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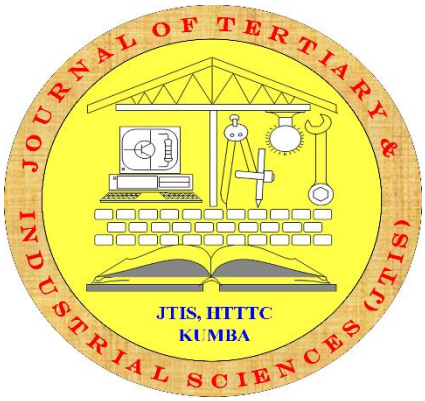

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UNIVERSITY OF BUEA
P.O Box: 249 Buea Road, Kumba
Tel: (+237) 33354691 – Fax: (+237) 33354692
Email: editor@jtis-htttcubuea.com
Website: https://www.jtis-htttcubuea.com

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SCIENTIFIC EVIDENCE IN CAMEROON IS OF LOW EBB: DIAGNOSIS OF THE PROBLEMS AND REFORMS

By
A. B. Ebako Dibo and K. N. Ebako Dibo

ABSTRACT
The legal implications of the application of evidence in tribunal to manage dispute resolution is more judicial centric than scientific centric in Cameroon. Thus the emergence of science evidence and the judicial evidence in tribunal is posing some hardship to the judiciary. By definition, scientific evidence is the information gathered from scientific research which takes lots of time and patience to be conducted. It serves to either support or counter a scientific theory or hypothesis and it is empirical in nature to be interpreted in accordance with scientific methods. Scientific evidence culled from a scientific procedure thus, helps the trier of facts to determine the facts in issue during a judicial proceeding. The general objective of this article is to explore and analyse the level of application of scientific evidence inside courtrooms in Cameroon with the advancement of modern technology. The literature review in this work shows that there are two premises on which the concept of scientific evidence are based: the first premise holds that the challenges brought about by advance modern technology is creating an uneasy alliance between science and the law while the second holds that there is non-existence of an effective scientific framework in the judicial core in Cameroon to help judges and magistrate adequately interpreting and enforcing scientific evidence to effectuate admissibility inside courtrooms in Cameroon. To attain the above objectives and to test the proposition set out by this article. We employed an empirical study; we made use of primary and secondary data. International and regional laws are used to complement the national legislation which is paramount to this study. The data gathered from this research reveals that members of the judicial core in interpreting and enforcing scientific evidence to effectuate admissibility inside courtrooms in Cameroon face lots of challenges. We also noted that there is lack of laboratories; equipment's experts and trained judicial staff to foster an effective collection of data to enhance the admissibility of scientific evidence in courtrooms. This article will be of academic significance to students, lecturers, legal practitioners, administrators, policymakers, institutions and consumers. It will upgrade the approach use to test scientific evidence. Key words: **scientific evidence, law, low EBB.**

1. INTRODUCTION

The use of evidences and their admissibility in Cameroon's courts has been judicially centric in the last two decades. However, the innovation and advancement of modern technology have made possible the use of scientific products and methods to render

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services to consumers. The use of scientific products and methods to render services to consumers have create an atmosphere of regular disputes resolution that raise scientific issues that need to be solve with the use of scientific evidence aided by forensic study. Technological advancement has equally give birth to some scientific crimes for example cyber criminality that can be determine and punish through the use of scientific evidence. To boot, scientific evidence does facilitate the investigation of civil and criminal crimes to ease the search of culprits. Hence, scientific evidence with the aid of forensic study[1] is use in courts rooms and it has become a routine ingredient suitable for the resolution of disputes with scientific elements. It is therefore paramount for this study to give a preside definition of scientific evidence, Scientific evidence is the information gathered from scientific research which takes a lot of time and patience to be conducted. All scientific evidence need to have some things in common to help decision makers accept it. Scientific evidence culled from a scientific procedure that helps the trier of facts to determine the facts in issue during a judicial proceeding. Scientific evidence[2] is evidence that serves to either support or counter a scientific theory or hypothesis. Scientific evidence is expected to be empirical evidence and should be interpreted in accordance with scientific methods. The Cameroonian legislature has articulated an entirely new set of criteria for the admissibility of scientific evidence. It states that the courts should make use of expert opinion[3] where there is a technological issue which needs to be proven by any means even by digital mean.

Thus, the adversarial need to fit science into the law to yield positive and satisfactory results during proceedings is posing some hardships to the actors of the judicial core in Cameroon, accordingly, creating limitations to the application of scientific evidence. The uneasy alliance between science and law possess some profound challenges to judges, jurors, magistrates and lawyers during litigation processes in courtrooms. These challenges on the one hand stems from the fact that the law as legal system seek to achieve truth for the ultimate purpose of attaining an authoritative final, just and socially acceptable resolution of disputes to render justice to litigants. Ergo, the law is a normative pursuit that seeks to define how public and private relationship should function[4]. On the other hand these challenges takes place due to the fat that, in contrast to law, science embraces empirical analysis to discover the truth as found in verifiable facts. Science is thus a descriptive pursuit which does not define how the universe should be but actually describes how it actually is[5]. These differences between law and science have engendered to pragmatic dilemmas for the application of scientific laws by

[1]See Craig Adams: Forensic science is the application of scientific methods and techniques to investigate crimes published 2008.

[2] See Charles Sturt: Scientific Evidence; what is it and how can we trust it? Published, on 3 July, 2013.

[3] See Law No 2005 of 27 July 2005 Creating the Ccriminal procedure Code of the Republic of Cameroon, section 203 and 208 respectively.

[4] See Harvard Law review: Development in the law –confronting the new challenges of scientific evidence 108 See M. A Berger and L M Solan: The Uneasy relationship between science and law; 73 Brook L. Rev 847 (2008).

[5] See M A Berger and L M Solan (Ibid) pg 847.

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the actors within it. Other forms of hardships include poorly enacted scientific laws, poor interpretation of scientific laws and results, due to the lack of adequate scientific knowledge by the judges, magistrates and lawyers to comprehend and evaluate scientific laws and evidence. To boot, there is lack of adequate scientific experts, laboratories and equipment to enhance the effective use of scientific evidence. This scenario has caught the attention of the members of the judicial core in Cameroon as they create an expansion on the method of presenting and admitting evidence in courtrooms.

