



ATTACK ON FUNERAL RECEPTION IN HROZA, 5 OCTOBER 2023

UN Human Rights Monitoring Mission in Ukraine, October 2023



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SUMMARY

This report *Attack on Funeral Reception in Hroza, 5 October 2023* was prepared by the Office of the High Commissioner (OHCHR) through the UN Human Rights Monitoring Mission in Ukraine (HRMMU) pursuant to Human Rights Council resolution A/HRC/53/L.1 on cooperation with and assistance to Ukraine in the field of human rights.

On 5 October 2023, an attack on a café in Hroza, a village in the Kharkiv region of eastern Ukraine, killed 59 people who had gathered following a reburial ceremony of a local member of the Ukrainian armed forces. While Russian authorities have not explicitly acknowledged responsibility for the attack, a representative of the Russian authorities asserted that the funeral gathering was a legitimate military objective. Based on the information collected and its assessment further to standard methodology, OHCHR has reasonable grounds to believe that there were no military personnel or any other legitimate military target present at or in proximity to the reception at the café that followed the funeral held at the

cemetery outside the village. The 59 people killed were civilians, not participating in hostilities, making the attack one of the deadliest individual incidents for civilians since 24 February 2022. OHCHR also has reasonable grounds to believe that the reception was the intended target of an attack by the Russian armed forces, using a precision weapon, likely an Iskander missile.

The findings in the report, on the standard of reasonable grounds, indicate that the Russian armed forces either (i) failed to do everything feasible to verify that the target to be attacked was a military objective, rather than civilians or civilian objects, or (ii) deliberately targeted civilians or civilian objects.

The Russian Federation is urged to acknowledge responsibility for the civilian casualties resulting from the attack, to conduct a full and transparent investigation into the attack to hold those responsible to account and prevent similar attacks from happening in the future, and to provide access to remedy, including reparations, for direct and indirect victims.



The remnants of the café, Hroza village, Kharkiv region.

METHODOLOGY

OHCHR conducted fact-finding missions to Hroza village on 7 and 10 October 2023. OHCHR inspected the site of the incident, and interviewed 35 people, including 27 residents of Hroza, eyewitnesses, two survivors, medical staff, morgue employees, and representatives of local authorities.¹ OHCHR also analyzed relevant open-source information and consulted independent military experts about weapon remnants found at the site after the attack.

Findings are based on verified information collected from primary and secondary sources that were assessed as credible and reliable. They are included in the report where the “reasonable grounds to believe” standard of proof is met, namely where, based on a body of verified information, an ordinarily prudent observer would have reasonable grounds to believe that the facts took place as described. Conclusions are drawn when there are reasonable grounds to conclude that these facts meet all the elements of a human rights violation.

CONTEXT

Hroza, a small rural village in the Kharkiv region of Ukraine, had a population of about 500 people before 24 February 2022.² The village consists of two streets lined with private houses, with no known military installation anywhere in the vicinity. The primary non-residential buildings were a small café and shop next to a small clinic at Zelena Street 43. The café used to be a kindergarten several years ago, and a playground was located outside the café.

Russian armed forces occupied Hroza and the surrounding areas shortly after the Russian Federation launched its full-scale armed attack against Ukraine on 24 February 2022, leading many residents to flee. Around 9

September 2022, Russian armed forces withdrew from the village in the face of military advances by Ukrainian armed forces. At the time of the attack, 344 residents were living in Hroza, according to lists compiled for distribution of humanitarian aid.

Residents reported that there had been no fighting or attacks in the village prior to 5 October 2023, and OHCHR has not documented any civilian casualties there.³ However, in August and September 2023, fighting intensified around Kupiansk, the administrative center about 30 kilometers east of Hroza, as Russian armed forces attempted to re-take the territory.

¹ The Ukrainian authorities have launched a criminal investigation into the attack under Part 2 of Article 438, Part 2 of Article 28, and Part 2 of Article 111 of the Criminal Code of Ukraine.

² According to 2001 Ukrainian census.

³ The nearby town of Shevchenkove had been mainly targeted in 2023.

KEY FINDINGS

On 5 October 2023, residents in Hroza organized a funeral for a member of the Ukrainian armed forces from Hroza who had been killed in the Dnipropetrovsk region a year and a half earlier, in March 2022. Because Hroza was already under Russian occupation, it was not possible to bury the killed soldier in his home village, and he was instead initially buried in the Dnipropetrovsk region. After Russian armed forces vacated Hroza, the son of the deceased soldier proceeded to organize his father's exhumation and re-burial in Hroza.

“There were bodies and body parts everywhere. My daughter’s best friend was only identified by her manicure when they found her hand”

Valentyna, local civilian witness of Hroza incident.

