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Major developments in the Russian Federation in relation to military service

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COI QUERY RESPONSE – The Russian Federation

Major developments in the Russian Federation in relation to military service

1. General developments

According to researcher Maria Domańska,¹ the year 2022 was characterised by the criminalisation within the Russian state system, in which erosion of institutional and legal integrity was coupled with a growing trend of privatisation of the state by the ruling elite. Related to the war in Ukraine, this was exemplified in such practices as sending untrained soldiers to the frontlines in defiance of the law, widespread irregularities during the implementation of the mobilisation order, and the recruitment of prisoners to fight in Ukraine by the Wagner Group, a private military company (PMC), even though the existence of such groups was prohibited under Russian law.²

On 4 November 2022, in efforts to bolster the number of volunteers to fight in Ukraine, President Putin signed a law allowing military recruitment of people with unsealed criminal records, including people who have been convicted of committing serious crimes.³ Convicts were promised a full pardon and freedom at the end of their contract, despite the fact that Russian criminal law did not provide any provision for such amnesty or parole. In practice, the pardon of recruited convicts was carried out through presidential decrees, which were classified.⁴ In March 2023, UN experts noted on ‘pressure tactics by Wagner recruiters, suggesting that in some cases recruitment was carried out through threats or intimidation.’ The experts also noted on the recruitment by the Wagner Group in prisons in the Russia-occupied Donetsk region.⁵ In May 2023, the BBC Russian Service reported on the recruitment of prisoners by the Russian Ministry of Defence (MoD).⁶ On 21 June 2023, the State Duma approved a package of bills to allow ‘current and former convicts as well as suspected criminals to enlist’ with MoD and to clear their criminal records after they complete their service in Ukraine.⁷ The law was signed by President Putin on 24 June 2023.⁸

On 24 June 2023, Wagner fighters seized control of the headquarters of MoD in Rostov-on-Don, a main operational military hub, and started advancing towards Moscow in what sources

¹ Maria Domańska is a senior fellow at the Poland-based Centre for Eastern Studies (OSW), whose areas of interest are Russian domestic politics, focusing on such topics as federal and regional elites and formal and informal aspects of the Russian political system, see OSW, Maria Domańska, PhD., n.,d., [url](#)

² Domańska, M., Putin’s neo-totalitarian project: the current political situation in Russia, 17 February 2023, [url](#)

³ RFE/RL, Putin Signs Law Allowing Those Who’ve Committed Serious Crimes To Join Military, 4 November 2022, [url](#)

⁴ PONARS Eurasia, Using Russian Prisoners to Fight in Ukraine: legal or illegal, 14 March 2023, [url](#)

⁵ UN OHCHR, Russian Federation: UN experts alarmed by recruitment of prisoners by “Wagner Group”, 10 March 2023, [url](#)

⁶ Moscow Times (The), Russian Army Found to Have Recruited Prisoners to Fight in Ukraine, 3 May 2023, [url](#)

⁷ Moscow Times (The), Russia Moves to Allow Convicts to Join Army, 21 June 2023, [url](#)

⁸ Apa, In Russia, age limit for contract service during war raised to 70, 24 June 2023, [url](#)



described as a ‘mutiny’.⁹ The head of the group, Yevgeny Prigozhin, explained the move by alleging a missile attack by the Russian Armed Forces (RAF) on a Wagner base in Ukraine and pointing out at a longstanding dispute with MoD over the course of the war. Wagner fighters downed six RAF helicopters and a military aircraft, killing at least 13 military personnel but encountered almost no resistance on the ground. On the evening of the mutiny, the Kremlin declared a deal with Belarusian President Aleksandr Lukashenko, which granted Prigozhin exile in Belarus, amnesty to Wagner insurgents, and an offer to join RAF to Wagner members who had not participated in the mutiny.¹⁰

On 23 August 2023, Prigozhin, along with two of the group’s high-ranking members and four security personnel, crashed on a private jet on the way from Moscow to St Petersburg.¹¹ In September 2023, former convicts who had joined the Wagner Group were reportedly offered enlistment with the Russian National Guard (Rosgvardia).¹² On 23 September 2023, the Institute for the Study of War (ISW), reported on ‘disjoined Wagner Group contingents’ returning to the battlefield in Ukraine.¹³

The Russian authorities do not disclose the data on Russia’s military casualties,¹⁴ officially acknowledging the deaths of only over 6 000 soldiers.¹⁵ According to independent media outlets Mediazona and Meduza, who based their research on published obituaries, the mortality data from the Federal State Statistics Service, and National Probate Registry, between 40 000 and 55 000 Russian soldiers – and around 47 000 Russian soldiers under the age of 50 – died in the fighting in Ukraine as of late May 2023. The source estimated the total number of military casualties, including those killed and severely wounded, at 125 000. Both estimates do not count losses of soldiers recruited by the Russia-occupied Donetsk and Luhansk regions.¹⁶ As noted by Associated Press (AP), the UK Ministry of Defence estimated 40 000 to 60 000 killed as of February 2023 and the US Defense Intelligence Agency reported on a number between 35 000 and 43 000 Russian soldiers killed in Ukraine in 2022.¹⁷

Based on publicly available sources, such as social media posts by relatives, local media reports, and statements by local authorities, Mediazona and BBC News Russian Service reported on the deaths of 31 665 Russian soldiers in the period from 24 February 2022 to 7

⁹ International Crisis Group, Assessing the Wagner Group’s Aborted Run on Moscow: What Comes Next?, 29 June 2023, [url](#)

¹⁰ Politico, Wagner fighters leaving Rostov and Voronezh after aborted mutiny, 25 June 2023, [url](#); RFE/RL, ‘It Was Tense’: How Russia’s Rostov-On-Don Spent A Day As Ground Zero Of Prigozhin’s Mutiny, 26 June 2023, [url](#); International Crisis Group, Assessing the Wagner Group’s Aborted Run on Moscow: What Comes Next?, 29 June 2023, [url](#)

¹¹ Reuters, Yevgeny Prigozhin plane crash: who were the passengers on the jet, 29 August 2023, [url](#); Reuters, Kremlin says Prigozhin plane may have been downed on purpose, 30 August 2023, [url](#)

¹² Meduza, Russian National Guard reportedly enlisting former inmates who fought with Wagner Group, 11 September 2023, [url](#)

¹³ ISW, Russian Offensive Campaign Assessment, September 23, 2023, 23 September 2023, [url](#)

¹⁴ Freedom House, Freedom in the World 2023 – Russia, n.d., [url](#); Werning Rivera S. and Gel’man, V., Why No Collective Action by Russian Mothers?, Kennan Institute (The), 14 July 2023, [url](#)

¹⁵ AP, How many Russians have died in Ukraine? Data shows what Moscow hides, 10 July 2023, [url](#)

¹⁶ Mediazona, At least 47,000 Russian soldiers killed in Ukraine, A data investigation by Mediazona and Meduza, 10 July 2023, [url](#)