Indeed, the government has put in place laws to ensure the use and admissibility of both judicial and scientific evidence in tribunals. The Cameroonian legislature in performing this task has articulated an entirely new set of criteria for the use and admissibility of both judicial and scientific evidence. It states that the courts should make use of expert opinion[6] where there is a technological issue which needs to be proven by any means even by digital mean. Thus, the adversarial need to fuse judicial and science evidence to yield positive and satisfactory results during proceedings is posing some hardships to the actors of the judicial core in Cameroon. There is also a continuous proliferations with technological advancement that gives birth to some scientific crimes for example cyber criminality that can be determine and punish only through the use of scientific evidence aided by forensic study which are lacking in judicial proceedings and are not glaring to lawyers and litigants. The non-existence of an effective scientific framework in the judicial core to help judges and magistrate adequately interpreting and enforcing scientific evidence to effectuate admissibility inside courtrooms in Cameroon. There is equally the lack of adequate laboratories, technological equipment's, experts and trained judicial staff to create a favourable environment for the application of scientific evidence. Consequently, the investigation on how the uneasy alliance between science and law possess some profound challenges to judges, jurors, magistrates and lawyers during litigation processes in courtrooms. Therefore is paramount in this study to make a difference and greater impact in the application and admissibility of both judicial and scientific evidence to enhance justice to disputants in a suit. Henceforth, this paper aims at assessing the level of application of scientific evidence inside courtrooms in Cameroon with the advancement of modern technology.

2. DEFINITION OF KEY WORDS

EVIDENCE

[6] See Law No 2005 of 27 July 2005 Creating the Ccriminal Procedure Code of the Republic of Cameroon, section 203 and 208 respectively.

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Evidence is the available fat or information indicating whether a belief or proposition is true[7] the word evidence is use in connection with admissibility. For example, when it is said in court that something is not of evidence, it means that the thing is not admissible as evidence. For an evidence to be admissible, the fact to be established by the evidence must be relevant[8] to the fact in issue. Evidence are tested during litigation with the active participation of the parties to the suit through prove. The court in disputes will ask the plaintiff to prove[9] in other to establish his claims. When both parties have agreed on a particular matter in their pleading such matter need not be proven and the court will accept such an agreed fact as established without proof. If the claims are not admitted expressly or by implication, by the defendant then, the defendant must prove the fact in issue, in order to establish his defence. The court will determine whether the fact is in issue, by using the relevant laws in connection with the subject matter of the case and also by pleading.

LAW

Law is a system of rules which a particular country recognized as regulating the actions of its members and it is enforced by the imposition of penalties[10]. Law is legal system that seeks to achieve truth for the ultimate purpose of attaining an authoritative final, just and socially acceptable resolution of disputes to render justice to litigants. Ergo, law is a normative pursuit that seeks to define how public and private relationship should function[11]

LOW EBB

Low ebb means in a weakened or depressed state[12]. Low ebb also signifies unfriendly, unfavourable, lacing in derisiveness without strength or character, irresolute, friendly or appearing to be friendly in a very intimate or hearty manner[13]. Low ebb also means very sad and unsuccessful.

SCIENTIFIC EVIDENCE

[7] Gerald and Kethlean hill: legal dictionary, publish 1992.

[8] Ibid pg. 24.
[9] Ibid pg. 39.
[10] Bryan Agarmer and Henry Compbell black: black's law dictionary 7th edition published 1891.

[11]See Harvard Law review: Development in the law –confronting the new challenges of scientific evidence 108 See M. A Berger and L M Solan: The Uneasy relationship between science and law; 73 Brook L. Rev 847 (2008).
[12] Henry Campbell black: black's law dictionary, latest edition published by American law firm 2008.

[13] Gerald and Kathleen hill: legal dictionary, publish 1992.

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Scientific evidence[14] is evidence which serves to either support or counter a scientific theory or hypothesis. It is expected to be empirical evidence and should be interpreted in accordance with scientific methods. Scientific evidence also entails the use of expert opinion[15] where there is a technological issue which needs to be proven by any means even by digital mean.

3. METHODOLOGY

To achieve the aforementioned objectives we make use of an empirical study based approach with data gathered using primary and secondary sources. The Primary sources use as data in this study are direct and first-hand information's such as results gotten from interviewing members of the judicial core having profound and pertinent knowledge of the subject matter. The secondary sources used in this study to gather data are made up of information that has been gathered and interpreted such as information gotten from libraries, textbooks, articles, magazines, television and radio news, as well as online sources.

4. RESULTS AND DISUSSION

4.1 RESULTS

The review in this work reveals that the challenges brought about by advance modern technology that is creating an uneasy alliance between science and the law. This scenario is creating an imbalance between technological growth and the scientific knowledge of members of the judicial core, thereby, disrupting the effective application of scientific evidence during court proceedings in Cameroon. Another peril is based on the poor reporting system in Cameroon. Under a reporting system, Law Reports are created containing judicial decision that are published and cited by magistrates, judges to be used as case law as well as evidence for appeal. It is worth noting that some magistrates and judges in Cameroon do not produce Law Report consequently researchers and the public as a whole do not have knowledge of cases handled in a suit and their outcomes. To withal, the reporting system uses by courts in Cameroon are still manual leading to defective dispensation of justice. Also, the lack of case law is another setback: Case Law is a law that is based on judicial decision rather than constitution, statute or regulations. The insufficiency of Case Law springs from the fact that Cameroonians are reluctant to take cases to courts because of bureaucratic bottleneck procedure that are costly and time consuming. Moreover, litigants are not sure of the outcome of their cases. Another bar to this work is the prevalence of fragmented scientific laws, lack of scientific experts, laboratories and equipment's in fostering the application and admissibility of scientific evidence during litigation processes in courts.

[14] See Charles Sturt: Scientific Evidence; what is it and how can we trust it? Published 3 July, 2013.
[15]See Law no_ 2005 of 27 July 2005 of the Criminal Procedure Code Section 203 and 208 respectively.

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The presence of scientific elements in dispute resolution with Technological advancement are increasing in a geometric progression inside tribunals in Cameroon while the scientific laws created to combat these hazards are increasing at an arithmetic progression. Therefore, this article seeks to explore and analyse the level of application of scientific evidence inside courtrooms in Cameroon with the advancement of modern technology. With the above explanation the significance of this work will be elaborated in fivefold namely; economically, socially, altruistically, academically and scientifically. Economically, this work is an important document that will help improve the members of the judicial ore and litigants the understanding of the legal instruments put in place by the government and help the government take into consideration the difficulties faced by the judges and magistrates in putting these laws into practice. This work can be used as a material to help facilitate the understanding of scientific laws by the litigants and educates them on how to prevent the ills of modern technology. The assessment made in this work as well as the recommendations will serve as an important material to the Cameroonian government and pave the way for improve scientific evidence to boast the output of Cameroon's gross domestic products. To help Cameroon, realize her goal of becoming an emerging nation by 2035. Socially, this work will help disputants to look at scientific evidence as a concept that enhance the application of justice. Academically, this work will serve as a reference document for students, lecturers, legal practitioners, administrators, policymakers as well as institutions. Scientifically, this work will facilitate the implementation of scientific evidence during court proceeding, thereby, facilitating judicial procedures and getting hold of the right culprits of civil as well as criminal liability. Altruistically, this work will sensitize the actors on how to gather and interpreted scientific data to adequately apply justice Hence, making Cameroon tribunals the stool of justice.

