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Moskovskij Komsomolets posts interview in commemoration of the Lame Horse tragedy



Zimnyaya Vishnya trial can follow the course of the one for the Lame Horse

The investigator talked about the consequences of the deadliest fire in Russia

After the tragedy in Kemerovo, many recalled the horrible fire in Perm nightclub the Lame Horse. At the night of December 6, 2009, 156 people burned to death there. There is a chance that Zimnyaya Vishnya trial will follow the same course. Firefighters, venue owners, officials are in the dock in both cases.



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Who of the defendants in the Lam Horse case did not plead guilty; who of the convicts were ruined by morbid greed and who by cowardice; how was the issue of the fire inspections in the public establishment resolved – all these questions answered in the exclusive interview with investigator Ruslan Ibiev, now the Chief of the Investigations Directorate IV of the Main Investigations Directorate of the Investigative Committee of the Russian Federation.

— After the tragedy in Zimnyaya Vishnya, the defendants were found within hours. How quickly can one establish the degree of guilt of a person in such high-profile cases?

— In high-profile cases, the venue owner is the first to be held accountable. They are responsible for ensuring the fire safety standards. Defendants can be identified and brought to justice only if there is sufficient evidence. The faster an investigator finds it, the sooner it is possible to establish the ‘guilty’ person.

In our case, it was important to identify the building’s owner, to conduct required seizures and searches of documents. Although, some difficulties may appear as well.

For example, Anatoly Zak, the owner of the Horse, did not sign any documents and legally had nothing to do with the venue, but in fact he was the owner, and therefore was brought to justice.

— How long did the investigation take?

— Over two years. In 6 months, 344 interrogations of victims, 545 interrogations of witnesses, 37 inspections of the scene, 357 objects and documents examinations, 91 searches and seizures were carried out.

More than 250 forensic medical examinations to establish the causes of death of all the deceased victims and injured survivors, and five forensic examinations were conducted. The case files totalled to 127 volumes. Nine people were brought to justice.

— How many investigators worked on the case?

— Eight investigators from Perm Region worked under my guidance.

“Chief Government Inspector on Fire Supervision of Perm Region Avoided Prison Time by Paying off a Fine of 70,000 Roubles”

— In Kuzbass, the Head of the Ministry for Emergency Situations of Kemerovo is in the dock. Apparently, he is facing prison time. In Perm, former Chief Government Inspector on Fire Supervision of Perm Region Vladimir Mukhutdinov avoided prison time then. How did that happen?



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— Let's first talk about Mukhutdinov. He personally knew the *Lame Horse* owners, had the venue's discount card providing him with free entrance to the club during entertainment events and a 10% discount on the bill. It was Mukhutdinov who gave the *Lame Horse* positive reviews on its compliance with the fire safety regulations.

— **Under which article was he prosecuted?**

— His actions were recognised as an offence under Part 3 of Article 285 of the Criminal Code of Russia, "Use by an official of their powers, contrary to the interests of the civil service". His actions were committed out of lucrative personal interest and caused substantial damage.

— **Put simply, he as a friend of the *Lame Horse* owner stated that the club complied with all the fire safety regulations, but failed to conduct an inspection?**

— I will explain how it was. The Horse Director General Svetlana Yefremova, upon instruction of Zak, made an application to the State Administration of Fire Inspection of the Perm Regional Main Directorate of the Ministry for Emergency Situations of the Russian Federation to obtain a certificate of compliance with all the fire safety regulations in the club. Yefremova acted upon instructions from Zak who was on friendly terms with Mukhutdinov. She personally submitted the application to the reception desk at Mukhutdinov's office.

He understood that it is impossible to obtain an alcohol license without a positive review on compliance with the fire safety regulations issued by fire inspection authorities, and realised that it would help Zak get most profit from the venue.

— **Did Mukhutdinov know about fire safety violations in the club?**

— He knew that previously numerous fire safety violations had been identified - it's a vast number of seats in the venue, and an insufficient width of emergency exits, and a faulty fire alarm system, and the absence of evacuation lighting of the exits.

— **As far as I understand, the *Lame Horse* was designed without approval of relevant authorities?**

— Mukhutdinov also knew about this. Indeed, the club was reconstructed without permission, without an approval of fire inspection authorities. However, with the intent to keep friendly relations with Zak and his benefits and advantages in the club, Mukhutdinov did not request to check the club's premises. He simply signed the review indicating that the state of the facility ensured compliance with the fire safety regulations. The review was certified by seal. The document was handed over to Yefremova who submitted it to the Committee on Consumer Market and Development of Business and Tourism of the Perm Region Administration.



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— But nevertheless, Mukhutdinov managed to avoid prison time, didn't he?

— Mukhutdinov was found guilty and fined for 70,000 roubles with a 3 year ban to hold public office. Due to expiry of the period of limitation on this episode, he was released from the punishment. You have to understand that the investigation took more than two years.

If it was considered by the court sooner, Mukhutdinov would not have been released from the punishment. The court re-classified his case. The court found that the substantial damage was not caused by the actions of Mukhutdinov. This is the prerogative of the court. I won't comment on that.

