

Soviet defector to sue KGB

WASHINGTON (AP) — Soviet defector Alexander Ushakov outwitted two carloads of KGB gumshoes to make a daring escape to the West six years ago. Now he's plotting another humiliation for the Soviet secret police.

Ushakov says he's suing the KGB.

The former Soviet navy commander plans to haul his former tormenters into court — possibly before an international tribunal in London — to recover books, manuscripts and other documents seized by KGB agents during a raid on his wife's apartment in Odessa in 1984.

Ushakov is seeking not only the return of his anti-communist writings, but monetary damages for the emotional suffering he and his wife, Irina, endured.

"I'm talking about millions," he said, sipping black Turkish coffee in his suburban Arlington, Va., apartment. "In hard currency, of course. I don't need their rubles."

Ushakov, 43, now a Russian language instructor, recalled how he became the target of a two-year KGB manhunt after he published underground criticism of the Marxist-Leninist system while teaching at the Soviet naval academy at Odessa on the Black Sea.

Tipped of his imminent arrest on charges that carry an automatic sentence of 12 years in the gulag, Ushakov said goodbye to his bride, who gave him cash and jewelry and told him, "Better you are alive in the West than dead in Siberia."

At midnight on April Fool's Day 1984 he eluded nearly a dozen KGB

agents surrounding his apartment and began a 40-day flight to freedom by taxi, bus, train and a treacherous climb over the snow-swept Caucasus Mountains into Turkey under the machine guns of circling Soviet helicopters.

Meanwhile, he said, his wife was "exposed to deadly risk" for nearly four years. Finally, after an 11-day hunger strike and an appeal to Nancy Reagan for help, Irina was given a passport and visa on Christmas Eve 1987 and flew to Washington the next day. She was the first wife of a "border crosser" to be reunited with her husband.

Ushakov described his dramatic escape in a book titled "In the Gunsight of the KGB," published last year by Alfred A. Knopf. Now he has the KGB in his own gunsight.

According to experts in international law, Ushakov would be the first person ever to sue the KGB. Ushakov is confident he'll win, but the experts say the odds are overwhelmingly against him.

Already, Ushakov is learning that it won't be easy. When he served his legal papers at the Soviet Embassy last September, he said, "They were shocked. They didn't know what to do."

After six weeks of silence, the embassy responded with a procedural complaint: Ushakov had failed to sign the \$25 money order required for processing his civil petition.

"They were stalling for time," he said. "They were playing games with us."

Finally, the embassy responded in

a Feb. 22 letter stating that the confiscated literature was being held as evidence in the "criminal action" against Ushakov.

Ushakov was heartened. "That letter was a good sign," he said. "It's a two-way road now. It's progress. Before Gorbachev, such letters from a lawyer simply wouldn't be answered. They would have disappeared in a black hole."

Ushakov immediately began preparing for a court battle against the KGB sometime next year.

He claims to have found an international arbitration panel in London to hear his case, although legal authorities say there isn't a court in the world with jurisdiction over such a dispute — even if the Soviets agree to join the litigation.

"He's hallucinating if he thinks he can find a tribunal to handle his claim," said Bruce Fein, a Washington expert on international law. "This is utterly fantastical."

Dr. Adda Bozeman, an expert on Soviet affairs and international law at Sarah Lawrence College in New York, said Ushakov's lawsuit doesn't stand a chance in court.

"No one in Soviet government circles, including the KGB, is subject to the law, and the Soviet Union does not recognize property rights of its citizens," she said.

Ushakov's lawyer, Myron Mintz, said he is reviewing all possible legal avenues for Ushakov but added, "I don't think one can sue the KGB."