4.2. DISCUSSION

4.2.1 THE LEGALITY OF EVIDENCE IN CAMEROON

A court faced with disputes has as its main objective to find out who is liable for the commission of either a criminal or civil act. To determine a culprit in a suit, the court must make an inquiry[16] into the relevant fact of the case as presented to it by the parties through the use of evidence. The word evidence is use in connection with admissibility. For example, when it is said in court that something is not of evidence, it means that the thing is not admissible as evidence. The Cameroon judiciary has adopted the use of both judicial and scientific evidence, as an appropriate means of establishing proves backed by Section 308 of the Criminal procedure Code, This piece of legislation states that: Experts where otherwise provided by law of an offence may be established by any means. The code further stipulates that [17]any proof in rebuttal or an allegation may be established by any means courtesy of the Cameroon centre for democracy and human right. In Cameroon both judicial and scientific evidence are applicable in a tribunal base

[16] See T Akinola Aguda, The Law of Evidence 3rd Ed Pg. 3.
[17] See Section 308 and 308 (b) of the 2005 Criminal Procedure of the Republic of Cameroon.

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on the provision of Section 5 of the English Evidence Act of 1945, as it stipulates that nothing in the act shall prejudice the admissibility of any evidence[18] which would apart from the provision of the Act be admissible. Therefore, it is necessary for this work to evaluate the effectiveness of the Cameroon judiciary in using evidence specifically scientific evidence during proceeding with regards to the advancement of modern technology, with more emphasis being made to the fact that scientific evidence is today an indispensable factor in both civil and criminal cases.

4.2.2 Judicial Evidence

During a court session magistrates or judges must draw conclusion not only after listening to arguments of the parties and legal practitioners to the case in question but they also make use of judicial evidence[19] in order to ascertain their final decision. Judicial evidence which is not a bone of contention in this article shall be defined passively to help develop the sense of this write up. Judicial evidence is define as the means by which facts are proved which exclude inference and arguments by using oral testimony of persons who perceived the fact or the production of documents or the inspection of things or place and sometimes through admission and confession, judicial notice, presumption and estoppels. In Cameroon, the tribunals make adequate use of judicial evidence when handling disputes by using oral evidence which involves the use of oral testimony of witnesses that are summoned by the court or those who comes voluntarily for the purpose of justice or for any other purpose. The courts may also serve summons to a witness to tender documents on the application of a party to the proceeding and may carry out a visit to locus in quo where necessary.

4.2.3 Scientific Evidence

The Cameroon legislature has drafted the laws in Cameroon in such a way that it makes provision for the use of scientific evidence as stipulated by the Cameroon Criminal Procedure Code of 2005. This code states that[20], proof can be by means of wire trapping, electronic listening device or other instruments of surveillance and is admissible under the condition laid down in section 92 and 245 of this code herein refer to as Criminal Procedure Code of 2005. Scientific evidence[21] is evidence which serves to either support or counter a scientific theory or hypothesis. It is expected to be empirical evidence and should be interpreted in accordance with scientific methods. The Cameroonian legislature has articulated an entirely new set of criteria for the admissibility of scientific evidence as it states that the courts should make use of expert opinion[22] where there is a technological issue which needs to be proven by any means even by digital mean.

[18] See T Akintola Aguda (supra) pg. 7.
[19] See T Akintola Aguda (supra) pg. 3.
[20] See Section 308 (b) of Cameroon Criminal Procedure Code 2005 (supra).
[21] See Charles Sturt: Scientific Evidence; what is it and how can we trust it? Published, 3 July, 2013.
[22]See Law no_ 2005 of 27 July 2005 of the Criminal Procedure Code Section 203 and 208 respectively.

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The Cameroon legislature also articulates that where a technical problem[23] arises in the course of a preliminary inquiry. The examining magistrate may of his own motion or one of the applications of any of the parties to the suit call for the operation of scientific expert. The legislature has also permitted judges to make manoeuvres of scientific evidence through expert opinion as it provides that: Judge may commission any person of his choice to set him straight in the form of findings consultation or any expertise on a question of fact that require the insight of an expert. Equally, the legislature have wield scientific evidence by enacting the 2010 law on cyber security and cyber criminality which is a procedural law that make provision to punish criminal of cybercrimes.[24] This law have significant on the acquisition, examination of scientific evidence in courts proceedings. The courts in Former West Cameroon apart from applying the above mentioned laws to implement technical experts equally bring into play the English Evidence Act of 1945 which is the main source of evidence with admissibility as the birth rock of relevance. This Act states that[25] the courts should make use of experts for the admissibility of evidence. Equally, the judicature in Former West Cameroon equally put to service the Tort law of Negligence [26] that has accepted a meaningful segments or relevant experts as a criterion for the admissibility of evidence to prove fault. With the above explanations it is clear that the Cameroonian legislature have enacted laws that are used for the administration of evidence. Hence, creating legality for the application of not just judicial evidence but scientific evidence that is of prime to lawsuits.

4.3. PROBLEMS

4.3.1 LIMITED SCIENTIFIC KNOWLEDGE, EXPERTS, LABORATORIES AND EQUIPMENT

The main setbacks affecting the development of scientific evidence inside tribunals in Former West Cameroon are rooted on the propounded fact that the uneasy correlation between science and law, insufficient scientific knowledge by members of the judicial core, limited experts, laboratories and equipment's, as well as the use of manual reporting system in this modern age that brings about fragmentary dispensation of justice act as a bar to the enforcement of an effective application and admission of scientific evidence in a lawsuit. The modes in which litigants appreciate the administration of justice through the use of scientific evidence are essential ingredients to be evaluated for a proper management of effective scientific evidence. The aim of the government is to render justice to its citizens. This is authenticated in its effort of

[23] See Law no_2010/021 of 21 December 2010 governing Electronic Commerce in the Republic of Cameroon Section 204.
[24] See Part III of Law no_2010/012 of 21 December relating to Cyber Security and Cyber Criminality in the Republic of Cameroon.
[25] See Section 60 of the 1945 English Evidence Act.
[26] See the 1945 Tort Law of Negligence applicable in Former West Cameroon base on section 11 of the southern Cameroon High Court Law of 1955; which stipulates that all received foreign laws applicable in Cameroon are meant to remain in force until such a time that parliaments has enact a national law.

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enacting a good number of legal instruments to bring justices to disputants. Based on the above review litigants need to perceive positive impact with the application of scientific evidence in courtrooms to yield satisfactory results. However, the arm of the government and expectations of disputants is not completely achieve irrespective of the available legal instruments due to limited Scientific Knowledge of members of the judicial core as they find it difficult to apply science into law, lack of adequate scientific laboratories and equipment's to enforce the gathering of scientific data to foster equity and justice in lawsuit.

Based on the above review, I hold that there is an imbalance between the scientific knowledge of the members of the judicial core with regards to the rapid growth of technology. There is also an imbalance between the right to a fair and just trial bestowed on litigants and the existing laws in Cameroon. This imbalance is tilted from the fact that there are no adequate institutional structures to improve the understanding of members of the judicial core in the domain of science and technology. Also, there is low knowledge of disputants on how to operate ITC products properly. To boot there is low awareness of the existing of legislation by contenders. With the above dilemma it is crucial to evaluate the level of scientific knowledge acquired by members of the judicial core as well as the kind of laboratories and equipment's use to gather scientific data in Cameroon to make beneficiary suggestion to the government.

