

# CLAIMS RESOLUTION TRIBUNAL

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In re Holocaust Victim Assets Litigation  
Case No. CV96-4849

## **Certified Award**

to Claimant Alain Petcho  
also acting on behalf of Michèle Blit, née Petcho

## **in re Account of Vitalis Petcho**

Claim Number: 300136/MG

Award Amount: 49,375.00 Swiss Francs

This Certified Award is based upon the claim of Alain Petcho (the “Claimant”) to the account of Vitalis Petcho (the “Account Owner”) at the Geneva branch of the [REDACTED] (the “Bank”).

All awards are published. Where a claimant has not requested confidentiality, as in this case, only the name of the bank has been redacted.

### **Information Provided by the Claimant**

The Claimant submitted a Claim Form identifying the Account Owner as his father, Vitalis Petcho, who was born on 11 February 1911 in Nasilli, Turkey, and was married to Madeleine Yvonne Petcho, née Cormier, on 24 December 1936 in Paris, France. The Claimant stated that his father had two children: the Claimant and his sister Michèle Blit, née Petcho. The Claimant also stated that his father had a business in Paris, named *Alain*, at 139, rue d’Aboukir. The Claimant further stated that his father, who was Jewish, fled France in 1941 to Uruguay and that he died in Montevideo, Uruguay on 5 March 1971. The Claimant submitted documents, including a family booklet issued by the city of Paris, which indicates that Vitalis Petcho was the father of the Claimant and his sister, as well as the Claimant’s own birth and marriage certificates, which indicate that Vitalis Petcho of Paris, France was the Claimant’s father. The Claimant stated that he was born on 30 April 1940 in Paris. The Claimant is representing Michèle Blit, née Petcho, his sister, who was born on 20 October 1948 in Montevideo.

### **Information Available in the Bank’s Records**

The Bank’s records consist of extracts from a suspense account ledger. According to these records, the Account Owner was Vitalis Petcho, who resided in Paris, France. The Bank’s

records indicate that the Account Owner held an account of unknown type, that the account's balance was 12.10 Swiss Francs on 30 December 1943, and that the account was transferred to a suspense account for dormant assets on 28 May 1947 with a balance of 12.10 Swiss Francs. The auditors who carried out the investigation of this bank to identify accounts of Victims of Nazi Persecution pursuant to instructions of the Independent Committee of Eminent Persons ("ICEP" or the "ICEP Investigation") did not find this account in the Bank's system of open accounts, and they therefore presumed that it was closed. There is no evidence in the Bank's records that the Account Owner or his heirs closed the account and received the proceeds themselves.

## **The CRT's Analysis**

### Identification of the Account Owner

The Claimant has plausibly identified the Account Owner. His father's name matches the published name of the Account Owner. The Claimant identified his father's city of residence as Paris, which matches published information about the Account Owner contained in the Bank's records. In support of his claim, the Claimant submitted documents, including a family booklet issued by the city of Paris, which indicates that Vitalis Petcho was the father of the Claimant and his sister, as well as the Claimant's own birth and marriage certificates, which indicate that Vitalis Petcho of Paris, France was the Claimant's father. The CRT notes that there are no other claims to this account.

### Status of the Account Owner as a Victim of Nazi Persecution

The Claimant has made a plausible showing that the Account Owner was a Victim of Nazi Persecution. The Claimant stated that the Account Owner was Jewish, and that he fled from France to Uruguay in 1941.

### The Claimant's Relationship to the Account Owner

The Claimant has plausibly demonstrated that he is related to the Account Owner by submitting documents, including a family booklet issued by the city of Paris, which indicates that Vitalis Petcho was the father of the Claimant and his sister, as well as the Claimant's own birth and marriage certificates, which indicate that Vitalis Petcho of Paris, France was the Claimant's father.

### The Issue of Who Received the Proceeds

Given that the Account Owner's account remained open after the Second World War; that there is no record of the payment of the Account Owner's account to him; that the Account Owner or his heirs would not have been able to obtain information about his account after the

Second World War from the Bank due to the Swiss banks' practice of withholding or misstating account information in their responses to inquiries by account owners because of the banks' concern regarding double liability; and given the application of Presumptions (h) and (j), as provided in Article 28 of the Rules Governing the Claims Resolution Process, as amended (the "Rules") (see Appendix A), the CRT concludes that it is plausible that the account proceeds were not paid to the Account Owner, or his heirs. Based on its precedent and the Rules, the CRT applies presumptions to assist in the determination of whether or not Account Owners or their heirs received the proceeds of their accounts.

#### Basis for the Award

The CRT has determined that an Award may be made in favor of the Claimant. First, the claim is admissible in accordance with the criteria contained in Article 18 of the Rules. Second, the Claimant has plausibly demonstrated that the Account Owner was his father, and that relationship justifies an Award. Finally, the CRT has determined that it is plausible that neither the Account Owner nor his heirs received the proceeds of the claimed account.

#### Amount of the Award

In this case, the Account Owner held one account of unknown type. The Bank's records indicate that the value of the account as of 30 December 1943 was 12.10 Swiss Francs. According to Article 29 of the Rules, if the amount in an account of unknown type was less than 3,950.00 Swiss Francs, and in the absence of plausible evidence to the contrary, the amount in the account shall be determined to be 3,950.00 Swiss Francs. The current value of the amount of the award is determined by multiplying the balance as determined by Article 29 by a factor of 12.5, in accordance with Article 31(1) of the Rules. Consequently, the total award amount in this case is 49,375.00 Swiss Francs.

#### Division of the Award

According to Article 23(1)(c) of the Rules, if the Account Owner's spouse has not submitted a claim, the award shall be in favor of any descendants of the Account Owner who have submitted a claim, in equal shares by representation. In this case, the Claimant is representing his sister. Accordingly, the Claimant and his sister are each entitled to one-half of the total award amount.

#### **Scope of the Award**

The Claimant should be aware that, pursuant to Article 20 of the Rules, the CRT will carry out further research on his claim to determine whether there are additional Swiss bank accounts to which he might be entitled, including research of the Total Accounts Database (consisting of records of 4.1 million Swiss bank accounts which existed between 1933 and 1945).

**Certification of the Award**

The CRT certifies this Award for approval by the Court and payment by the Special Masters.

Claims Resolution Tribunal  
31 December 2003