



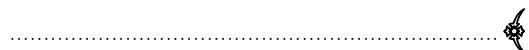
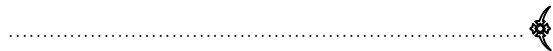
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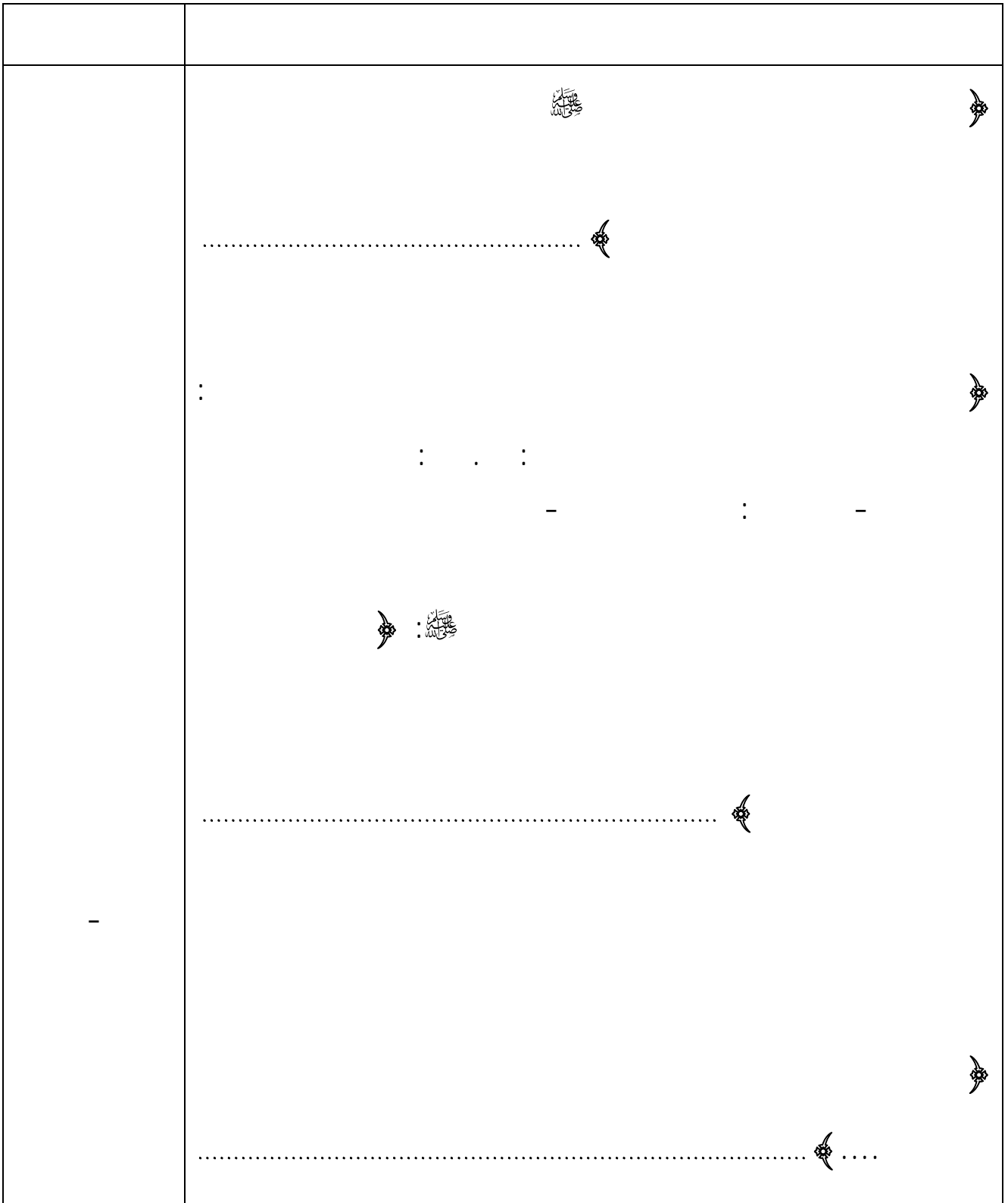
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﴿والذين يؤذون المؤمنين والمؤمنات بغير ما اكتسبوا فقد احتملوا بهتاناً﴾