4.3.2 LOW SCIENTIFIC KNOWLEDGE OF TRIER OF FACTS

The judiciary is an appropriate tool to administer justice to litigants. Over the years the judiciary has always find it easy to established justice in courtrooms but in recent years, with the rapid growth of technological revolution that enhance the use of scientific evidence in tribunals the judiciary find it uneasy to render justice to litigants. The legislature had made provision for the use of scientific evidence under the Criminal Procedure Codes of 2005, the 2011 Law on Consumer Protection in Cameroon as well as the 2010 law on Electronic commerce. In spite the presence of these laws the judges and magistrates cannot successfully implement justice in disputes that have scientific elements because their low scientific and technological knowledge to interpret and enforce the laws. There are no scientific structures to train members of the judicial core on how to understand and interpret scientific laws as well as to establish an accurate conclusion on the scientific analysis presented to them by the scientific experts. This is a menace as it a barrier for an effective application of justices.

4.3.3 LIMITED EXPERTS

There are shortage of experts in the judicial core to train judges, magistrates and lawyers that study in top administrative institution of learning like "Ecole Nationale de l'adminisration et de Magistrature (ENAM)" known in English as the National School of Administration and Magistracy on how to admit scientific evidence in court rooms. Also, not all the judges and magistrates from ENAM do have proper scientific background from secondary and high school levels. There have also been limited seminars to train members of the judicial branch on how to test scientific evidence

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properly in courts. A seminar to raise awareness of magistrates on cyber criminality[27] was held in Douala. The National Agency for Information and Communication Technology (ANTIC) groomed the magistrates on the subject of cybercrimes in a two-day work shop. This seminar was to create awareness on cyber criminality and not to train the magistrates on how to test and admit scientific evidence in a lawsuit with regards to cyber criminality. Apart from magistrates the other members of the judicial core were not present in the seminar. To withal, two days seminar cannot be termed adequate to effectively trained magistrates on new and challenging issue like cybercrimes. It is clear that an attempt was made but it was not sufficient. Generally speaking, there has been a limited seminar to train members of the judicial branch as such there are limited experts in the judicial milieu with respect to scientific knowledge. There are equally limited experts to carry out scientific analyses through the use of forensic studies[28]. More is still expected from the government.

4.3.4 LIMITED LABORATORIES AND EQUIPMENT

The kind of scientific laboratories and equipment's use to gather or test scientific evidence has direct effect on the quality of scientific result provided in court. A good quality laboratory and equipment will lead to proficiency analysis. In Cameroon there are good numbers of medical laboratories and equipment's that are used to test scientific evidence on health issues. There is a health laboratory called centre Pasteur, cathedral medical centre laboratoire du centre, laboratoire biodiagnostica, laboratoire hygiene mobile Yaoundé and laboratoire de hospital de Yaoundé all located in Yaounde. For bye, there are health laboratories and equipment's found in the ten regions of Cameron. There is equally a laboratory to perform DNA test[29] in Cameroon, it was established in 1995. It is called DDC and is the largest private DNA testing laboratory. It specializes in providing DNA test for child family dispute and immigration matters. This laboratory cannot be used for other scientific research, such to test finger prints on technological apparatus, thereby, using the DNA approach to establish real evidence. Laboratories to test real evidence are limited in Cameroon. There are equipment's to test alcohol and marijuana content on suspects in Cameroon. Hence, it is worth saying that Cameroon lack adequate laboratories and equipment to enhance the effective manoeuvre of scientific evidence.

4.3.5 INTERPRETATION AND ENFORCEMENT OF SCIENTIFIC LAWS

The judicial system in Cameroon is basically governed by a set of interrelated procedures and rules which are used in solving disputes by authoritative person or persons like judges, juries and magistrates whose decisions are regularly obeyed. It should be noted that the court as a judicial person have the judicial authority to hear and resolves cases in civil, criminal, military and ecclesiastical matters. As the final

[27] See National Agency for Information and Communication: 2018.
[28] Forensic studies means the application of scientific principles and techniques to matters of criminal justice especially as relating to the collection, examination and analysis of physical evidence.
[29] See DNA Testing in Cameroon: The Largest DNA testing Laboratory in Cameroon. Published 2018.

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arbiter of the law the courts in Cameroon headed by a judge or magistrate is in charge of interpreting and enforcing the laws properly to render justice to its litigants. The general rule is that the interpretation and enforcement of scientific laws in court cases are done by the judges or magistrates using the rules of law. Since it is the leading judges or magistrates and not the counsels to draw inference from the existing scientific laws the opinion of counsels are not allowed. However, some exceptions dictated by expediency are created by the judges or magistrates. They will exceptionally listen to the opinion of the counsels during cross examination; if their opinions are relevant then it might be considered. However, over the years the judicial system in Cameroon is experiencing some challenges in interpreting and enforcing the laws due to the presence of technological revolution as the proliferation of technology has made the use of scientific evidence paramount in Cameroon's courtrooms. These challenges include:

4.3.6 POORLY ENACTED LAWS

The first hardship to begin with is that some of the enacted scientific laws in Cameroon are not solid enough to fight the difficulties brought about by technological revolution due to the style use in drafting some of our scientific laws in Cameroon. A typical example is law no_2011/012 of 6 May 2011 which is a framework law that governing Consumers Protection in Cameroon. This law applies to all transactions relating to supply, distribution, sale and exchange of technology in goods and services[30]. Notably, in the areas of health, pharmacy, food, water, housing, education, financial services, banking, transport, energy and communications sectors. The setup of this law is problematic because mindful of the proliferation of the transaction in technology, the legislator has expressly elaborate technological laws alongside the laws of goods and services. This seriously affects the interpretation and enforcement of these laws.

More so, law no_2011/012 of 6 May governing consumer protection in Cameroon is too general and sparse. Hence, it does not identify crucial issues like risk assessment with regards to modern technology, technological faults that may arise with the use of technological products use to render services by providers' to consumers'. These intend makes it difficult for the judges and magistrate to properly interpret and enforce this law to handle cases that has to deal with the assessment of technological fault and risk. Thus in such situations the judges and magistrates are bound to use their discretion which might be poor due to the fact that most of them do not have the basic scientific knowledge.

The second outstanding drawback is that the legislature in drafting laws that are scientific in nature did not carry out a rigorous accessibility between the complexity of scientific matters and its application in courtrooms (the kind of problems that arises with the use of scientific product and the methods to assess the problems). This makes some sections of the National Laws that are scientific in nature difficult to interpret and enforce. Also, majority of the judges and magistrates are not trained in handling scientific matters and they have no basic scientific knowledge. Accordingly, they

[30] See Section 1 (2) and (3) of the 2011 Framework Law o Consumer Protection in Cameroon.