¹⁷ AP, How many Russians have died in Ukraine? Data shows what Moscow hides, 10 July 2023, [url](#)



September 2023, including more than 3 500 soldiers mobilised under the ‘partial’ mobilisation order of September 2022, nearly 6 000 former inmates, over 2 500 members of private military companies (PMC), and more than 3 100 volunteers; the affiliation of nearly 7 600 soldiers was unknown.¹⁸ Following the capture of Bakhmut by the Russian military in May 2023, Prigozhin stated that around 20 000 Wagner fighters, half of whom were persons recruited from prisons, were killed during the assault on the town.¹⁹

1.1. *Violations of human rights law and international law by Russian forces in Ukraine*

On 17 March 2023, the International Criminal Court (ICC) issued arrest warrants for President Vladimir Putin and Maria Lvova-Belova, the Commissioner for Children’s Rights in the Office of the President of the Russian Federation. As noted by the ICC, ‘there are reasonable grounds to believe that each suspect bears responsibility for the war crime of unlawful deportation of population and that of unlawful transfer of population from occupied areas of Ukraine to the Russian Federation, in prejudice of Ukrainian children.’²⁰

In April 2023, the Prosecutor General of Ukraine reported on 80 000 registered war crimes-related criminal proceedings related to since February 2022.²¹ Out of these, nearly 4 050 cases were reportedly handed over to local general courts as of 1 May 2023.²² On 25 September 2023, the United Nations (UN) Commission of Inquiry on Ukraine reported on ‘continuous evidence that Russian armed forces are committing war crimes in Ukraine, including unlawful attacks with explosive weapons, attacks harming civilians, torture, sexual and gender-based violence, and attacks on energy infrastructure.’²³ According to the Office of the United Nations High Commissioner for Human Rights (UN OHCHR), which tracks civilian casualties in the context of the conflict, 9 614 Ukrainian civilians were killed and 17 535 injured from 24 February to 10 September 2023. According to UN OHCHR, the actual number of civilian casualties could be ‘considerably higher,’ due to pending reports and corroboration from the areas of intense fighting.²⁴

In April 2023, President Putin signed a decree to simplify procedures for issuing Russian passports to residents of the Russia-occupied parts of Zaporizhzhia, Kherson, Donetsk, and Luhansk regions. The decree specifies that Ukrainian nationals or persons holding ‘passports’ issued by the self-proclaimed republics of Luhansk and Donetsk must obtain Russian passports by 1 July 2024 or they will be considered foreign nationals. As noted by Human

¹⁸ Mediazona, Russian casualties in Ukraine, n.d., [url](#)

¹⁹ Forbes, Пригожин оценил потери ЧВК «Вагнер» в боях за Бахмут [Prigozhin estimated the losses of PMC "Wagner" in the battles for Bakhmut], 24 May 2023, [url](#)

²⁰ ICC, Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova, 17 March 2023, [url](#)

²¹ AP, Ukraine’s top prosecutor speaks of ‘evil’ Russian atrocities, 19 April 2023, [url](#)

²² Suspilne Novini, До українських судів надійшло понад 4 тисячі справ щодо воєнних злочинів — голова Ради суддів [Head of the Council of Judges: Ukrainian courts received over 4,000 cases of war crimes], 4 May 2023, [url](#); Moiseenko, A., Can War Funders and Profiteers Be Responsible for Crimes in Ukraine?, RUSI, 7 August 2023, [url](#)

²³ UN OHCHR, UN Commission of Inquiry on Ukraine finds continued systematic and widespread use of torture and indiscriminate attacks harming civilians, 25 September 2023, [url](#)

²⁴ UN OHCHR, Ukraine: civilian casualty update 11 September 2023, 11 September 2023, [url](#)



Rights Watch, ‘these new rules leave Ukrainian citizens at real risk of being deported from their own homes in violation of international law.’²⁵

2. Conscription

2.1. Conscription in 2023

The MoD reported that 147 000 men aged 18-27 were conscripted for mandatory one-year military service during the spring draft of 2023,²⁶ which took place from 1 April 2023 to 15 July 2023.²⁷ This is the highest number since 2016.²⁸ For instance, in 2022, 134 500 young men were conscripted in the spring draft and 120 000 in the autumn draft.²⁹

According to a decree signed by President Putin on 29 September 2023, the MoD is foreseen to enlist 130 000 men aged 18-27 for military service during the autumn draft of 2023,³⁰ scheduled to take place between 1 October 2023 and 31 December 2023.³¹ The same day, the MoD announced that for the first time the conscription for obligatory military service will be organised in the Russia-occupied regions of Luhansk, Donetsk, Kherson, and Zaporizhzhia.³² According to the Ukrainian media outlet The Kyiv Independent, which cited the National Resistance Centre of the Ukrainian military forces, Russia-installed officials had established ‘so called “federal commissariats’ in the occupied parts’ of the Kherson and Zaporizhzhia regions.³³

2.2. Legislative developments and their implementation

2.2.1. Increase of the upper age limit

In July 2023, the lower house of parliament, the State Duma, raised the upper age limit for compulsory military service from 27 to 30 years.³⁴ The lower limit will remain unchanged at 18 years of age, contradicting the earlier plan to raise the upper and lower age limits.³⁵ The reform is expected to increase Russia’s conscription pool by an additional 700 000 persons

²⁵ HRW, Russia Threatens Ukrainians Who Refuse Russian Citizenship, 16 May 2023, [url](#)

²⁶ JANES, State Duma amendments to laws signal Russia is planning for protracted confrontation with the West, 2 August 2023, [url](#)

²⁷ Reuters, Russia's Putin signs decree on routine spring conscription - Tass agency, 30 March 2023, [url](#); Reuters, As Putin signs new law on draft, Russia says spring call-up is running as planned, 15 April 2023, [url](#)

²⁸ Statista, Number of military conscripts in Russia from 2012 to 2023 by draft, 18 April 2023, [url](#)

²⁹ Luzin, P., Tricky Recruiting in Russia: 2023 Spring Conscripts and Volunteers, The Jamestown Foundation, 12 June 2023, [url](#); Statista, Number of military conscripts in Russia from 2012 to 2023 by draft, 18 April 2023, [url](#)

³⁰ Moscow Times (The), Russia to Draft 130K Young Men in Fall Military Call-up, 29 September 2023, 29 September 2023, [url](#)

³¹ Garant.ru, Осенний призыв – 2023: текущие изменения [Autumn draft - 2023: current changes], 25 September 2023, [url](#)

³² CNN, Ukraine’s occupied regions to be included for first time in new round of Russian conscriptions, 29 September 2023, [url](#)

³³ Kyiv Independent (the), National Resistance Center: Occupation forces prepare mobilization in Ukraine's south, 25 September 2023, [url](#)

³⁴ Reuters, Russia extends conscription for compulsory military service up to age 30, 25 July 2023, [url](#)