وإثما عظيما



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Handwriting practice section 1. It features a vertical line on the left and a vertical line on the right. A horizontal dotted line spans from the left line to a decorative flourish on the right. Below this, a decorative flourish is followed by a colon, then a second colon, and finally the Arabic word "الله" (Allah) with a flourish. A second horizontal dotted line spans from the left line to a flourish on the right. A small dash is located on the left side of this section.

Handwriting practice section 2. It features a vertical line on the left and a vertical line on the right. A horizontal dotted line spans from the left line to a flourish on the right. Below this, a horizontal dotted line spans from the left line to a flourish on the right. Further down, the Arabic word "الله" (Allah) is written with a flourish. Below that, a colon is followed by "الله" with a flourish. A second colon is followed by "الله" with a flourish. A third colon is followed by a single dot. A horizontal dotted line spans from the left line to a flourish on the right. A small dash is located at the bottom center of the page.



Handwriting practice section for the word "بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ".

Tracing exercises include:

- A dotted line with a decorative flourish at the end.
- A dotted line with a decorative flourish at the beginning.
- A dotted line with a decorative flourish at the end.
- A dotted line with a decorative flourish at the end.

Copy exercises include:

- A decorative flourish on the right side.
- Handwritten examples of the word "بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ" in various sizes and orientations.
- Vertical dotted lines for alignment.
- Horizontal dashes for line guides.

Handwriting practice section for the word "بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ".

Tracing exercises include:

- A dotted line with a decorative flourish at the end.
- A dotted line with a decorative flourish at the end.
- A dotted line with a decorative flourish at the end.
- A dotted line with a decorative flourish at the end.

Copy exercises include:

- Handwritten examples of the word "بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ" in various sizes and orientations.
- Vertical dotted lines for alignment.
- Horizontal dashes for line guides.
- Decorative flourishes on the right side.