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sometimes have no knowledge on the problems caused by the scientific products used for the performance of a services transaction. It is important to note that to use scientific products does not means knowing what makes the products start working or causes the products to stop working. The lack of scientific knowledge in the judicial system indicates that the members of the judiciary are limited in the interpretation and enforcement some of the scientific laws to meet their obligations of ensuring justice to litigants in a suit.

To boot, most scientific laws do not state the modalities or qualifications for the selection of legal administrators and experts to test scientific evidence. Legal administrators here signify members of the judicial core. The rationale for selecting them is due to the fact that not all the players of the judicial core have the basic scientific knowledge and capacity to handle judicial matters with scientific components. Hence, where the judges and magistrates have no scientific knowledge and are not provided with adequate scientific laws they are bound to use their discretion in interpreting and enforcing the existing scientific laws which may not be adequate. On the other hand experts are to be selected because it is not everybody that is referred to as expert is credible. Experts here, signifies a person with scientific knowledge pertinent to the particular case or subject matter[31] or a person who has a special skilled in the field in which he is given the evidence.

To withal, the legislature in drafting some of the scientific laws has not put into force standard principles to test the scientific evidence of the selected experts in order to make sure that they fit an acceptable standards and recognised performance that is known worldwide. For example, the Criminal Procedure Code[32] states that, the judge may commission any person of his choice to set him straight in the form of finding consultation and use of expert on a question of fact that requires the insight of an expert. The code further stipulates[33] that, the expert empowered by the judge for his qualification must fulfil personally, the mission entrusted to him, if the appointed expert is a corporate entity its authorised representatives will submit to the judge accreditation the name of the individual who will perform within its ranks and on its behalf the order. Section 232 and 233 would have been more suitable and helpful to the judge if it had highlighted the modalities to be used by the judge in selecting an expert and the step he need to follow in examining that the expert testimony is of standard. For example in the United States[34] the law has fixed the standards for the kind of testimony or evidence to be provided by an expert these standards were stipulated in the landmark Frye v United States of America. In this case, the Frye standards were established, the state demands that in order for the results of a scientific technique and the subsequent evidence to be admissible the technique must gain the following grounds:

[31] See Aguda (supra) pg. 87.
See Section 232 of the 2005 Criminal Procedure Code (supra)
[33] See section 233 (supra)
[34] See Craig Adam: Forensic Evidence in Court Evaluation and Scientific Opinion: 1st Edition.

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1- The expert offering the scientific testimony or evidence must show that the evidence has gain a general acceptance within a pertinent scientific community.

2- The expert must show the extent of acceptance of the scientific evidence.

3- There must be reserve of experts to evaluate the scientific testimony or evidence of the presiding expert.

It should be noted that the Frye Standard has gain a worldwide acceptance as it has been adopted by most legal system in the world. Hence, it can be helpful to Cameroon as a well.

4.3.7 PROCEDURE FOR OBTAINING SCIENTIFIC EVIDENCE

In Cameroon's legal system the prescribed procedure to obtain scientific evidence whether in a civil or criminal trial is as stipulated by the law. However, the procedure for obtaining scientific evidence also relies on forensic experts[35], good laboratories with modern equipment and the use of crucial research methods to ensure that the data obtained from the analysis brings out the correct results. It is for these reasons that the Cameroon legislature has create procedural rules to obtain scientific evidence so as to ensure adequate acquisition and diagnoses of scientific evidence. The procedural rules use to obtain scientific evidence are laid down in Cameroon Criminal Procedure Code which is a piece of National Legislative Law adopted by the parliament. It was harmonised, amended and put into force in 2005 and further revised in 2006. Despite the fact that this code stipulates the rules which governs the investigation of offences, identification of the offender, methods of adducing evidence, methods of executing sentencing, rights of the parties verdict as well as the powers, composition and jurisdiction of the prosecution leaders in criminal matter. Looking at the well define structure of the code one would be tempted to say it is perfect. Thus it should be noted that this code have some constrains that act as limitation to the effective application of procedures to obtain scientific evidence.

The first procedural criteria needed for the application of scientific evidence is that the case at hand should have a scientific element that needs scientific research. To ensure, that the judgement that would be accorded represents the true situation of the case in order to render justice to the litigants in a tribunal. To this regards the law stipulates that[36] where the court deems that expert's opinion is necessary for the discovery of the truth it shall be ordered in conformity with the provisions of section 203 and following: The law further states that[37] where a technical problem arises in the case of the preliminary inquiry. The examining magistrates may of his own motion or on the

[35] Forensic expert signifies an expert in applying scientific, technical or medical knowledge to the purposes of law.
[36] See Law No_ 2005/OO7 of 27 July 2005 that created the 2005 Criminal Procedure Code applicable in Cameroon. This code is a piece of National legislative Law enacted by the Cameroonian legislature specifically section 319.
[37] See law no_2005/007 of 27 July 2005 (supra) section 203.

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application of any of the parties include the insurer of liability where necessary to make an order for expert opinion and appoint one more expert.

The second procedural rule cited by the 2005 Criminal Procedure Code elaborates on the qualification of the scientific experts to be use. It stipulates that experts shall be chosen from a nationalist[38]. Exceptionally, the examining magistrates may by a reasoned decision and with the consent of the parties chose experts whose names do not appear on the national list[39]. It is obvious that experts not selected by the government and whose names are of course not written in the national list do have the required qualifications prescribed by the state of Cameroon. However, looking at section 206 of the criminal procedure code provides that it is only appropriate to question the qualification of experts chosen by the judges or magistrates with the consent of the parties to a suit. It will be appropriate to note that such experts might be qualify or under qualify, productive or under productive. Therefore, such situation acts as a bar to the application of justices. For bye, they may not have the adequate resources to check the credibility of the expert based on the expert experience, performance and reputation which are relevant factor to be considered for the acceptance of the expert's results. This scenario act as deficiency in the prevalence of justice in a tribunal,

Mindful of the fact that scientific evidence does require the use of experts, laboratories and equipment to adequately gather data for real evidence the Cameroonian legislature did not mention the use of laboratories and equipment's and did not equally states the qualifications for the laboratories and equipment's to be used for scientific research. The term real evidence[40] here signifies material objects other than documents that can be examine by the tribunal as a means of proof.

In furtherance, the 2005 Civil Procedure Code clearly explains that there should be a deep collaboration between the judges/magistrates and the experts as it stipulates that[41]: the expert shall carry out his mission in close co-operation with the examining magistrates or the commissioned magistrates; he shall in particular keep such magistrates informed of the progress of his investigations in order to enable him at all times to take any necessary measures. However, this section fails to stipulate relevant guidelines to be listed by the examining judge or magistrate to the expert thereby, giving him clear instruction on the necessary steps to follow while conducting the research and did not highlight them. For example the following guideline could be highlighted; firstly, that the evidence to be established must be in line with the fact in

[38] See law no_2005/007 of 27 July 2005 (supra) section 206.

[39] Ibid section 208.