At around noon on 5 October, residents brought the coffin with the soldier's remains in procession from his house to the cemetery, located a few hundred meters outside the village. After the coffin was lowered into the ground, three soldiers accompanied by two officers fired a salute. The residents then proceeded to the café in the center of the village for a funeral reception, travelling in a bus and several private civilian cars. The cemetery is located approximately one kilometer from the café. The soldiers left the cemetery after the funeral and did not join the residents at the café.

At approximately 13:00, 63 people sat down for the memorial lunch in the café. In addition, a woman was staffing the shop in the same building. About 20-25 minutes later, just as the main course had been served, a large explosion occurred at the café. Photos of the aftermath of the explosion and OHCHR's inspection of the site show that the epicenter of the explosion was located in the eastern part of the café and that the blast completely destroyed the building, including the small shop located in its western part. Several residents ran to the site and started pulling survivors out from under the rubble. They were eventually joined by rescue workers.

OHCHR interviewed two survivors of the attack. One of the two survivors said that she heard a whistling sound before apparently losing consciousness. Both survivors of the attack, including the shop owner who was furthest away from the epicenter, told OHCHR they regained consciousness while being pulled out from under the debris.

The impact of the explosion mutilated many of the bodies, according to residents who arrived at the scene shortly after the explosions and a morgue official, making identification difficult. The head of the Kharkiv Regional Morgue, which received the bodies from the attack, told OHCHR that while half of the bodies could be identified visually, none of them were intact. The rest of the bodies arrived in smaller pieces and could only be identified through DNA analysis.

OHCHR has established that the explosion killed in total 59 people – 36 women, 22 men, and an eight-year-old boy. Six people were hospitalized due to their injuries, with one victim passing away in the hospital several days after the event. OHCHR has confirmed the identity of all victims and found no indication that any of the people attending the funeral reception at the café in the village were members of the Ukrainian armed forces. Hroza residents and relatives of the victims consistently told OHCHR that all the attendees – with one possible exception (see below) – were civilians.

Accounts were consistent that the three soldiers and two officers who had been at the cemetery did not subsequently join the residents at the café in the village. Some residents, as well as some local authorities and media outlets, reported that the son of the man being re-buried was a member of the Ukrainian armed forces,

with a few mentioning that he wore a uniform to the funeral. Residents who knew the family well, however, told OHCHR that he had been de-commissioned⁴ from the armed forces in June 2023 and wore the uniform as a sign of respect for his father. Another man attending the funeral service had also served in the Ukrainian armed forces after 24 February 2022, but had been seriously injured by a mine during his service and was undergoing rehabilitation at the time of the attack.

Furthermore, most of the 64 victims were killed or injured together with at least one other member of their close family – a spouse, sibling, child, or parent – reflecting the fact that the event was a family and community gathering. At least 15 families lost more than one family member in the attack. The age of many victims also supports that this was a gathering of civilian character. Twenty-seven of the 64 people in the building were 60 years or older. One was a child.

OHCHR also found no indication of the presence of legitimate military targets at or near the funeral reception at the time of the incident. Residents reported that no units of the Ukrainian armed forces were present in the village of Hroza on the day of the attack.



A makeshift memorial at the incident site, Hroza village, Kharkiv region.

⁴ Article 26 of the Law on Military Service and Duty of Ukraine indicates that if one family member is killed, the others will be de-commissioned.

During its own mission two days after the events, on 7 October 2023, OHCHR observed two soldiers at the incident site for approximately 15 minutes, as well as a few individuals in camouflage attire and light vehicles that may have been Ukrainian military forces. However, according to residents, neither these individuals nor the vehicles were present at or near the funeral reception on 5 October 2023.

of a precision-guided weapon, and the Russian authorities' claim that the funeral reception was a legitimate military target, strongly suggest that the attack struck its intended target. The weapon likely used in the attack, the Iskander missile, is in the arsenal of the Russian armed forces, but not in the arsenal of Ukrainian armed forces. Finally, the attack, although deadlier, is consistent with other recent attacks



Volodymyr lost his wife, his son and his daughter-in-law in the attack.

"I am still waiting for my wife, I cannot believe they are all gone, I cannot sleep, I cannot eat... I walk around in hope to see my wife, showing up from somewhere."

OHCHR also notes that a high-level Russian diplomat claimed that the funeral was a legitimate military target. While not explicitly taking responsibility for the attack, the Permanent Representative of the Russian Federation to the United Nations asserted at a meeting of the UN Security Council held on 9 October 2023 that the funeral in Hroza was for a "high-level Ukrainian nationalist" and that "a lot of his neo-Nazi accomplices participated in the funeral." He further stated that "military personnel deployed by the Kyiv regime at any given place will become a legitimate target of the Russian army."⁵

On the basis of the information collected, OHCHR has reasonable grounds to believe that the explosion at the café was due to a missile attack launched by Russian armed forces. The explosion occurred in territory controlled by Ukraine, approximately 50 kilometers from the frontline. At the time of the incident, Russian armed forces were carrying out an offensive to retake some of the territory of Ukraine that it lost in September 2022.

