
In Omsk, sentence handed down to heads of transportation enterprise found guilty of killing 16 people and injuring 11 passengers in road accident



A court has recognized the evidence gathered by the Omsk Region Office of the Investigative Committee as sufficient to convict director of municipal enterprise No 4 of the Omsk Passenger Company Alexander Chertolyas and head of truck convoy Valery Kochenevsky. They were found guilty of violation of labor protection requirements entailing death of two or more people under Part 2 of Article 143 and provision of unsafe services entailing death of two or more people under Part 3 of Article 238 of the RF Criminal Code.

The court and investigators have revealed that on 24 June 2015, a 55-year-old driver of the bus that belonged to the municipal passenger enterprise No 4 which provided transport services to OAO Siberian Poultry Factory and a contract, during the transportation of workers of the poultry factory felt unwell and lost control of the vehicle on kilometer marker 20 of Omsk – Nizhnyaya Omka route, drove onto the opposite lane and collided with a KAMAZ-5410 truck with a semitrailer loaded with bricks. 16 people got killed in the crash, including both drivers, while 11 more passengers were injured.

The Investigative Committee believes that the management of the passenger company were negligent about their duty and failed to ensure that the company strictly observed transport safety requirements

and the labor laws, as well as failed to ensure proper control over their drivers' health. As a result of the illegal actions of the accused, the company did not observe drivers' working hours and rest norms stated in the Russian laws and departmental acts, so the drivers often had to work overtime not having enough time to rest and recover.

This way, the investigators revealed that the driver of the bus that transported the workers of the poultry factory, had had to work beyond his powers during the year, had no proper rest during a long period of time and had worked 594 overtime hours, which was ten times the maximum norm, as under Russian laws the overtime work for a driver cannot exceed 120 hours a year. On the day of the accident, the bus driver, who had heart problems, had been driving more than 12 hours, while the temperature in the bus was 40 degrees above zero, which triggered a heart attack minutes before the accident. Because of the heart attack, the driver passed out and drove onto the wrong lane.

Most of the questioned enterprise's workers gave evidence that they had agreed to basically intolerable working conditions because they had not wanted to be fired.

Aware that the drivers of the passenger company were working overtime, having been warned more than once by an inspectorate that such violations of labor laws were inadmissible and that safe passenger transportation rules must be strictly followed, Kochenevsky still had made overwhelming schedules for drivers, while Chertolyas had approved them, thoughtlessly hoping that there would never be any accident. Such heartless attitude of the accused to their workers, their criminal indifference to observance of constitutional rights of workers to have proper rest and fixed working hours led to the tragedy.

During the probe, Chertolyas was put under house arrest and Kochenevsky released on recognizance. Both men during the investigation and in court denied the charges, insisting that they drivers had had to work overtime because there were not enough staff or they had wanted to work overtime to make more money. However, the investigators gathered impartial evidence proving guilt of the accused. Some 10 seizures and searches were conducted, more than 30 different expert examinations were run, including complex technical and metallurgy ones, more than 300 witnesses were questioned. There are 18 files in the case.

Following the results of the investigation, the investigators have submitted a request to the director of the Omsk city administration's transport department to eliminate the reasons for and contributing factors of the crime. A number of officials have been disciplined for improper control over the operation of passenger companies.

The court has given Chertolyas a suspended sentence of 4 years 10 months in prison, Kochenevsky a suspended sentence of 4 years in prison.

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