³⁵ Meduza, Russian Duma decides not to raise lower limit for conscription from 18 to 21, upper limit still to be raised from 27 to 30, 21 July 2023, [url](#)



by 2025.³⁶ The law will be enacted on 1 January 2024, and it is foreseen that it will be put into practice during the spring draft of 2024.³⁷

2.2.2. Electronic registry and delivery of draft notices

In April 2023, a law defining amendments to change conscription procedures was adopted.³⁸ As outlined by the US Library of Congress, the law specifies the rules for establishing a unified electronic registry of persons required to serve in the RAF, allows authorities to issue electronic conscription notifications, and prescribes specific restrictions on persons who neglect to report to a military recruitment office (commissariat) after receiving a draft notice. As per the law, amendments were introduced into various legal acts, including the Law on Military Duty and Military Service and the Law on the Procedure for Leaving the Russian Federation and Entering the Russian Federation.³⁹

The law was amended to complement the existing conscription procedures, under which local military recruitment offices deliver paper summons at persons' registered addresses,⁴⁰ allowing young men to avoid the draft⁴¹ by staying away from their address on record.⁴² Under the amended procedure, a copy of a draft notice sent as a registered letter by post⁴³ will be stored in a person's account at the Unified Portal of the State and Municipal Services (Gosuslugi),⁴⁴ the government platform used by many for a wide array of routine administrative tasks, such as paying fines and applying for passports.⁴⁵ Once a draft notice is uploaded on the portal, it will be deemed active and considered delivered after a period of seven days, irrespective of whether the person uses the portal or has received a draft notice by post. The person, therefore, will be officially recognised as being called for military service.⁴⁶ As noted by independent media outlet Verstka in September 2023, the electronic system for

³⁶ Reuters, Russia extends conscription for compulsory military service up to age 30, 25 July 2023, [url](#)

³⁷ Meduza, Russian Duma decides not to raise lower limit for conscription from 18 to 21, upper limit still to be raised from 27 to 30, 21 July 2023, [url](#); Fontanka, Призыв-2023: новые правила и штрафы, старые повестки [Conscription-2023: new rules and fines, old summons], 1 October 2023, [url](#)

³⁸ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#); Russian Federation (The), Федеральный закон от 14 апреля 2023 г. N 127-ФЗ "О внесении изменений в отдельные законодательные акты Российской Федерации" [Federal Law of 14 April 2023 N 127-FZ "On Amendments to Certain Legislative Acts of the Russian Federation"] 14 April 2023, [url](#)

³⁹ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)

⁴⁰ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#); AP, Putin signs bill allowing electronic conscription notices, 14 April 2023, [url](#)

⁴¹ Stanovaya, T., Russia's New Conscription Law Brings the Digital Gulag Much, Much Closer, Carnegie Endowment for International Peace, 17 April 2023, [url](#)

⁴² AP, Russia: Bill to allow electronic conscription notices passes, 12 April 2023, [url](#)

⁴³ AP, Putin signs bill allowing electronic conscription notices, 14 April 2023, [url](#)

⁴⁴ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)

⁴⁵ Stanovaya, T., Russia's New Conscription Law Brings the Digital Gulag Much, Much Closer, Carnegie Endowment for International Peace, 17 April 2023, [url](#)

⁴⁶ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)



distributing draft notices was expected to become operational by spring 2024 and to be used in the spring draft of 2024.⁴⁷

According to the amended law, a person has 20 days from the date specified in the draft notice to appear at the military recruitment office.⁴⁸ A failure to do so will bring various restrictions, including suspension of driving licence, prohibition to register a vehicle, take a loan, buying and selling real estate, and registering as individual entrepreneur.⁴⁹ Furthermore, the new law stipulates that draft notice sent by post to the registered address will now be considered delivered even if a person does not sign for its receipt and the same sanctions will apply in this case.⁵⁰ The law also stipulates that the person will be prohibited from leaving the country immediately upon issuance of an electronic draft notice⁵¹ or delivery of a paper draft notice.⁵² On 29 September 2023, the chairman of the State Duma Defence Committee, Andrei Kartapolov stated the prohibition on leaving Russia, as well as other abovementioned restrictive measures, will not be enforced during the autumn draft of 2023. This decision was attributed to the inadequate digital infrastructure required for their implementation.⁵³

Under the amendments, the authorities are required to establish a unified digital register of persons liable for military service. The register is foreseen to comprise personal, medical, educational, employment, and criminal records, collected from various government entities, such as the Ministry of Internal Affairs, Federal Tax Service, and Central Election Commission.⁵⁴ As a result, the register is expected to contain the information regarding various grounds for exemptions from military service, such as university studies, disability, and medical conditions.⁵⁵ According to the law, the register should contain a publicly accessible list of persons called up for military service,⁵⁶ whether through conscription or mobilisation,⁵⁷ and to comprise the information about a person's discharge from military service and changes in military registration status.⁵⁸ The amendments also stipulate the establishment of a register

⁴⁷ Verstka, Мобилизация не готова [Mobilisation is not ready], 18 September 2023, [url](#)

⁴⁸ Garant.ru, Осенний призыв – 2023: текущие изменения [Autumn draft - 2023: current changes], 25 September 2023, [url](#)

⁴⁹ Stanovaya, T., Russia's New Conscription Law Brings the Digital Gulag Much, Much Closer, Carnegie Endowment for International Peace, 17 April 2023, [url](#); Garant.ru, Осенний призыв – 2023: текущие изменения [Autumn draft - 2023: current changes], 25 September 2023, [url](#)

⁵⁰ DW, Russia: Digital conscription set to hinder draft-dodging, 16 April 2023, [url](#)

⁵¹ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)

⁵² Obyasnyuem.rf, Одобрен закон о запрете выезда за границу после вручения повестки [A law banning travelling abroad after a summons has been served is approved], 28 July 2023, [url](#)

⁵³ Parlamentskaya gazeta, Призывникам в России не будут запрещать выезд за границу [Conscripts in Russia will not be banned from travelling abroad], 29 September 2023, [url](#)

⁵⁴ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)

⁵⁵ Komin, M., Russia's Database of Draft Dodgers Will Only Cause More Chaos, Carnegie Endowment for International Peace, 3 May 2023, [url](#)

⁵⁶ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)

⁵⁷ Komin, M., Russia's Database of Draft Dodgers Will Only Cause More Chaos, 3 May 2023, [url](#)

⁵⁸ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)

of issued summons for military service. However, neither of the registers was operational as of the end of September 2023.⁵⁹

On 1 October 2023, the independent newspaper Fontanka stated that, based on the government's decision 'On Amending the Regulation on the Conscription of Citizens of the Russian Federation' of 24 July 2023, in the absence of [internal translation] 'the Unified Register of Information on Citizens Subject to Initial Military Registration, Citizens on the Military Register, as well as Citizens not Registered but Obligated to be in the Military Register', the procedures for issuing and receiving draft notices are foreseen to remain unchanged. According to the source, in the manner consistent with the procedures applied in previous years, during the autumn draft of 2023, the draft notice must be personally delivered by an official of the military recruitment office or local municipality, and a receipt of the delivery should be obtained. The delivery should take place at the person's place of residence, employment, or study no later than three days before the reporting date – as detailed in the draft notice – at a military recruitment office. Additionally, military commissariats have the option to send draft notices through registered mail with delivery confirmation to the address of the person's residence or place of stay.⁶⁰