An analysis of the extent of the damage and of weapon remnants found on site further indicate that the explosion was likely caused by an Iskander missile,⁶ a precision-guided short-range ballistic missile produced by the Russian Federation and commonly used by the Russian armed forces in attacks against Ukraine. The timing of the attack, occurring shortly after the funeral reception had started, the use

when explosive weapons with wide area effects struck populated areas in territory controlled by Ukrainian authorities, causing civilian casualties. For example, on 6 October 2023, the day after the attack on Hroza, two missiles struck Kharkiv city center, killing two civilians (a 67-year-old woman and her 10-year-old grandson) and injuring at least 23. A previous attack also appears to have targeted a funeral ceremony in a similar way to the attack on Hroza. Around 13:30 on 4 July 2023, an attack struck a residential area in Pervomaiskyi, Kharkiv region, where a funeral for a member of the Ukrainian armed forces was taking place, injuring at least 17 civilians. In both cases, OHCHR verified the civilian casualties.

In accordance with their obligations under international humanitarian law, Russian forces must at all times distinguish between civilians and combatants and may only direct attacks against military objectives. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians, and damage to civilian objects. In the case of Hroza village, even if the Russian armed forces believed that military personnel would be present at the funeral reception, more information should have been sought to verify this. The fact that the Russian armed forces carried out the attack indicates that they either failed to take sufficient steps to verify that the target was a military objective, or they deliberately targeted civilians or civilian objects, in either event in violation of international humanitarian law.

⁵ See <https://media.un.org/en/asset/k1n/k1nndc7ne1> and annex 2 for the verbatim account of the Permanent Representative of the Russian Federation's remarks, translated from Russian to English by HRMMU. His claims also reflect information that started circulating in pro-Russian social media hours after the attack. Social media posts claimed that the man being re-buried (while using the wrong patronymic and date of birth) was an officer in the Aidar battalion, a military unit that took part in fighting in eastern Ukraine in 2014 and 2015, and that a hundred soldiers took part in the funeral. See <https://t.me/russiaun/3848>. Russian authorities have declared the Aidar battalion an "extremist organization" and put members of the battalion on trial for "involvement in a terrorist organization."

⁶ OHCHR observed and photographed weapon remnants at the impact site during its mission on 7 October. Independent military experts reviewing these and other photographs of remnants published online or shared by Ukrainian authorities assessed that the weapon most likely used in the attack was an Iskander missile.

RECOMMENDATIONS



A destroyed playground at the incident site, Hroza village, Kharkiv region.

To the Russian Federation:

COMPLIANCE WITH INTERNATIONAL HUMANITARIAN LAW – Respect and ensure respect, at all times and in all circumstances, for international humanitarian law. This includes ensuring full respect for the principle of distinction and refraining from directing attacks against civilians and civilian objects.

PRECAUTIONS – In the conduct of military operations, constant care must be taken to spare civilians and civilian objects. All feasible precautions must be taken to avoid, and in any event to minimize, incidental loss of civilian life, injury to civilians and damage to civilian objects.

PROPORTIONALITY – In the planning of military operations, prevent the launch of any attack that may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

ACCOUNTABILITY – To deter future attacks and promote continued compliance with international law, ensure that investigations of the attack are prompt, impartial and transparent, ensure accountability for those found responsible, and make public the findings and measures taken.

REDRESS FOR VICTIMS – In line with the right to effective remedy in international law, ensure appropriate remedy for all the direct and indirect victims, including reparations.

POLICY REVIEW – Conduct a thorough, transparent, objective and credible review of policies and rules of engagement to ensure compliance with international humanitarian law, with specific attention to ensuring all necessary precautions are taken before an attack to verify that the target is a military objective and to minimize civilian harm.

ANNEX 1

Legal framework for assessment of attack on Hroza village

INTERNATIONAL HUMANITARIAN LAW

The Russian Federation and Ukraine are bound by treaty and customary international humanitarian law (IHL) applicable to international armed conflicts, including the four Geneva Conventions of 1949, the 1977 Additional Protocol I to the Geneva Conventions, and the 1907 Hague Convention IV with its annexed Regulations concerning the Laws and Customs of War on Land. IHL obliges parties to a conflict to respect the principles of distinction, precaution, and proportionality in the conduct of hostilities, including when planning military operations.