— At the same time, Perm fire inspectors Dmitry Roslyakov and Natalia Prokopyeva were sentenced in full.

— Roslyakov was sentenced to 5 years, Prokopyeva to 4 years. Both were investigated under the Article on "Negligence". The first did not admit his guilt. The second admitted her guilt partially.

— What was their fault?

— They were obliged to prevent fire safety violations. However, they did not discover any violations during the alleged checks in the club. Roslyakov approved the evacuation plan of the *Lame Horse*. These people failed to reveal fire safety violations.

When inspecting, they did not take into account that the *Lame Horse* had been reconstructed without permission, that the premises had been redesigned, which left the club with one emergency exit while fit to simultaneously accommodate more than 250 people instead of 50. The club itself was not equipped with smoke ventilation and fire hydrants. Roslyakov knew that Zak had friendly relations with the Chief Government Inspector on Fire Supervision of Perm Region, and therefore did not take measures to eliminate the violations.

— How were these checks conducted?

— The checks were purely formal. For example, it took Roslyakov 3-5 minutes to perform an inspection. Most likely, he did not even look at any documents. If only he just looked at the extracts of the premises plan and compared it with the actual situation, he would have seen a huge difference between what was on paper and what actually existed. Roslyakov signed the evacuation plan retroactively. When inspecting, Prokopyeva noted minor violations, also with the formalist approach to her duties.

— Who was maintaining the fire safety system at the *Lame Horse*?

— The club owners signed a design contract for the fire alarm with one of predatory-priced entities.



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They installed it. Once a month a specialist came, checked it, made an entry in the log about the state of the alarm. The owner of the Horse paid around 2,000 roubles per month for his services.

— **So, we cannot state that the fire alarm did not work?**

— It was allowed to smoke in the hall without restrictions, and the fire alarm did not react to it. The fire alarm desk was near the kitchen. In case of a system emergency, the sensors went off, a piercing buzzer sound. But the alarm was not connected with the Fire Department.

— **Which violated the fire regulations for clubs?**

— The design of the club itself, the finish materials, the room equipment, including the ceiling, did not meet the construction standards. At the time of the fire, there was no smoke ventilation and fire hydrants at the Lane Horse; no special fire retardant treatment of the suspended ceiling was made.

In fact, following the redesign of the building, the acceptance procedure was conducted, but with the formalist approach. The redesign was made without consent of the relevant directorate of the Federal Property Management Agency. The work date of the acceptance commission was forged. Without permission, Zak made an extension to the club, thereby increasing the area size. Allegedly, nobody noticed that, and the officials did not check the documents.

“**The Lane Horse revenue was about 500,000 roubles a day**”

— **Let’s talk about the main perpetrator - club’s owner Anatoly Zak, who was technically considered as the Lane Horse owner, but lived in another country.**

Of all the defendants, he received the strictest punishment, while the owner of Zimnyaya Vishnya has not been brought to justice yet.

— I can speak on Zak alone. Indeed, he actually managed the Lane Horse. He took 50% of the revenue, and the rest was split in 25% stakes between co-owners Titlyanov (died in the fire - author’s note) and Mrykhin. The six years of the club’s operation had brought Zak 57.393 million roubles.

His journals and notebooks were seized during the investigation that showed the daily number of visitors and revenue. For instance, a note went: “April 30, 2009, Thursday. At 8.40 PM, 450 people in the club; at 12.55 AM, 550 people in the club; 600-700 people in total. Total revenue of 333,800 roubles.”

— **Apart from getting the revenue from the Lane Horse, did Zak manage its operation anyhow?**



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— Zak managed the club's operation almost entirely. He hired and fired, decided upon foreign artists to be invited to perform, made suggestions on improvements of the cuisine and service. He supervised the interception of the staff's attempts to cash in on the venue. Zak was the one to fire or fine any employee for their faults.

— His greed had become proverbial in Perm...

— The witnesses questioned noted that, when working with money, Zak was very strict, scrimped and saved. He was the one to issue the instructions “On Compliance with the Operating and Financial Discipline” and “On the Club's Security Service Operation”.

Under the instruction, head waiters were prohibited from making reservations without pre-payments on Fridays and Saturdays. Should the client be late for 15 minutes, the reservation got cancelled. And should an employee violate the rule, the price of each reservation got taken from their salary. The club provided a one-time meal for each employee at the strictly set time - from 8.30 PM to 9.00 PM. Should someone miss the lunch, they would have to go without.

The employees were strictly forbidden to chew gum and talk to each other and the guests, but for work matters. Another catching detail - Zak did not have a personal office at the club and held business meetings in the main hall. You know why? All Zak's actions must have brought revenue, each metre of the club must have worked, that is, made money. While a private office would have taken away part of the space.

And a few more details of this man. Upon Zak's instruction, students and retirees were hired unofficially. Zak explained that such groups were easier to part ways with and there was no need to do the paperwork. They required neither an employment agreement, nor registration in the district Administration, Pension Fund, social insurance agency, Tax Service, nor provision of healthcare insurance, et cetera.

