

b)E drejta e procedurës penale ndërkombëtare —e përcakton nocionin dhe llojet e subjekteve në procedurën penale ,parimet e procedurës ,llojet dhe ecurinë e procedurës penale në gjykatat ndërkombëtare .

c)E drejta penale ndërkombëtare ekzekutive—e përcakton procedurën,mënyrën dhe kushtet e ekzekutimit të sanksioneve të shqiptuara nga gjykatat penale ndërkombëtare .

Krahas kësaj ndarje kemi edhe ndarjen në:

-Pjesa e përgjithshme e së drejtës penale ndërkombëtare —përcakton parimet e veprimit të së drejtës penale ndërkombëtare ,nocionin dhe elementet e veprës penale ndërkombëtare ,stadet e kryerjes së veprës penale ndërkombëtare ,çështjen e bashkimit të veprave penale ndërkombëtare ,bazat e përgjashtimit të veprave penale ndërkombëtare ,nocionin dhe karakteristikat e përgjegjësisë penale ,bazat e përgjegjësisë penale ,nocionin,karakteristikat dhe llojet e sanksioneve penale .

-Pjesa e posaçme e së drejtës penale ndërkombëtare — i parashih veprat penale ndërkombëtare ,llojet e tyre,format e privilegjuara dhe të kualifikuara si dhe llojet dhe lartësitë e sanksioneve penale .

6.AKTUALITETI I SË DREJTËSPENALE NDERKOMBETARE

Një ndër karakteristikat e shoqërisë bashkëkohore është mobiliteti,qarkullimi masiv i njerëzve prej një shteti në shtetin tjetër. Shkaqet e këtij migracioni janë të ndryshme,por ato që kanë shtyrë njerëzit të migrojnë prej një shteti në shtetin tjetër kryesisht janë shkaqe ekonomike ato që kanë shtyre numrin më të madh të njerëzve të qëndrojnë përkohsishtë apo përgjithëmon në shtetet e huaja. Pastaj krizat politike nëpër vende të ndryshme të botës,luftërat ndërshtetërore dhe ndëretnike si dhe një varg faktorësh të tjerë. Prandaj e gjithë kjo lëvizje e njerëzve prej një vendi në vendin tjetër ka bërë të mundshëm edhe shtimin e kriminalitetit, shih për këtë një rol të veçantë në shtimin e veprave penale ndërkombëtare ka bërë zbulimi i kompjuterit që bërë të mundur edhe zbulimin e internetit ,me anë të të cilit bëhet e mundur kryerja e veprave penale nga një skaj i botës në skajin tjetër të saj. Shtimi enorm dhe permanent i veprave penale me elemente ndërkombëtare ka bërë që policia,prokurorët,gjyqtarët,avokatët si dhe përfaqësuesit diplomatikë të shteteve të ndryshme të ballafaqohen me këtë lloj të kriminaliteti që është shumë kompleks.

7.ASPEKTET E STUDIMIT TË V.P. ME ELEMENT NDERKOMBETARE

Duke marr parasysh një ndër katër disiplinat kryesore të shkencave penale,çështjet nga lëmi e së drejtës penale ndërkombëtare mund të studiohen në:aspektin juridik,kriminalo-politik,kriminologjik dhe penologjikë.

8.FILLET DHE ZHVILLIMI I SË DREJTËS PENALE NDERKOMBETARE DERI NË LUFTËN E DYTË BOTËRORE

Lidhur me fillet apo paraqitjen e së drejtës penale ndërkombëtare ,në shkencën juridike ekzistojnë mendime të ndryshme. Disa mendojnë se këto janë paraqitur në gjysmën e parë të shek.XVI,disa të tjerë mendojnë se fillet e para janë paraqitur në shek.XVII,ndërsa të tjerët mendojnë se e drejta penale ndërkombëtare në kuptimin e tanishëm daton që nga postulati i njohur i Hugo Graciusit,„aut dedere aut punire,,(ose dorëzoje ose ndëshkoje)—shek.XVII.

E drejta penale ndërkombëtare ,zhvillimin e saj e shënon sidomos me paraqitjen e ideve dhe tendencave të shteteve dhe të bashkësive ndërkombëtare që në kuadrin e mundësive të humanizohet lufta. Zhvillim më të hovshëm e drejta penale ndërkombëtare merr me nxjerrjen e Konventës së Petrogradit ,Konventës së Gjenevës për mbrojtjen e të plagosurve dhe të sëmurëve gjatë kohës së luftës në vitin 1864 dhe konventave të Hagës në vitin 1899 dhe 1907. Këto konventa në fakt paraqesin një lloj kodifikimi të së drejtës ndërkombëtare luftarake. Në bazë të këtyre konventave u bë gjykimi i kriminelëve të Luftës së Parë dhe të Dytë Botërore.

9.Zhvillimi i së drejtës penale ndërkombëtare pas Luftës së Dytë Botërore si e drejtë SUPERNACIONALE(kontributi i OKB-së,Unionit Evropian dhe Këshillit të Evropës)

Pas luftës së Dytë Botërore zhvillimi i së drejtës penale ndërkombëtare u orientua në akceptimin e konceptit se duhet të ndërtohet një e drejtë penale ndërkombëtare e cila do të kishte autoritet dhe mekanizma që tua imponoj shteteve aplikimin e normave edhe në rastet kur shtetet e kundërshtojnë,pra me fjalë të tjera që normat e së drejtës penale ndërkombëtare të kenë karakter obligues për shtetet nacionale.

Krahas ndërtimit të normave të së drejtës penale ndërkombëtare me anë të marrëveshjeve bilaterale dhe multilaterale,e drejta penale ndërkombëtare është duke u kodifikuar dhe konsoliduar me anë të aprovimit të normave supranacionale,njohja e të cilave nuk varet nga vullneti i shtetit. Norma të tilla të cilat janë nxjerrë

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Ersi N. Bozheku, Ismet Elezi



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