Parties to armed conflicts have an obligation to distinguish at all times between those taking part in hostilities and the civilian population, and to only direct attacks against military objectives. Referred to as the 'principle of distinction', this principle has been recognised as 'intransgressible' under customary international law. Prior to launching an attack, parties to the conflict also have the obligation to take all feasible precautions to verify that targets are

military objectives and to choose means and methods of warfare which avoid or minimise civilian casualties and damage to civilian property. The party must assess whether the attack may be expected to be disproportionate and cancel or suspend an attack when it becomes apparent that the target is not a military objective or that the attack may be expected to be disproportionate. The party must also give effective advance warning of attacks that may affect the civilian population.

Attacks that may be expected to cause incidental loss of civilian life and injury to civilians which would be excessive in relation to the concrete and military advantage anticipated are prohibited under IHL and would amount to war crimes. Additionally, attacks that are not directed at a specific military objective are indiscriminate attacks prohibited under IHL and would amount to war crimes. Attacks deliberately targeting civilians are serious violations of IHL and would also amount to war crimes.

INTERNATIONAL HUMAN RIGHTS LAW

During periods of armed conflict, the applicability of international humanitarian law does not replace existing obligations under international human rights law. Rather, both remain in force and are considered complementary and mutually reinforcing.

The right to life is a prerequisite for the enjoyment of all other human rights. The Universal Declaration of Human Rights provides that '[e]veryone has the right to life, liberty and security of person'. The International Covenant on Civil and Political Rights (ICCPR), to which the Russian Federation and Ukraine are States party, also recognises the inherent right of every person to life, noting that 'no one shall be arbitrarily deprived of life'.

States can be accountable for human rights violations when they carry out military incursions in another State. With regards to the right to life, States have an obligation to respect and to

ensure the right to life of all persons located outside their territory, whose right to life would be impacted in a direct and reasonably foreseeable manner by military activities.

As noted, the ICCPR prohibits the arbitrary deprivation of life. However the use of lethal force - if consistent with international humanitarian law and other applicable international law norms - may not necessarily amount to arbitrary deprivation of life.

The targeting of civilians and civilian objects, indiscriminate attacks, and the failure to apply the principles of precaution and proportionality would, however, constitute a human rights violation of the right to life. This means that any of the above-mentioned acts entailing a risk to the lives of civilians, undertaken in violation of international humanitarian law, would also constitute a human rights violation of the right to life.

ANNEX 2

Excerpt of a Statement by the Permanent Representative of the Russian Federation to the United Nations

VERBATIM TRANSLATION OF AN EXCERPT FROM THE SPEECH DELIVERED BY MR. VASILY NEBENZYA, THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS, DURING THE 9431 ST MEETING OF THE UN SECURITY COUNCIL, MAINTENANCE OF PEACE AND SECURITY OF UKRAINE, 9 OCTOBER 2023.⁷

"The tragedy in the Hroza village, which is the subject of today's meeting, happened exactly while Zelenskyy has been convincing the EU to provide the continued support to the Kyiv regime at the EU summit in Spain. The Ukrainians are saying that it's not just the Ukrainian defense system missiles they have to fear, but also Zelensky's foreign visits and his guests in Ukraine.

Right after such developments, the Ukrainian delegation requests to convene the meeting of the Security Council, while the Western countries are pressuring the Security Council to hold the meeting immediately.

Going back to the incident in Hroza village, a number of factors are very obvious from the start. It is known that at the time of the strike the funeral of one of the high-level Ukrainian nationalists has been held there. It is understood that a lot of his neo-Nazi accomplices participated in the funerals. It is not accidental that almost all bodies on the pictures published on the social media right after the attack were of men of conscription age.

We've been there before: Kyiv regime 'wring its hands' for the civilians killed by attacks on hotels, dormitories, cafes and shops, etc., and afterwards numerous military/ foreign mercenaries' necrologies would appear. A pure 'coincidence'. We do not rule out that this will be the case with Hroza.

We would like to remind you that military personnel deployed by Kyiv regime at any given place will become a legitimate target of the Russian army, including from the standpoint of the IHL. The placement of heavy equipment and defense missiles in heavily populated areas is a grave IHL violation that leads to tragedies like the one we have already mentioned today.

Once again, I repeat that Russia does not carry out attacks on civilian objects and does not target civilians. Our high-precision weapons are used only to destroy military capacity of Zelensky's regime and its military objectives. Should Ukraine use grain storage facilities and port infrastructure for storing their munition and Western (military) equipment, then they will also be destroyed."

⁷ <https://media.un.org/en/asset/k1n/k1nndc7ne1> (last accessed on 10 October 2023). The excerpt was translated by HRMMU.

ANNEX 3

Maps of the Impact Site and Damages Registered by OHCHR up to 550m