[40] See Phipson Sidney: Law of Evidence; 11th edition, pg. 25.
See Nokes Caroline: An Introduction to Evidence; 3rd edition, pg. 445.
See Cross: Evidence; 6th edition, pg. 44.

[41] See Law no_2005/007 of 27 July 2005 (supra) section 211.

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issue of the case. Secondly, the roles to be respected when carrying out the research should be listed. Thirdly, that expert should use prominent scientific methods, good quality equipment's and laboratory. Also, this section only made mention of the use of investigation which is basically analysis and opinion evidence thereby undermining the importance of forensic studies which is relevant with the use of real evidence, hence, limiting the use of scientific evidence in both civil and criminal procedure.

4.3.8 ADMISSIBILITY OF SCIENTIFIC EVIDENCE

Generally speaking with the complexity of the trial system in most courts today based on inconceivable risk that comes with the use scientific evidence the entire law of evidence as it depends on the rule governing admissibility and inadmissibility. Scientific evidence which is our subject matter inter alia other forms of evidence plays a significant role in the administration of justice as it's provide scientifically based results that are rigorous and better reflect the truth of a given scientific situation. Scientific evidence though seems perfect can sometimes not be adequately obtain and may wrongly lead to the conviction of an innocent person. Even though scientific evidence is deemed to always be admissible some deficits have been recorded in its approach that can be glaringly in appropriate for the administration of justice. Prima facie, it is important to subject scientific evidence to the standard of admissibility in any case whether civil or criminal.

Admissibility of scientific evidence which is the subject matter of this discussion is the acceptance of relevant scientific analysis that are pertinent to the fact in issue of a scientific case or other cases that have scientific issue as stipulated by the provision of the applicable laws. Fact in issue[42] to be elaborate are those facts that the plaintiff in a case must prove in order to establish his claim as they are not admitted expressly or by implication by the defendant such fact as the prosecutor in a criminal case. Under Cameroon legal system the admissibility of evidence whether judicial or scientific presented before a trial is determine by a trier of fact (judge, jury or magistrates) with the jury system. This is evidenced by the Criminal Procedure Code as is stipulates that the judge[43] shall be guided in his decision by the law and his conscience. His decision[44] shall not be influenced either by public rumour or by personal knowledge of the fact of the case. His decision shall be based only on the evidence adduced during the hearing[45]. The code further provides that the expert shall carry out his mission in close co-operation with the examining magistrates or the commissioned magistrates[46].

Generally speaking different types of scientific evidence make their entrance into the court room. In Cameroon courts to be specific, the judge or magistrate does consider scientific facts that are established by the use of video camera for both civil and criminal

[42] Akinola Aguda: The Law of Evidence, 3rd edition pg. 23.
[43] See Cameroon Criminal Procedure Cod of 2005 section 310(1) (supra).
[44] [44] See Cameroon Criminal Procedure Cod of 2005 section 310(2) (supra).

[45] Ibid section 310(3)
[46] Ibid section 211.

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cases, DNA for health cases, non-expert opinion in documentary evidence for civil cases and expert opinion for real evidence for both civil and criminal cases.

To begin with scientific evidence gotten through the use of video camera is helpful to judges and magistrates when assembling fact that would have been established by forensic studies. Since it is difficult for the courts in Cameroon to identify a masked person because there are no scientific experts and equipment's to facilitate the studying of the video to identify the masked person, from the way he walks, his body structure and finger prints. To provide solution to these setbacks that come up with the advancement of modern technology, the courts came up with the following guideline that video cameras should be used to establish scientific evidence. For example banks are force to setup cameras in their buildings especially where the ATM are planted as such failure to do so the bank will be completely liable for any default.

To affirm the use of DNA in health issues by the courts in Cameroon, there is a laboratory to perform DNA test[47] in Cameroon, it was established in 1995. It is called DDC and is the largest private DNA testing laboratory. It specializes in providing DNA test for child family dispute and immigration matters. This laboratory cannot be used for other scientific research, such as to test and compare[48] falsified movements with that on the crime scene footage, to test the unique[49] ways that each person walks and to test finger prints on apparatus using the DNA approach to establish real evidence.

With regards to documentary finger print the courts in Cameroon makes use of opinion evidence, opinion evidence [50]is a sort of conclusion, an inference from observed and communicable data or facts. The opinion may be given by way of oral testimony in court or may be in the form of written reports. It should be noted that oral testimony may be affected by other evidence of substantial value while written report may carry no weight. To this regard the Criminal Procedure Code states that where the authenticity of a documents is contested[51] the court may compare it with another document that authenticity of which is not contested. The court may require any person present in court and implicated by one of the parties to write any words or figure or to make finger prints for the purpose of enabling the court to compare them with those that are attributed to him. This section did not bring out the qualifications of the person said to be acquainted with the handwriting or finger print by bringing out particular measurements or standards test for the non-expert to use so as to make the analysis a subjective test.

Since it is not everybody present in court that can offer non-expert opinion this section should have made it clear that those who are eligible for non-expert testimony should be those who have seen the person's handwriting and finger print or those who have the

[47] See DNA Testing in Cameroon: The Largest DNA testing Laboratory in Cameroon. Published 2018.
[48] See Craig Adam: Forensic Evidence in Court Evaluation and Scientific Opinion :(supra) pg. 3.
[49] Ibid
[50] See Practice notes on the law of evidence 2015, 10TH edition pg. 764.
[51] Ibid section 320.

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received documents purporting to be written or signed by the persons whose document is contested. Opinion evidence of non-experts is generally irrelevant and inadmissible[52] under the Evidence Act of 1945 which is applicable in Former West Cameroon. However, where expediency demand that the opinion of even non-experts must be admissible in the course of trial to make justice unduly difficult, the opinion of such non-experts may be demanded from persons chosen by the law. Under the law of evidence admissibility[53] of such opinion are relevant if the person offering the testimony is acquainted with the hand writing or signature and follows the prescribed test enacted by the law for that purpose. The 2005 Criminal Procedure Code has made mention of the use of finger print in documentary evidence and completely undermined the use of finger print with regards to real evidence. Even though, this section of the law did not call for expert analysis and has made use of non-expert witness that may state a partial opinion which may not convey the facts to the issue. This is procedure is insufficient to adduce evidence for admissibility.

It should be noted that the 2005 Criminal Procedure Code has made available the use of expert evidence it has equally made it fundamentally clear the courts may make use of expert opinion as its provides that where the court deems that expert opinion[54] is necessary for the discovery of the truth it shall be ordered in conformity with the provision section 203. Cognizant of the important to the meaning of an expert this section fail to define who an expert is and did not surprisingly highlights the qualifications of an expert. An expert [55]is a person possessed of the special skill and knowledge acquired through study or practical observation that entitles him/her to give opinion evidence or speak authoritatively concerning his/her area of expertise.

Another peril to the application of this section is that expert opinion does not formulate relevance and reliability to scientific issues. The only solutions to solve scientific issues are substantive forensic studies and analysis that presents the truth as convey to the fact in issue of the respective case. For example an expert analysis to render opinion on real evidence with regards to finger print is not a good test because it does not formulate or guarantee reliability the only objective test is through DNA and Cameroon has not reached that level.