2.2.3. Other legislative developments

In June 2023, President Putin signed a law that requires conscripts to surrender their international travel passports to the authorities for storage during the period of their military service. According to the law, persons undergoing both military service and alternative civilian service 'will have five days from the time of their conscription to give their passports to an Interior Ministry migration department office or a Municipal Services Center' and those who fail to do so will have their passport invalidated. The law is set to come into effect 180 days after its signing by the president and, therefore, is not expected to affect the 2023 autumn draft.⁶¹

2.3. Alternative civil service

In February 2023, the Ministry of Labour and Social Protection revised the list of occupations available to those performing alternative civil service as well as the list of potential employers. Consisting of both manual labour and office-based professions, the list encompasses 149 professions⁶² and 785 organisations.⁶³ According to the latest statistics by the Federal Service of Labour and Employment (Rostrud), 1 199 young men were enrolled in alternative civil

⁵⁹ Garant.ru, Осенний призыв – 2023: текущие изменения [Autumn draft - 2023: current changes], 25 September 2023, [url](#)

⁶⁰ Fontanka, Призыв-2023: новые правила и штрафы, старые повестки [Conscription-2023: new rules and fines, old summons], 1 October 2023, [url](#)

⁶¹ Meduza, Putin signs law requiring conscripts to give up passports during service period, 13 June 2023, [url](#)

⁶² Russian Federation (The), Ministry of Labour and Social Protection, Приказ об утверждении перечней видов работ, профессий, должностей, на которых могут быть заняты граждане, проходящие альтернативную гражданскую службу и организаций, где предусматривается прохождение альтернативной гражданской службы [Order on the approval of the list of jobs, professions, positions which citizens performing alternative civil service can occupy, and organizations which provide alternative civil service], 21 February 2023, [url](#)

⁶³ Russian Federation (The), Ministry of Labour and Social Protection, Минтруд России представил список профессий для альтернативной службы на 2023 год [The Russian Ministry of Labour presented a list of professions for alternative service for 2023], 6 February 2023, [url](#)



service as of 1 August 2023.⁶⁴ For the information regarding the process of applying for alternative civil service, please refer to EUAA query [Major developments in the Russian Federation in relation to political opposition and military service](#), published on 17 February 2023.

In August 2023, Radio Free Europe/Radio Liberty (RFE/RL)'s service for the North Caucasus Kavkaz.Realii reported that based on official statistics, there were no requests for alternative civil service in Chechnya and Ingushetia at least since 2013. In Kabardino-Balkaria, two men performed alternative civil service in 2018 and in Dagestan, four conscripts enrolled in 2013. In contrast, in North Ossetia, 15 young men were performing alternative civil service in the first six months of 2023 and 10 in 2022.⁶⁵

Information on the number of applications for alternative civil service could not be found among the sources consulted by the EUAA within the time constraints of this query.

2.4. Punishments for draft evaders

In July 2023, the fines for failing to report to a military recruitment office after receiving a draft notice were revised, with the stricter fines coming into effect on 1 October 2023.⁶⁶ Under the modified Article 21.5 (Failure of citizens to fulfill military registration obligations) of the Code of Administrative Offences,⁶⁷ the fines are increased from the range of 500 – 3 000 roubles [approximately 5 – 30 euros]⁶⁸ to 10 000 – 30 000 roubles [approximately 100 – 300 euros].⁶⁹

Non-reporting to a military recruitment office in response to any type of summons, including to clarify the military registry data, is punishable by a fine ranging from 10 000 to 30 000 roubles [approximately 100 – 300 euros]. Moreover, fines ranging from 1 000 to 5 000 roubles [approximately 10 – 50 euros] are stipulated for non-reporting about a change of marital status, education, place of studies or employment, residential address. Non-informing about leaving the place of residence within Russia and leaving the country for more than six months is punished by a fine ranging from 5 000 to 20 000 roubles [approximately 50 – 200 euros].⁷⁰

Under Article 328 (Evasion from military service and alternative civil service) of the Criminal Code, 'punishment for draft evasion could be a fine, correctional labour, or imprisonment for up to two years.'⁷¹ In May 2023, the Supreme Court clarified that draft evasion is defined as the failure to attend a medical examination, professional psychological assessment, and a

⁶⁴ Russian Federation (The), Rostrud, 2022, n.d., [url](#)

⁶⁵ Kavkaz.Realii, Число проходящих альтернативную службу в армии на Кубани оказалось минимальным за 10 лет [The number of persons undergoing alternative army service in Kuban turned out to be the lowest in 10 years], 30 August 2023, [url](#)

⁶⁶ Moscow Times (The), Russia Ramps Up Fines for Draft Dodging, 31 July 2023, [url](#)

⁶⁷ Voenny ombudsmen, Telegram, 25 July 2023, [url](#); Russian Federation (The), Кодекс Российской Федерации об административных правонарушениях от 30.12.2001 N 195-ФЗ (ред. от 04.08.2023) [Code of the Russian Federation on Administrative Offences of 30.12.2001 N 195-FZ (version 04.08.2023)], 4 August 2023, [url](#)

⁶⁸ The calculation was made using the exchange rates for August 2023 as per the conversion rate provided by the European Commission. See, EC, Exchange rate (InforEuro), n.d., [url](#)

⁶⁹ Moscow Times (The), Russia Ramps Up Fines for Draft Dodging, 31 July 2023, [url](#)

⁷⁰ Voenny ombudsmen, Telegram, 25 July 2023, [url](#)

⁷¹ US, Library of Congress, Russian Federation: New Law Introduces Electronic Summons for Conscripts, 11 July 2023 [url](#)



meeting of the draft board commission without a valid reason. Furthermore, it includes not appearing at the designated date and place, as specified in the draft notice, for deployment to the place of military service. As clarified by the Supreme Court, the criminal liability arises when a person deliberately attempts to evade military service. This includes a failure to participate in mandatory military service procedures over several consecutive drafts and not appearing at the military recruitment office after a valid reason for absence is no longer applicable. According to the Law on Military Duty and Military Service, as confirmed by the Supreme Court, a valid reason for absence encompasses situations such as illness or injury that has caused a loss of work capacity, a severe health condition of a close relative or attendance at the funeral of a close relative, unforeseen circumstances beyond the person's control, or any other reason recognised as valid by a draft board, an initial enlistment board, or a court. Relevant documentation supporting the reason for absence should be provided.⁷²

The Supreme Court also noted that, in cases of criminal proceedings on draft evasion, the court must confirm that the person has received proper notification regarding the duty to report to a military recruitment office.⁷³ As noted by RFE/RL in May 2023, as per legal amendments of April 2023, this would include a draft notice uploaded on the Gosuslugi portal.⁷⁴ For the details on electronic draft notices, please see the subchapter [2.2.2. Electronic registry and delivery of draft notices](#).