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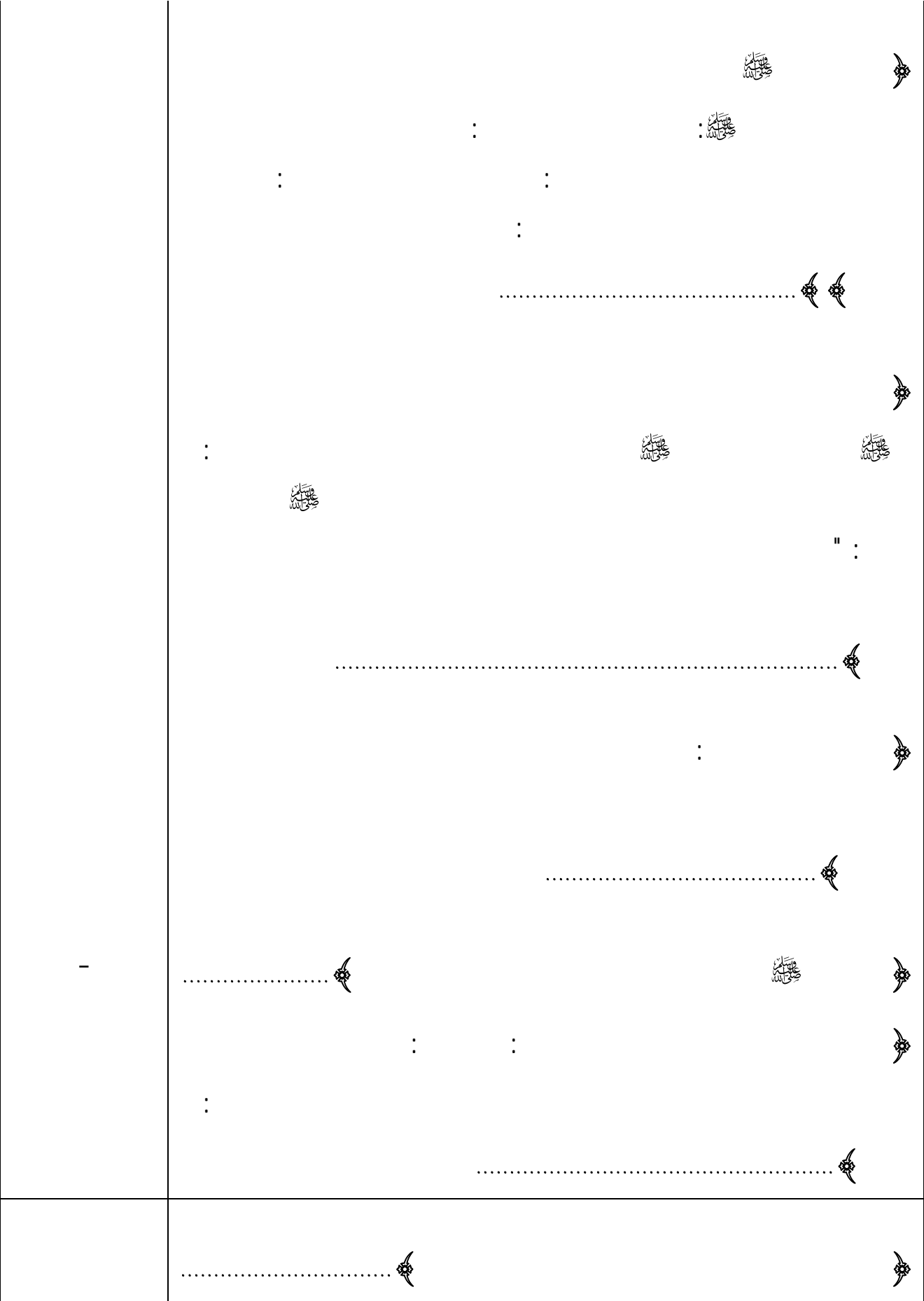
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Decorative page with floral motifs and Arabic calligraphy. The page is framed by a double-line border. On the left side, there is a large opening parenthesis followed by a hyphen and a closing parenthesis. The page is filled with various decorative elements, including floral motifs and Arabic calligraphy. The calligraphy includes the Basmala (Bismillah) and the Shahada (Islamic declaration of faith). The page is divided into several sections by horizontal dotted lines, each ending in a floral motif. The floral motifs are arranged in a grid-like pattern, with some motifs appearing in pairs or groups. The overall design is elegant and traditional.

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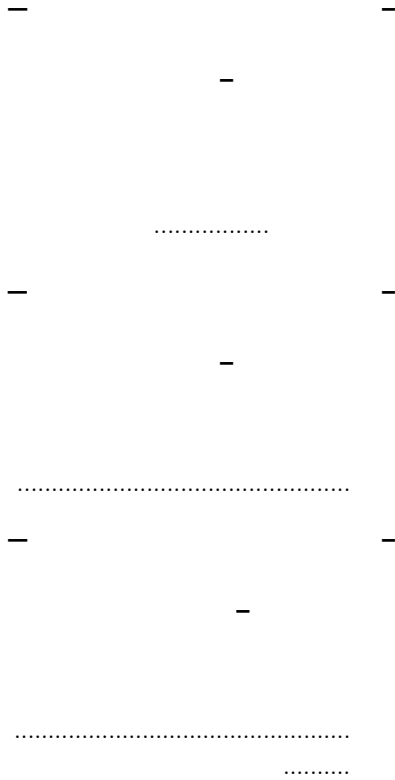
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