

dhe janë të obligueshme për të gjitha shtetet janë Konventa e Gjenerit, Konventat e Hagës, Statuti i Tribunalit të Hagës dhe një mori konventash dhe aktesh tjera ndërkombëtare . Në fushën e së drejtës penale ndërkombëtare , bashkësia ndërkombëtare si autoritet(pushtet)supranacional i ka dy funksione në raport me legjislacionin e shteteve:

a)Funksionin rregullativ dhe

b)Funksionin koordinues

a)FUNKSIONI RREGULLATIV –shprehet duke aprovuar norma të së drejtës penale ndërkombëtare ,siç cilat kanë karakter universal imperativ ,do të thotë se këto norma aplikohen ndaj secilit,mushe edhe në rastet kur ligjet e shteteve kishin asnjë parashkrim,si dhe në rastet kur aplikimi i këtyre normave është në kundërshtim me ligjet e shtetit përkatës.

b)FUNKSIONI KOORDINUES –konsiston në ndërmarrjen e masave me qëllim të inkorporimit të formave të ndryshme të ndihmës reciproke midis shteteve për aplikimin e legjislacionit penal në një shtet,edhe në rastet kur vepra penale është kryer në territorin e një shteti tjetër,si dhe harmonizimin dhe aprovimin e instrumenteve universale në fushën e bashkëpunimit dhe aplikimit të standardeve ndërkombëtare për të drejtat e njeriut.

Kontributi i organizatave Ndërkombëtare –Pas Luftë së Dytë Botërore organizatat ndërkombëtare kanë dhënë një kontribut shumë të madh në zhvillimin e së drejtës penale ndërkombëtare .Ky kontribut është shprehur në aktivitetet në ndryshme në parandalimin dhe luftimin e kriminalitetit duke aprovuar një varg konventash dhe aktesh të tjera Ndërkombëtare . Në kuadër të këtyre organizatave dallohen OKB-na,Bashkimi Evropian dhe Këshilli i Evropës.

-**Konventat e aprovuara nga OKB** paraqesin bazë për të drejtën penale ndërkombëtare .Krahun konventave OKB në zhvillimin e së drejtës penale ndërkombëtare është shprehur me anë të rekomandave dhe rekomandimeve e parimeve.

-**Bashkimi Evropian** si organizatë shumë e rëndësishme regjionale e karakterit ndërkombëtar,konsiston në adoptimin e standardeve evropiane dhe në mbrojtjen e vlerave në legjislacionet nacionale,që mund të konsiderohet si procese të evropianizimit. Prioriteti i këtij procesi është mbrojtja e njihtit e lirisë dhe e të drejtave individuale në fushën e së drejtës penale ,pa marrë parasysh se në cilin shtet gjendet personi. Posaheja edhe ky mekanizëm ndërkombëtarë me anë të shtamë konventave dhe marrëveshjeve ka ndihmuar për avancimin dhe harmonizimin e legjislacioneve penale nacionale.

-**Këshilli i Evropës**-Kontributi i kësaj organizate ndërkombëtare në zhvillimin e së drejtës penale ndërkombëtare kryesisht ka qenur shprehjen duke i avancuar standardet evropiane për të drejtat e njeriut dhe implementimin e tyre. Edhe ky mekanizëm ndërkombëtarë kish funksion e ka realizuar duke aprovuar konventa dhe akte të tjera ndërkombëtare me të cilat janë garantuar liri dhe të drejtat themelore të njeriut në përgjithësi,edhe në veçanti në sferën e së drejtës penale dhe në procedurën penale

10.2.drejtja ndërkombëtare si bazën e së drejtës penale ndërkombëtare

E drejta ndërkombëtare është bazën e rëndësishme dhe dominant e së drejtës penale ndërkombëtare .Me bazën të së drejtës ndërkombëtare nënkuptojmë konventat dhe aktet tjera ndërkombëtare ,siç cilat rregullojnë drejtpërdrejt apo në mënyrë indirekte qëndtje nga llini e së drejtës penale ndërkombëtare .Këto bazën mund të ndahen në dy grupe:

-**Në grupin e parë** bëjnë pjesë konventat dhe aktet e tjera ndërkombëtare të aprovuara nga organizatat ndërkombëtare siç janë(OKB,KE,HE etj)

-**Ndërka në grupin e dytë** bëjnë pjesë kontrata e lidhura midis dy apo më shumë shteteve.

Darimet e së drejtës penale ndërkombëtare :

- *Konventat ndërkombëtare*
- *Zakonet/doket/ndërkombëtare*
- *Parimet e përgjithshme juridike*
- *Fenomenet gjyqësore dhe doktrina e së drejtës ndërkombëtare*

Manual Per Mbrojtjen Penale Nderkombetare

Terry C. Jones



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