Thus, Zak did not pay extra taxes for workers with no employment contracts. No one could defy him. According to witnesses, he had a gift of persuasion, so no one ever opposed him.

— Did Zak have very powerful friends in Perm who disclaimed it following the tragedy?

— All the questioned witnesses described Zak very negatively. Most of them never considered him a friend and refused to have serious business relations with him.

As I recall, one of the witnesses told he had known Zak for 15 years, they did business together. However, it was impossible to have a transparent, mutually beneficial business with Zak since he always tried to get personal profit. Another witness explained that he had known Zak since 1996. Initially, they had developed friendly relations. However, later they had a conflict owing to Zak's



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excessive greed.

The burnt club's owner was described as an extraordinarily confrontational person both in business and in daily life. But his main feature was unanimously greed. Money made Zak waive friendship and relationships. He always fought for each penny. It was a tragedy for him to find out that someone had bought something he had but cheaper.

— Did Zak cooperate with the investigation?

— Throughout the investigation, he only hindered to establish the circumstances, tried to hide his property, and imposed pressure on the witnesses. Zak tried to get free even when he was in the detention centre. In order to avoid reimbursing of civil claims, Zak initiated a divorce from his wife.

— How did he respond when the fire happened?

— Zak was in the *Lame Horse* that night. When the fire started, he knocked out a wooden bar in a window and got outside. He came home, packed his things and transborder passport, and was driven to Koltsovo airport in Yekaterinburg – “to run away from himself”, as he said later. But he didn't make it there. He was arrested.

“No convicts admitted their guilt in its entirety”

— **There were other defendants on the case, apart from fire inspectors and the club's owner. Venue's commercial director Mrykhin was extradited from Spain and sentenced.**

— Mrykhin was the acting CFO and co-owner of the club. He was sentenced to 6.5 years of imprisonment. Media reported that he had had no association with the club for he had been living abroad. That was not true. He instructed employees on the club's operation, having negotiated it with Zak. In average, three actual owners of the club - Zak, deceased Titlyanov, and Mrykhin - were getting 1.5-2 million roubles per month from this business.

— **Many defended Art Director Oleg Fetkulov in charge of the table of events on that night. Did you have a feeling that he was made a punching bag in this story?**

— Fetkulov was in charge of the event in the *Lame Horse*, he was the one to decide upon launching a firework. The witnesses described him as a creative person but of low discipline. He generated ideas on entertainment but was neither diligent nor responsible.

Unlike Zak, he did not prioritise money - a high-quality show was more important. He ordered all the pyrotechnic devices from his friend Derbenev, through a verbal agreement.



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— **Lame Horse Executive Director Svetlana Yefremova was sentenced to 4 years of imprisonment. It is known that she sold her property, mostly furniture and household appliances, to pay for damages. What was she like to you?**

— Yefremova is a goal-oriented self-made woman. He was invited to the job for her expertise in establishing of public dining outlets. She was the only one to cooperate with the investigation and to testify truthfully. It was evident that she felt regret and sorrow about what happened - unlike Zak who was wriggling, shifting the responsibility to others, and trying to avoid punishment.

— **What can you say about pyrotechnicians, Derbenevs father and son?**

— The Derbenevs did not admit their guilt, acted very brazen throughout the preliminary investigation. They had been aware that it was forbidden to launch fireworks in closed spaces - the pyrotechnic devices manual said that. But the Derbenevs had been developing their business and therefore wanted to impress Zak to get good orders in the future, so they arranged the fire show that ended a tragedy.

— **Who of the defendants admitted their guilt?**

— Partially - Mukhutdinov, Prokopyeva, Yefremova, Fetkulov. The rest did not.

— **Did you feel sympathy for any of them?**

— Emotions are bad for our work. Naturally, I have my sympathies and antipathies. But I cannot express them, being an acting law enforcement officer.

— **In your opinion, what would have prevented the tragedy in Perm?**

— There are a lot of “would have beens”... If Mukhutdinov, as a friend of Zak, did not do him a disservice, but advised him to do everything according to the fire safety regulations. If inspectors Roslyakov and Prokopyeva were not fainthearted, knowing that their superior was a friend of Zak, and acted with integrity.

If Zak did not cut down expenses on approval and redesign in compliance with the fire safety regulations and construction rules and regulations. If the officials did not have the formalist approach to the acceptance procedure after the club’s reconstruction...

But you have to understand that no requirements can foresee human response; it is impossible to exclude patronage and friendship, to overcome such evils as greed and permissiveness, selfishness and indifference.



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There are always those who believe that everything is possible for them, nothing can affect them, and that they are the “privileged”. And when it is time to answer before the law and conscience, it is these people who shyly hide their heads and keep quiet. It is the human nature, some people comply with prohibition, some ignore them...

The Lane Horse tragedy is the ninth in the ranking of mass fatality in nightclubs in the world history. This fire is the largest for the number of victims in post-Soviet Russia.

And for the first time in the investigative practice in the history of Russia, actual owners and managers of the club, people, who used every metre of the space, ignoring the fire safety requirements to gain more profit, and completely forgot about their public responsibility, were brought to justice for unsafe services provision.

By Irina Bobrova

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