According to rights group Prizyv k sovesti,⁷⁵ in 2022, only one person was sentenced to one-year imprisonment under Article 328, marking the first occurrence of prison sentence for draft evasion in the last five years. Out of a total of 1 121 persons convicted, 60 % were fined up to 25 000 roubles [approximately 250 euros] and 35 % received fines ranging from 25 000 to 100 000 roubles [approximately 250 – 1 000 euros]. Nine persons received fines exceeding 100 000 roubles [approximately 1 000 euros] and two persons were punished because of evading alternative civil service. Two persons were acquitted.⁷⁶

In April 2023, as cited by an independent media source Cherta, a lawyer from the Volgograd region pointed out that in the most cases, punishments imposed by courts for draft evasion were fines ranging from 20 000 to 50 000 roubles [approximately 200 – 500 euros]. The source mentioned that young men frequently choose to acknowledge the fact of draft evasion and opt for a pre-trial settlement, noting that he was not aware of any cases of actual imprisonment. As noted by Cherta, its editorial team could not find any court sentence stipulating an actual imprisonment in the Southern Russia and the North Caucasus as of April

⁷² Interfax, ВС разъяснил, кто не подлежит призыву на военную службу и что понимать под уклонением [The Supreme Court clarified who is not subject to military service and what is meant by evasion], 18 May 2023, [url](#)

⁷³ Interfax, ВС разъяснил, кто не подлежит призыву на военную службу и что понимать под уклонением [The Supreme Court clarified who is not subject to military service and what is meant by evasion], 18 May 2023, [url](#)

⁷⁴ Kavkaz.Realii, "Не брать повестку и не являться": призывники юга и Кавказа в условиях войны ["Avoid taking the summons and don't show up": conscripts from the South and the Caucasus in war conditions], 23 May 2023, [url](#)

⁷⁵ Prizyv k sovesti is a group of lawyers and experts from Russian human rights organisations, created in March 2022 with the aim of providing legal support and assistance in matters pertaining to legal conscientious objection to military service. See, Prizyv k sovesti, n.d., [url](#)

⁷⁶ Prizyv k sovesti, Что считают "уклонением" и что важно учитывать призывникам [What is considered as "evasion" and what is important for conscripts to consider], n.d., [url](#)



2023.⁷⁷ Information about prison sentences under Article 328 of the Criminal Code in 2023 could not be found among the sources consulted by the EUAA within the time constraints of this query.

2.5. Use of conscripts

In April 2023, the head of the the Russia-based legal aid group Conscript's School (Shkola Prizyvnik) Alexei Tabalov noted to Deutsche Welle (DW) that there were regular reports "about conscripts being sent to areas bordering Ukraine for military service."⁷⁸ A military expert, interviewed by the independent media newspaper Novaya Gazeta in August 2023 noted that conscripts were largely engaged in "guarding Russia's borders [...] since all seasoned servicemen [were] in Ukraine."⁷⁹

On 4 April 2023, the State Duma passed a bill broadening the range of eligible military personnel for peacekeeping missions, agreeing with MoD's proposal to remove the clause that limits voluntary participation in peacekeeping missions to contract soldiers.⁸⁰ As noted by Novaya Gazeta, the amendment enables the use of conscripts undergoing their obligatory military service in peacekeeping missions, such as in Armenia and Transnistria.⁸¹

On 29 September 2023, a Deputy Chief of the Main Organisational and Mobilisation Directorate of the General Staff of the Russian Armed Forces, who commented on the start of the autumn draft of 2023, stated that conscripts undergoing mandatory military service will not be deployed to the RAF units stationed in the Russia-occupied areas of Luhansk, Donetsk, Kherson, and Zaporizhzhia and will not 'participate there in carrying out the tasks of a special military operation.'⁸²

3. Mobilisation

The enactment of the law reforming the method of delivery of draft notices⁸³ and a creation of a register to include all men eligible to be drafted raised concerns about the possibility of a new wave of mobilisation.⁸⁴ For the information on delivery of draft notices and a unified register, please see the subchapter [2.2.2. Electronic registry and delivery of draft notices.](#)

⁷⁷ Cherta, «Я двести процентов говорю: нет другого такого антивоенного региона». Почему большинство чеченцев против войны в Украине ["I say two hundred per cent: there is no other region so anti-war." Why the majority of Chechens are against the war in Ukraine], 3 April 2023, [url](#)

⁷⁸ DW, Russia steps up efforts to boost army size, 4 August 2023, [url](#)

⁷⁹ Novaya Gazeta Europe, Military ad campaigns reach Russian schools, metro stations, and kindergartens, 18 April 2023, [url](#)

⁸⁰ RBC, Дума одобрила идею разрешить набирать срочников в миротворцы [Duma approves idea to allow conscripts to be recruited into peacekeepers], 4 April 2023, [url](#)

⁸¹ Novaya Gazeta Europe, Military ad campaigns reach Russian schools, metro stations, and kindergartens, 18 April 2023, [url](#)

⁸² CNN, Ukraine's occupied regions to be included for first time in new round of Russian conscriptions, 29 September 2023, [url](#)

⁸³ New York Times (The), Russia Moves to Make Draft Evasion More Difficult, 11 April 2023, [url](#)

⁸⁴ AP, Putin signs bill allowing electronic conscription notices, 14 April 2023, [url](#)



The Russian authorities have repeatedly denied any plans of another mobilisation.⁸⁵ As reported by AP in April 2023, Kremlin spokesperson Dmitry Peskov, commenting on the creation of the registry, explained it ‘was needed to streamline the outdated call-up system in view of the flaws that were revealed by last fall’s partial mobilization.’⁸⁶ The same month, the New York Times reported that analysts suggested that the possibility of another mobilisation would largely depend on the developing situation at the frontline.⁸⁷ In mid-September 2023, sources in regional administrations and four military recruitment offices reached by independent media outlet Verstka stated that there were no preparations for another mobilisation wave. According to Verstka, the authorities were trying to postpone such an action until after the presidential elections, scheduled for March 2024.⁸⁸

In March 2023, the Institute for the Study of War (ISW) reported, based on Russian sources, that the Russian authorities continued ‘hybrid reserve callup and crypto mobilization campaigns to recruit Russians for contract service’ to avoid the second wave of mobilisation. According to ISW, residents of Tyumen and Sverdlovsk oblasts, Karelia and Altai republics, and Krasnodar Krai were issued military summonses to either confirm or update their records with military recruitment offices or to participate in compulsory reserve call-ups for military training.⁸⁹ Radio Free Europe/Radio Liberty (RFE/RL) reported on calls to update contact information in Voronezh, the Penza region, and Udmurtia. According to human rights lawyer Pavel Chikov, as cited by RFE/RL, military recruitment offices in at least 42 regions of Russia were sending out summons to eligible men.⁹⁰