Aware of the important and sensibility on the admissibility of scientific evidence the Cameroon Criminal Procedure code did not highlight objective standards to be respected by judges and magistrates when dealing with the admissibility of scientific evidence. In order words no test has been placed for the expert to fulfil. This code simple states that any decision commissioning[56] an expert shall specify the time limit

[52] See T Atinkola Aguda (supra) pg. 24.
[53] See Section 60 (1) (2) of the 1945 Evidence Act.
[54] See 2005 Civil Procedure Code (supra) section 319.
[55] See the 2005 Criminal Procedure Code (supra) section 2O9.

[56] Charles Sturt: Scientific Evidence, what it is and how can we trust it? Published by Oxford university press 2013 pg 67.

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within which he shall submit his report. Its further provides that the expert shall carry out his mission[57] in close co-operation with the examining magistrate. In reality it is the judicial police who are axillary to the magistrates that examine the procedure use by the experts and their testimony to the observation usually contain errors

Looking at the procedure laid down for admissibility by other countries the approach use by the Cameroonian legislature is fundamentally defective and is almost an abrogation of the relevant standard of admissibility. For example in the United States of America the Frye standard established in the judgement of Frye v United States[58] that has been adopted worldwide provides that for a scientific technique and subsequent evidence to be admissible the technique must have gain general acceptance in its particular field. In other countries like Great Britain "relevant and reliability"[59] has been design as the standard test for admissibility. The test for relevant is that the evidence should be relevant to the fact in issue and the relevance is to be judge by the provision of the Evidence Act, while to meet the reliability test. The evidence must be the result of scientific reasoning and methodology base on four factors. (1)-Whether the theory can be tested. (2)-Whether the theory has been published in a peer-review publication. (3)-Whether there exist known or potential error rates and (4)-Whether there are standards for controlling the techniques executed. In Nigeria the utility and risk analysis test[60] is been used.

4.4. RECOMMENDATIONS

To improve the use of scientific evidence to meet the exigency of today's technological growth, the combine effort of all the judicial actors and the legislature are needed to fight the above mentioned ills which entangles the judicial core in Cameroon. Base on the above problems gather from the an empirical study I carried out, I seeks to make some modest suggestions to the actors of the judicial core to further accomplish the objectives of this study

4.4.1 LEGISLATIVE REFORMS

We therefore, strongly adhered to the powers bestowed on legislature to enact laws. To suggest that they should review the existing laws governing scientific evidence in Cameroon and upgrade them to suit the scientific challenges faced by the judiciary in Cameroon.. Laws should not only be improved judicially but it should also be improved scientifically. The lawmakers in amending the scientific laws should take into consideration the technological products use, fault that may arise with the use of these products and should highlight the technical steps that the judiciary should use in tackling such issues in a lawsuit.

The legislature should use a pro-active approach in drafting scientific laws; the laws

[57] See the 2005 Criminal Procedure Code (supra) 211.
[58] See 293 F. 1013 (DC. Cir 1923).,
[59] See Janson Tashea: courts needs help when it comes to science and technology; published 2 November 2017;
[60] See Samuel .E. Idhiarhi: Forensic Evidence Admissibility Weight and Matters Miscellaneous; published January 2018.

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should be adequately drafted to meet up with the complexity of advance technology. Scientific laws should not be fragmented and they should have the necessary guidelines to facilitate the procedure use to obtain scientific evidence and the enhancement of admissibility of scientific evidence. Rigorous methods should be applied to analyses risk and uncertainties that may arise in the application of scientific laws to help the judges manage and mitigate such risk and uncertainty. Also, the laws should state the qualifications of experts and laboratories to be used for the gathering of scientific data.

4.4.2 EXECUTIVE REFORMS

The Ministry of Mine Industry And Technological Development should work hand in gloves with the judiciary especially with the judicial police (auxiliary of judges and magistrate who carry out judicial investigations) to look for modern methods to test evidence brought to a lawsuit in relationship to cases that have to do with sophisticated and high standard technological equipment's.

4.4.3 JUDICIAL REFORMS

We advocate for an extensive and thorough restructuring of the judicial institutions in Cameroon. With the creation of special scientific branches in top administrative institution of learning like Ecole Nationale de l'Administration et de Magistrature (ENAM) known in English as the National School of Administration and Magistracy to train judges and magistrates to improve their understanding of science and technology. The set of judges and magistrates to be formed as judicial-scientist in ENAM should have scientific background from secondary school and high school levels. A Law School should be created in Cameroon with not only a judicial department but equally with a scientific department to train both scientific and judicial lawyers The government should organized educative seminars to improve the scientific and technological knowledge of chief justice, judges magistrates, notaries, bailiffs registrars and the judicial police of the courts to help them properly implement rules of laws that are scientific in nature, to also facilitate court hearing and verdict in disputes with scientific elements. More so, to create scientific laws when existing scientific laws are ambiguous, blurred, confusing and conflicting to render justice to the parties in a suit. Furthermore, to determine the law that should prevail according to the circumstances and situation at hand. Law firms in Cameroon should be provided with subsidies to foot the costs of scientific studies which are quite expensive to upgrade the knowledge of the already formed lawyers.

The government should provide the judiciary with scientific laboratories and modern equipment to test scientific evidence for both civil and criminal matters. In addition judges and magistrates should be provided with suitable experts. Most importantly, the government should provide financial assistance to fund the cost of scientific research. Members of the judicial core need to put forward the difficulties they face in handling cases with scientific element and put possible suggestion on how the legislatives can draft laws to relate scientific matters to the judicial system.

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5. CONCLUSION

We noted that the application of scientific evidence by the government is amongst the basic obligations sought to be upheld by its policy makers. To achieve this objective, the government has enacted laws on scientific evidence. However, the enacted laws are of low quality and are used by the judiciary to enhance the application of scientific evidence. To add there are limited laboratories, equipment's, experts and trained judicial staff to foster an effective collection of data to enhance the admissibility of scientific evidence in courtrooms, standing on their own cannot be considered as the only treacherous elements affecting the effective application of scientific evidence with the advancement of modern technology in Cameroon.

There are other unpredictable elements such as. The existing laws are not strong enough to handle the challenges brought about by technological advancement. Some of the laws do not address complex situations like risk analysis and assessments due to the fact that, they do not contain adequate principles to enhance their implementation. Also, not all the legal instruments can be applied without the support of other instruments like presidential decrees, prime-ministerial decrees and ministerial order. To boot, the procedure for obtaining scientific evidence are not rigorous as there is a poor reporting system which is manually incline. The procedure equally fails to outline adequate guidelines to be respected by the experts. In furtherance, the Criminal Procedure Code of 2005 fails to provide a standard test to be used for the admissibility of scientific evidence. It is noticeable that an effort has been made but the objectives and purposes for the enactment of scientific laws are not attained.

