

In Memoriam of the Man Who Sued the KGB

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LONDON — It was one of those icy Russian winter nights.

He must have flitted unseen past the KGB sentry and across the courtyard to slip that odd black invitation card under my door. Finding it on the mat in the morning, I dismissed it as the work of a maniac and sauntered off to make coffee.

"Maverick and plaintiff Viktor Tomachinsky invite you to a legal party to be held on Dec. 8, 1981, at 3 p.m. at the Moscow City Court. Continuing with refreshments at my flat. Guests of honor, alias defendants: The Committee for State Security and the Interior Ministry (not invited for refreshments)."

If I were to lay a floral tribute anywhere this year, the 20th anniversary of the Soviet collapse, it would be on the grave of the motor mechanic who had the sheer, insane audacity to sue the KGB.

The fact that the case got to court at all stunned everyone gathered at the courthouse that day. There was something touchingly vulnerable about Soviet totalitarianism in its decline. It was a mix of many elements: a constitution guaranteeing all kinds of freedoms, a political elite free to utterly disregard it and — the magic ingredient — a scarcely contained and unfathomable anarchy of the Russian spirit.

That anarchy, in a brief, rare spasm, threw up Viktor Tomachinsky.

In this case, some judicial official, perhaps, had erroneously stamped "accepted" instead of "rejected" on Viktor's petition, and the next bureaucrat in the line had added his approval, not daring to question let alone overrule the first. These were dark matters. Best not raise your hand and be noticed. So what should never, ever have happened did.

I met Viktor in the courthouse lobby 10 years almost to the day before the red Soviet flag was lowered over the Kremlin for the last time in December 1991. In his mid-30s, his hair was lank and wild, his face pale and he wore a heavy greatcoat emblazoned with a homemade badge displaying his personal logo — an interlocking "V" and "T" enclosed by a circle. He was handing leaflets about his case to passers-by, who discarded them like hot potatoes after a quick, startled reading.

They were samizdat, illegally produced, and not something you wanted to be caught with. The authorities, Viktor said, had promised him a visa to emigrate to the United States. He had the documents to prove it, and an air ticket. Officialdom, however, had not kept its word, and this veteran of conflict with the KGB was claiming \$40,000 compensation for wages he would have earned in the last year working as a motor mechanic in the West.

Sitting in the courtroom, I remained skeptical. The judge opened proceedings, mumbling almost inaudibly the outline of the case. I recall turning to the stranger on my right.

"Did I hear correctly?" I whispered.

"What?" he answered, impatiently.

"Did the judge just say this Tomachinsky is suing the KGB?"

"Yes," came the equally terse reply.

Looking around, it occurred to me just about everyone in the room appeared as unimpressed by this remarkable event as my neighbor. Four rows of tombstones. I drew my own conclusions.

The case unfolded, Viktor's lawyer put his arguments. The judges listened carefully and withdrew, promising a verdict the following day. When it came, Viktor had cause for celebration. No cash payout from the secret police; but the presiding judge, talking quietly, calmly, as if such cases crossed his desk every day, declared that the court had no authority to rule in cases of the KGB. Russians might have asked for generations just who did, but hearing it officially declared in court was something.

The judges filed out, followed silently by the tombstones. I returned to the office to write my story. As I finished, I realized I needed one more comment from Viktor. I telephoned.

"They just came for Viktor," said a tearful female voice.

The next I knew, Viktor had been charged with ***tuneyadstvo*** — parasitism. In the Soviet Union, if someone did not have a regular job and income, he or she was deemed a criminal parasite. Viktor was a parasite by default since, having received permission to leave the country, he was not allowed to work.

The parasitism trial in March took an already bizarre case to new heights of Kafka-esque absurdity — even for the Soviet Union.

About five minutes after proceedings had been due to begin, there was a flurry of official activity at the front of the courtroom. Fingers were pointed, heads shaken, then the announcement. As I recall, it went something like this: "Comrades. For technical reasons we must relocate to alternative premises to resume proceedings. Please follow me. Thank you."

At this point my memory of events may have melded into a scene from Franz Kafka's "The Trial" where the hero, Josef K, unsure quite what he is accused of and by whom, is summoned to the faceless suburbs for judicial interrogation. We trooped, like K, over a bleak yard "on each side ... almost nothing but monotonous, gray constructions, tall blocks of flats occupied by poor people."

We filed into one rundown block and found ourselves, like K, at the top of a staircase. Did I see clothes drying on a line? "A young woman with black, shining eyes ... washing children's underclothes in a bucket"? The officials, like K's inquisitors, seemed as confounded by the whole process. So, I attached myself to the orderly column as it descended the steps into what must have been the basement or boiler room. I don't recall having got very far when an arm barred my way. "Sorry. No foreign press," was the friendly but firm advice.

Later that day, I heard Viktor had been sentenced to one year in prison and five years banishment from Moscow.

Viktor Tomachinsky was a rare bird in the Soviet Union. He was an eccentric, an individualist, in a country that for better or for worse has always treasured the collective interest over the individual. People who challenged established ideas were "bourgeois individualists" and reviled as such. Russian social order allowed room for only one individualist — the leader who ranges over all, in all his forms.

In a possible criticism of his mentor Vladimir Putin that could also be read as a critique of Russian history, President Dmitry Medvedev said recently that Russia must eschew the lure of one-man rule. Power cannot be a one-way street leading out from the center.

Since he did not belong to any collective, not even a dissident group, Viktor's case went unnoticed at home and scarcely found its way into the Western media. I never got to know this Viktor, born into the Soviet Union's holiest of celebrations, Victory Day, on May 9, 1945. I don't even have a photograph. But I have a lasting regard for the reckless courage and humor with which he slipped past that sentry, fully knowing how it might all end.

A couple of years after leaving Moscow for a new assignment in Germany, I heard that Viktor

had died in prison, of pneumonia.

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