Alexei Tabalov stated to AP in March 2023 that sending out notices was a general procedure preceding the draft of conscripts for mandatory military service, for which the spring round was scheduled for 1 April 2023. However, Tabalov added that during such visits officials were subtly pushing for signing a contract. Grigory Sverdlin, head of the Russian NGO Go by the Forest, which helps men to avoid mobilisation, noted to AP that there were only ‘isolated cases’, in which enlistment officials were ‘really pressuring’ someone to sign a contract in the process of updating of contact details. However, in the Vologda region, the NGO received messages saying that ‘almost everyone going to a military recruitment office after receiving a summons’ was “forced to sign a paper barring them from leaving the region.”⁹¹

ISW suggested that recruitment offices were using the customary system of calling up reservists for a mandatory month-long training to coerce them into signing contracts and also to potentially shorten the training time needed to prepare reservists before their deployment to the frontline in case of a future mobilisation.⁹²

⁸⁵ RFE/RL, Don’t Call It Mobilization: Across Russia, Military Recruiters Send Out New Orders, 16 March 2023, [url](#); AP, Putin signs bill allowing electronic conscription notices, 14 April 2023, [url](#); TASS, Rumors about additional mobilisation in Russia ‘nonsense’ – senior Russian MP, 5 September 2023, [url](#)

⁸⁶ AP, Putin signs bill allowing electronic conscription notices, 14 April 2023, [url](#)

⁸⁷ New York Times (The), Russia Moves to Make Draft Evasion More Difficult, 11 April 2023, [url](#)

⁸⁸ Verstka, Мобилизация не готова [Mobilisation is not ready], 18 September 2023, [url](#)

⁸⁹ ISW, Russian Offensive Campaign Assessment, March 22, 2023, 22 March 2023, [url](#)

⁹⁰ RFE/RL, Don’t Call It Mobilization: Across Russia, Military Recruiters Send Out New Orders, 16 March 2023, [url](#)

⁹¹ AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#)

⁹² ISW, Russian Offensive Campaign Assessment, March 22, 2023, 22 March 2023, [url](#)



Sources reported that local authorities initiated extensive advertisement campaigns to promote contract service across the country,⁹³ including direct phone outreach by military recruitment offices,⁹⁴ posters in various cities, advertisement on social media platforms,⁹⁵ government websites, and websites and social media accounts of state institutions, including libraries and high schools.⁹⁶ Offering a starting salary of 204 000 roubles [approximately 2 050 euros],⁹⁷ these initiatives promise various bonuses and benefits,⁹⁸ such as additional payments ‘for participating in active offensive actions.’⁹⁹ In March 2023, AP reported that military recruitment offices were working with universities and social service agencies as well as organising meetings with students and the unemployed to attract them to sign a contract.¹⁰⁰ In April 2023, Novaya Gazeta noted on that the a MoD was aiming ‘to recruit over 500 000 contracted soldiers into the military’ by December 2023 to replace the mobilised soldiers currently fighting in Ukraine.¹⁰¹

3.1. Legislative developments in relation to mobilisation

On 24 July 2023, President Putin approved a law increasing the upper age limit by five years for a category of soldiers, sailors, sergeants, petty officers, warrant officers and midshipmen of the RAF’s reserve,¹⁰² eligible for mobilisation.¹⁰³ For the first tier, the upper age limit increases from 35 to 40 years, for the second tier from 45 to 50 years, and for the third tier from 50 to 55 years.¹⁰⁴

The revisions to the law on Military Duty and Military Service entail a four-year transition period, spanning from 2024 to 2028, during which the age limit for persons in the RAF’s reserve will be increased¹⁰⁵ by one year annually. As noted by project Voenny ombudsmen,¹⁰⁶ The amendment of the law implies that the persons mobilised under the September 2022 mobilisation order will not have the option to retire and leave the service at the age of 50.¹⁰⁷ The same law also raised the upper age limit for junior officers (from 55 to 60 years) and

⁹³ ISW, Russian Offensive Campaign Assessment, March 22, 2023, 22 March 2023, [url](#); AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#); Reuters, Russia expands war recruitment drive with video ad calling for ‘real’ men, 20 April 2023, [url](#)

⁹⁴ AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#)

⁹⁵ Reuters, Russia expands war recruitment drive with video ad calling for ‘real’ men, 20 April 2023, [url](#)

⁹⁶ AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#)

⁹⁷ Reuters, Russia expands war recruitment drive with video ad calling for ‘real’ men, 20 April 2023, [url](#)

⁹⁸ AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#)

⁹⁹ ISW, Russian Offensive Campaign Assessment, March 22, 2023, 22 March 2023, [url](#)

¹⁰⁰ AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#)

¹⁰¹ Novaya Gazeta Europe, Military ad campaigns reach Russian schools, metro stations, and kindergartens, 18 April 2023, [url](#)

¹⁰² Obyasnyаем.rf, Владимир Путин подписал закон о повышении предельного возраста пребывания в запасе [Vladimir Putin signed the law on raising the age limit for staying in the reserve], 24 July 2023, [url](#); Moscow Times (The), Russia Raises Upper-Age Limit for Military Reservists, 24 July 2023, [url](#)

¹⁰³ Moscow Times (The), Russia Raises Upper-Age Limit for Military Reservists, 24 July 2023, [url](#)

¹⁰⁴ Obyasnyаем.rf, Владимир Путин подписал закон о повышении предельного возраста пребывания в запасе [Vladimir Putin signed the law on raising the age limit for staying in the reserve], 24 July 2023, [url](#)

¹⁰⁵ Moscow Times (The), Russia Raises Upper-Age Limit for Military Reservists, 24 July 2023, [url](#)

¹⁰⁶ Project Voenny ombudsmen specialises in safeguarding the rights of military personnel, providing legal help to military servicemen. It also provides legal advice through its Telegram channel. See, Voenny ombudsmen, Project “Voenny Ombudsmen”, n.d., [url](#)

¹⁰⁷ Voenny ombudsmen, Telegram, 19 July 2023, [url](#)

senior officers (from 60 to 65 years) in the active mobilisation reserve.¹⁰⁸ Under the same law, foreign nationals will be able to sign contracts with MoD until they reach the age of 52.¹⁰⁹

3.2. Punishments for mobilisation evaders

As reported by Mediazona on 21 September 2023, there were no convictions for evasion of the ‘partial’ mobilisation ordered in September 2022. The only instance of a person being detained under Article 328 of the Criminal Code for failing to report to a military recruitment office in Penza was ultimately dismissed at a prosecutor office.¹¹⁰

In November 2022, the amendments to the Article 328 to punish persons evading mobilisation were proposed by several State Duma deputies. However, the State Duma did not take the draft bill into consideration on the grounds that the ‘partial’ mobilisation had been completed, making such amendment irrelevant.¹¹¹ On 4 August 2023, the chairman of the State Duma Defence Committee, Andrei Kartapolov, stated that a bill to introduce punishments for mobilisation evasion would be considered by the State Duma in autumn 2023 and that a proposed punishment would range from a fine of up to 500 000 [approximately 5 023 euros] roubles to a prison term of 5 years.¹¹² Kartapolov noted, however, that the bill had not yet been submitted to the State Duma.¹¹³ Despite receiving ‘a positive review’ from the government, the bill ‘has remained stagnant’ and no changes were made as of end of September 2023.¹¹⁴ Further information on the bill’s status could not be found among the sources consulted by the EUAA within the time constraints of this query.