So long as the objectives or purposes of the government are not completely effectuated due to the above vices, it would appear clear that the application of scientific evidence in Cameroon is at low ebb. Upon full evaluation on the application of scientific evidence in Cameron it is also noticeable that scientific evidence in Cameroon is at low ebb especially with the advancement of modern technology. To withal, more is still to be done by the government of Cameroon. Consequently I hold that the aforementioned recommendations will help bridge the gap between the world of science known for its quantitative demand of scientific analysis to establish the fact in issue and that of the law known for its reliance on logic and analogy to enhance admissibility to perfect the administration of justice.

Hence, we do insist that significant improvements are needed in forensic studies to aid the use of scientific evidence. Consequently, there is the need to evaluate the efficiency of the laws, laboratories and experts use in enhancing the effective and reliable use of scientific evidence to meet up with the exigency cause by technological hazards that upset litigation processes of both civil and criminal cases in Cameroon, to apply possible solutions to help ameliorate the defects that happens during the application of scientific evidence in Cameroon.

6. REFERENCES

6.1 TEXT BOOKS

- AGUDA. T. AKINOLA (1966): The Law of Evidence: Publish by African

university press, 3rd edition.

- CHARLES STURT (2013): Scientific Evidence: what is and how can we trust it? Published Oxford University Press.
- CRAIG ADAM (2016): Forensic Evidence in Court Evaluation and Scientific Opinion: published by John Wiley and Sons Ltd, 1st edition.
- CHRIS TUNER AND JACQUELINE MARTIN (2006): Comprehensive Guide to Leading Case: series editor.
- Donald HARRIS (1984): Compensation and Support illness and Injury: Published by Oxford University Press.
- IAN WORTHINGTON, CHRIS BRITTON AND ANDY RES (2001): Economic for Business Bending Theory and Practice: Published by FT Prentice, 1st edition
- J L GOLDSMITH (1903) : Against the Law: Published by Goodreads, inc.gainst
- MICHEAL AND SIMON (1989): Construction Law Claims and Liability: Published by Wiley Law Pubns 1st edition.
- MICHAEL A YANOU (20I5): Practical and Procedure in Civil Matters in the Courts of record in Anglophone Cameroon: Published by Langaa RPCIG.
- P.U. UMOH (1984): Precedence in Nigeria Courts: Published by Fourth Dimension publishing company Nigeria, 1st edition.
- ROGER LeROY MILLER (2018): The Legal Environment Today: Published Oxford University Press, 12th edition.

8.2 ARTICLES

- ANDEW RODAU: ''Computer Software Contracts; A Review of the Case Law'', published 2017, Gp. 42.
- AUSTRALIA GOVERNMENT INDUSTRY: "An innovation and science preventing managing disputes'', published 9 April 2019, pg. 40.
- BERNARDO BLU: "Trade Technology and the Rose of the Service Sector", published June 2007, pg. 9-13.
- DENNIS FERENZY, BART VAN LIEBERGEN and STEPHANIE VANDEN BERG: "The Insurance Technology Industry is Expanding Quickly", published 2016, pg. 47.

- GEORGE NOTT: "Revolutionary Cybercrimes; Service Created some Confusion and had Little Effects on Victims Reporting Rate", published September 2018, pg. 29.
- GREGORY HOEG: "Technology a Double Edged Sward for Insurance Companies", published 19 September 2016, pg. 14
- MARY L LYNDON: "Tort Law and Technology", published April, 2015
- MICHEAL M MELLO, AMITABH CHANDRA, and ATUL A GAWENDE AND DAVID M STUDDERT: "Medical Liability Reform Remedy", published 2014, pg. 11.
- MICHEAL A WILLIAMS SIMON J: "Rules of Evidence and Liability in Contract Litigation; Competition Economic", published by Public Economic Journal 2017, pg. 15.
- MICHEAL YANOU: "Practical and Procedure in Civil Matters in the Courts of Records in Anglophone Cameroon" published 2015 pg. 10.
- PETER BROWN: Australian Cybercrimes Commission; Learn More about Cybercrimes, published 2016.
- PIT RANJNATH: "Cybercrime is becoming an Industry; May Occur Very Often", published 2003.

6.3 REPORTS

- CRTV MAGAZINE. Building Your Tomorrow, published by 2017.
- DIESE INFORMATION HUB: How Modern Diesel Engines are Helping Reduced Motory Impact on Local Air Quality, published 2016.
- DNA DIAGNOSTICS CENTER: DNA Testing in Cameroon, Published 2016
- WAX ALL PAGES ESPANOL INBOX PROJECT SEARCH FAQ: Criminal Procedure published 2017

6.4 DICTIONARY

- ADAM COLGATE: Business Dictionary, publish by Web finance Inc. 2016.
- BRYAN A GARMER and HENRY COMPBELL BLACK: Black's Law Dictionary 7th edition published 1891.
- GEORGE MARRIAN and CHARLES MARRIAN: Webster Dictionary published 2018.
- GERALD and KETHLEAN HILL: Legal Dictionary, publish 1992.

Journal of Tertiary and Industrial Sciences *Vol 4, No. 1, 2024*
ISSN 2709-3409 (Online)

- HENRY CAMPBEL BLACK: Black's Law Dictionary, latest edition published by American law firm 2008.
- RICHARD MULCASTER: Search Dictionary, published 1582.
- RICHARD ROGNEHAUGH: Technology Dictionary published 1996.
- RICHARD ROGNEHAUGH: Medical Dictionary published 1996.
- WILLIAM SHAKESPEAR: Oxford Dictionary, publish by Oxford university press 1989.

6.5 NATIONAL LEGISLATION LAWS

- Cameroon Constitution of 1996 created by law no_96/006 of 18 January 1996 amended in June 2008…….....45,74
- Law no_2008/001 of 14th April 2008 to amend and supplement some provisions of Law no_96/006 of 18th January 1996 which amended the Constitution of 2 June 1972 of the Republic of Cameroon……..……59, 2(1), 61
- Criminal Procedure Code of the Republic of Cameroon 2005, enacted by Law no_2005/007 of 27TH July 2005……
- Penal Code of the Republic of Cameroon created by, Law no_65/LNF/24 of 12th November 1965 and law no_67/LF/1of 12th June 1967……
- Southern Cameroon High Court Law 1955 to observe and enforce Customary law…….....10, 11, 15, 22
- Law No_90/013 of 10 August, 1990 Specifying the conditions to carry out Commercial Activity in the Republic of Cameroon……
- Law N° 2010/02/ of 21st December 2010 is in line with UN Commission of International Modern Law in E-commerce, governing E-commerce in the Republic of Cameroon…….....5, 15

6.6 DECREES

Ministerial Decree of 2011 for the modalities of the application of E-commerce in the Republic of Cameroon…….... 3(1), 6

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6.7 FOREIGN LEGISLATION

BRITISH LAWS

- Tort Ordinance 1944 which grove bath to the Tort Law of 1952 (state liability) 5712……
- Evidence Act 1945…….. 60
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- Law Reform on Contributory Negligence 1945……