

E DRTEJTA PENALE NDËRKOMBËTARE

„E drejta penale ndërkombëtare është degë e shkencës penale dhe tërësi e normave penale pozitive të një shteti dhe të normave ndërkombëtare, me të cilat rregullohen çështje penale në planin ndërkombëtar”

1.Substitutet e emërimit të së drejtës penale ndërkombëtare

Krahas emërimit të Drejta Penale Ndërkombëtare, në literaturën penale janë bërë përpjekje që kjo degë e së drejtës të përcaktohet me emërime të ndryshme. Kështu disa autor të drejtën penale ndërkombëtare e shohin si të drejtë ndërkombëtare, përkatësisht si e drejtë supranacionale dhe për këtë degë të drejtësisë propozojnë emërtimin e drejta penale ndërshtetërore, e drejta penale universale apo e drejta penale supranacionale.

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Edhe përkundër asaj se një numër i veprave penale janë të parapara me të drejtën penale ndërkombëtare siç janë p.sh. krimi gjenocidit, krimet e luftës, diskriminimi racor, nacional apo fetar etj, mirëpo shumica e veprave me elemente ndërkombëtare si dhe një mori çështjesh të tjera që janë të ndërlidhura me këto lloje të veprave penale siç është p.sh. ekstradimi dhe mënyrat e tjera të ndihmës juridike –penale ndërkombëtare, e drejta e azilit, çështja e ekzekutimit të sanksioneve penale ndaj kryerësve të këtyre veprave penale janë të rregulluara me të drejtat penale nacionale.

Prandaj me të drejtë në literaturën e shkencave penale dominon mendimi se për këtë degë të drejtësisë është më adekuat emërtimi **E drejta Penale Ndërkombëtare** e cila synon që të sublimojë dhe të rregullojë në parime të përbashkëta të gjitha çështjet penale të cilat shtrohen në planin ndërkombëtar.

2.Elementet ndërkombëtare të veprave penale

Me termin element ndërkombëtar në këtë degë të drejtësisë nënkuptohet çdo moment i cili lëndës së caktuar penale e jep rëndësi apo rezonancë në relacionet ndërkombëtare ose më thjesht, si ***element ndërkombëtar i veprave penale konsiderohet çdo element i cili në lëndën e caktuar penale e ndërlidh (involvon) edhe një shtet tjetër apo më shumë shtete të tjera.***

Si elemente ndërkombëtare më tipike të veprave penale janë:

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- nëse një shtet kërkon ekstradimin e personit apo kërkon ndonjë ndihmë tjetër juridike për zhvillimin e procedurës penale
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- nëse vepra penale është kryer nga personi i cili gëzon imunitet diplomatikë
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