3.3. Alternative civil service

In March 2023, the Leningrad Regional Court established a precedent of a right of a mobilised person to substitute military service with an alternative civil service,¹¹⁵ upholding the right of a 23-year-old person to undertake alternative civil service based on his religious convictions.¹¹⁶ Further information on instances of substitution of mobilisation-related military service with alternative civil service could not be found among the sources consulted by the EUAA within the time constraints of this query.

¹⁰⁸ Obyasnuem.rf, Владимир Путин подписал закон о повышении предельного возраста пребывания в запасе [Vladimir Putin signed the law on raising the age limit for staying in the reserve], 24 July 2023, [url](#)

¹⁰⁹ Moscow Times (The), Russia Raises Upper-Age Limit for Military Reservists, 24 July 2023, [url](#)

¹¹⁰ Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

¹¹¹ Kommersant, «Единая Россия»: введение уголовной ответственности за уклонение от мобилизации не рассматривается [“United Russia”: introduction of criminal liability for evasion of mobilisation is not considered], 1 November 2022, [url](#)

¹¹² ISW, Russian Offensive Campaign Assessment, August 4, 2023, 4 August 2023, [url](#)

¹¹³ Parlamentarskaya Gazeta, Андрей Картаполов: Законопроект о тюремном сроке за уклонение от мобилизации внесут в Госдуму уже этой осенью [Andrei Kartapolov: The draft law on a prison term for evading mobilisation will be submitted to the State Duma already this autumn], 3 August 2023, [url](#)

¹¹⁴ Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

¹¹⁵ AP, Russia Ok alternative civil service for mobilised believer, 16 March 2023, [url](#)

¹¹⁶ Meduza, ‘God will ask me why’ How a St. Petersburg draftee won an exemption from military service based on his Christian faith, 20 March 2023, [url](#)



3.4. Discharge from the military service for mobilised soldiers

In the absence of the decree to end the ‘partial’ mobilisation, the discharge of persons mobilised under the mobilisation order¹¹⁷ as well as the discharge of contract soldiers, whose contracts had expired¹¹⁸ was reportedly not possible. The legal ways to leave military service were reportedly limited to ‘reaching mandatory retirement age’ and discharge due to a medical condition.¹¹⁹

On 15 September 2023, the chairman of the State Duma Defence Committee, Andrei Kartapolov, stated that soldiers mobilised under the ‘partial’ mobilisation order of September 2022 would not be able to return from combat zones in Ukraine until the end of the war. Noting that there were no plans of rotation of military personnel, Kartapolov said that the mobilised soldiers had a right to take a vacation every six months.¹²⁰

Based on research of databases of regional and garrison courts, the independent media outlet Verstka reported that at least 761 mobilised persons or their relatives tried to challenge a mobilisation decision in court between 21 September 2022 and 1 September 2023. According to the source, 52 persons succeeded to overturn the mobilisation decision: 39 of them reportedly had a right for exemption on the grounds of their place of employment, 9 were fathers of three children, 2 proved serious illnesses, and 1 person was able to leave the frontlines because of having an outstanding criminal record. Another mobilised person won a court case because the military recruitment officials had violated the law by issuing him a draft notice at a place other than his place of residence.¹²¹

4. Treatment of deserters under the law

In the reference period, sources reported on numerous instances of desertion,¹²² leaving a place of military service without permission¹²³ and refusals of deployment to Ukraine.¹²⁴ In an interview with AP in March 2023, Alexei Tabalov noted on a surge in criminal cases against soldiers who have deserted or left their units without permission since December 2022, stating also that “[g]etting out of the war automatically means criminal prosecution.”¹²⁵ Since the end of September 2022, criminal offences linked to military service have been prosecuted as crimes committed during the period of ‘mobilisation or martial law’, ‘wartime’ or ‘conditions

¹¹⁷ Verstka, Мобилизация не готова [Mobilisation is not ready], 18 September 2023, [url](#)

¹¹⁸ Caucasian Knot, Mobilization deprives contractors from Southern Russia of chance to quit, 5 January 2023, [url](#)

¹¹⁹ Massicot, D., The Russian Military’s Looming Personnel Crises of Retention and Veteran Mental Health, RAND, 1 June 2023, [url](#)

¹²⁰ Meduza, Russian lawmaker says draftees won’t be rotated out of Ukraine until war is done, 15 September 2023, [url](#); 7x7, Mobilized military personnel to serve until end of Ukrainian conflict, 18 September 2023, [url](#)

¹²¹ Verstka, Победить мобилизацию [To defeat mobilisation], 19 September 2023, [url](#)

¹²² Massicot, D., The Russian Military’s Looming Personnel Crises of Retention and Veteran Mental Health, RAND, 1 June 2023, [url](#); IStories, How the Russian Servicemen Are Deserting and Escaping Russia so as Not to Kill in the War, 15 August 2023, [url](#)

¹²³ Caucasian Knot, Court in Grozny sends contract soldier to colony for evading service, 14 March 2023, [url](#); Spectator (The), Record number of Russian soldiers are going Awol, 27 May 2023, [url](#); Business Insider, Hundreds of Russian soldiers are going AWOL and refusing to fight as morale plummets, UK intelligence says, 30 August 2023, [url](#)

¹²⁴ RFE/RL, Another Russian Soldier Sentenced for Refusal To Go To War In Ukraine, 31 July 2023, [url](#)

¹²⁵ AP, New Russian campaign tries to entice men to fight in Ukraine, 26 March 2023, [url](#)

of armed conflict or hostilities',¹²⁶ allowing for more severe punishments under the Criminal Code.¹²⁷ For more information, please refer to EUAA query [Major developments in the Russian Federation in relation to political opposition and military service](#), published on 17 February 2023.

