

6.17 Foreign Language Testimony

You have heard testimony of a witness who testified in the [specify foreign language] language. Witnesses who do not speak English or are more proficient in another language testify through an official interpreter. Although some of you may know the [specify foreign language] language, it is important that all jurors consider the same evidence. Therefore, you must accept the interpreter's translation of the witness's testimony. You must disregard any different meaning.

You must not make any assumptions about a witness or a party based solely on the fact that an interpreter was used.

Comment

When there is no dispute as to the accuracy of the translation of evidence in a foreign language, the jury may be instructed that it “is not free to disagree with a translated transcript of tape recordings.” *United States v. Franco*, 136 F.3d 622, 626 (9th Cir. 1998) (concluding that to hold otherwise would be “nonsensical”); *see also United States v. Fuentes-Montijo*, 68 F.3d 352, 355-56 (9th Cir. 1995). When the accuracy of a foreign language translation is disputed, *see United States v. Rrapi*, 175 F.3d 742, 748 (9th Cir. 1999).

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