According to research of journalists of RFE/RL's service Sibir.Realii, who studied digital records of garrison military courts across Russia, in the period between 24 September 2022 and 24 August 2023, criminal prosecution for unauthorised abandonment of a military unit (Article 337 of the Criminal Code) accounted for almost 90 % (2 630 cases) of the total number of criminal cases initiated for offenses against military service. This was followed by 7 % of cases (200 cases) which involved refusals to comply with an order, such as deployment to Ukraine (Article 332 of the Criminal Code), and around 2 % of the cases (58 cases) on desertion (Article 338 of the Criminal Code).¹²⁸

4.1. Unauthorised abandonment of a military unit

In July 2023, Mediazona reported that mobilised soldiers constituted the biggest category of soldiers prosecuted by garrison military courts under Article 337 in the period between 1 January 2023 and 30 June 2023.¹²⁹ On 21 September 2023, Mediazona reported that during the year following the 'partial' mobilisation decree, the courts received more than 3 000 cases related to Article 337 and 'have been delivering about a hundred verdicts on AWOL cases each week.'¹³⁰

As of 13 July 2023, the distribution of sentences for unauthorised abandonment of a military unit was as follows: 59 % of contract soldiers and 56 % of mobilised soldiers received a suspended sentence, 13 % of contract soldiers and 10 % of mobilised soldiers were sentenced to a term in a minimum security prison, and 28 % of contract soldiers and 35 % of mobilised soldiers to a term in a medium and maximum security prison.¹³¹

As noted by Mediazona, a suspended sentence allowed to send the convicted person back to the frontlines and in some cases this commitment was explicitly outlined in the sentence.¹³²

¹²⁶ Russian Federation (The), Уголовный кодекс Российской Федерации от 13.06.1996 N 63-ФЗ (ред. от 04.08.2023) [Criminal Code of the Russian Federation of 13.06.1996 N 63-FZ (version 04.08.2023)], 4 August 2023, [url](#), Art. 337, Art. 338

¹²⁷ Reuters, Russian parliament toughens punishment for crimes during military mobilisation, 20 September 2022, [url](#); Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

¹²⁸ Nastoyaschee Vremya, "Люди не хотят воевать". В России растет количество уголовных дел за "самоволки" на фоне войны в Украине ["People don't want to go to war". In Russia, the number of criminal cases for "AWOL" is growing amid the war in Ukraine], 6 September 2023, [url](#)

¹²⁹ Mediazona, One hundred convictions a week. Over two thousand AWOL cases went to courts in the first half of 2023, primarily against mobilised soldiers, 19 July 2023, [url](#)

¹³⁰ Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

¹³¹ Mediazona, One hundred convictions a week. Over two thousand AWOL cases went to courts in the first half of 2023, primarily against mobilised soldiers, 19 July 2023, [url](#)

¹³² Meduza, Worse than the maximum sentence As Russian AWOL convictions spike, judges are effectively sending defendants back to war, 12 May 2023, [url](#); Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

Additionally, a suspended sentence grants military commanders greater authority over soldiers, as any misconduct can lead to an actual prison term.¹³³

The maximum punishment under Article 337 is ten years in prison years when committed during mobilisation, martial law, armed conflict, or hostilities.¹³⁴ The following are examples of punishments carried out under Article 337 during the reference period:

- In May 2023, a court in Novocherkarsk sentenced a mobilised person who had left the combat zone in Ukraine and returned to Russia, where he was detained by the military police, to two years in a penal colony.¹³⁵
- In June 2023, the Vladikavkaz military court sentenced a mobilised soldier from the Kabardino-Balkarian Republic (KBR) to six years in a penal colony for his absence in his military unit from October 2022 to January 2023. As reported by independent online outlet Caucasian Knot, the court considered the following ‘mitigating circumstances’: the person’s admission of guilt, expression of remorse of his actions, and the fact that he was a father of two young children.¹³⁶
- In August 2023, garrison military courts in Irkutsk and Novosibirsk handed down sentences of five years and five years and one month in a penal colony to two privates.¹³⁷
- In September 2023, Russian media outlet Kommersant reported on a first case, in which a woman was ‘convicted for failing to report for military service during mobilization.’ Under Article 337 of the Criminal Code.¹³⁸ Reportedly, serving as a corporal in the army, she did not appear at her place of service. The court handed down a six-year suspended prison sentence as the woman was pregnant and had a young child.¹³⁹

4.2. *Desertion*

Under Article 338 of the Criminal Code, desertion, which implies an intention to permanently abandon military duty,¹⁴⁰ is punishable with a prison term of up to 15 years when committed

¹³³ Russian Federation (The), Уголовный кодекс Российской Федерации от 13.06.1996 N 63-ФЗ (ред. от 04.08.2023) [Criminal Code of the Russian Federation of 13.06.1996 N 63-FZ (version 04.08.2023)], 4 August 2023, [url](#), Art. 337; Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

¹³⁴ Meduza, Worse than the maximum sentence As Russian AWOL convictions spike, judges are effectively sending defendants back to war, 12 May 2023, [url](#)

¹³⁵ Caucasian Knot, Mobilized person convicted in Novocherkassk for service evasion, 21 May 2023, [url](#)

¹³⁶ Caucasian Knot, Mobilized person from KBR convicted for service evasion, 5 June 2023, [url](#)

¹³⁷ Novaya Gazeta – Европа, Рядовых из Иркутской и Новосибирской областей приговорили к реальным срокам по делам об оставлении воинской части [Privates from the Irkutsk and Novosibirsk regions were sentenced to real terms in cases of abandoning a military unit], 7 August 2023, [url](#)

¹³⁸ Meduza, Russia convicts pregnant woman of failing to show up for military service, 18 September 2023, [url](#)

¹³⁹ Kommersant, Ефрейтора приговорили к отсрочке [A corporal sentenced to suspension], 17 September 2023, [url](#)

¹⁴⁰ Nastoyashee Vremya, "Люди не хотят воевать". В России растет количество уголовных дел за "самоволки" на фоне войны в Украине [‘People don’t want to go to war’. In Russia, the number of criminal cases for "AWOL" is



during mobilisation or martial law, wartime, armed conflict, or hostilities.¹⁴¹ As noted by the head of the human rights group Citizen. Army. Law Sergei Krivenko to independent media outlet Nastoyashee Vremya, there were instances where cases initially characterised as ‘desertion’ by the prosecution were later reclassified by a court as ‘unauthorised absence’, which is a less severe offence under the Criminal Code. According to Krivenko, the key distinction between ‘desertion’ and ‘unauthorised abandonment of a military unit’ hinges on the intention to permanently leave the military forces, which can be more difficult for the law enforcement agencies to prove.¹⁴²

The following are examples of treatment of deserters under the law during the reference period:

- In March 2023, a military serviceman was sentenced to nine years in prison for desertion of his military unit in the Russia-occupied Crimea to avoid participating in the war in Ukraine.¹⁴³
- In June 2023, the St. Petersburg garrison military court reportedly sentenced a mobilised soldier, who left the Russia-occupied Luhansk region, to seven years in a high-security prison colony.¹⁴⁴
- In September 2023, a soldier was sentenced to nine years in prison by a military court in Sakhalin after being convicted of desertion in an attempt to evade deployment to Ukraine.¹⁴⁵ As reported by Mediazona, prior to his arrest, the person, along with more than 15 other soldiers, was held in a detention camp in the Russia-occupied Luhansk region for refusing to take part in military service.¹⁴⁶

growing amid the war in Ukraine], 6 September 2023, [url](#); Mediazona, Evading > refusing > fleeing. A year of mobilization in Russia through trials and verdicts, 21 September 2023, [url](#)

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