

4.5.2. Punishments under the Criminal Code

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Under Russian law, desertion is defined as the unauthorised abandonment of a military unit or place of service for the purpose of evading military duties and is punishable by 7 to 15 years in prison, with the maximum prison term being applied during mobilisation, martial law, wartime or during an armed conflict or combat operations (Article 338 of the Criminal Code).963 In addition, AWOL under the same circumstances is punishable by a prison term of up to seven years (Article 337 of the Criminal Code).964

As noted by The Insider, Russia restricted public access to detailed statistics on crimes against military service in February 2023, following secrecy orders by the FSB and the MoD. However, based on data from over 100 garrison courts, between February 2022 and July 2025, courts convicted nearly 18 500 individuals for desertion and for being AWOL, including 8 561 in 2024 and nearly 4 679 in the first seven months of 2025. The vast majority – approximately 17 500 – persons were convicted for unauthorised absence, while convictions for desertion amounted to fewer than 1 000. In addition, 94 individuals were punished for evading military service by feigning illness. Many cases are handled by courts in the occupied territories, for which there are no publicly available data.965

Sources noted that authorities tend to prosecute military personnel for AWOL rather than for desertion,966 as the punishment for AWOL can be a suspended sentence, enabling the return of the individual to military service. Furthermore, persons convicted of AWOL are not included in official casualty statistics, unlike those convicted for desertion.967 In practice, as noted by the human rights group *Prizyv k sovesti* (Appeal to Conscience) which focuses on military issues, convictions of AWOL usually result in 5 year-prison term in a general-regime colony, with shorter absences leading to lighter sentences. Reportedly, some military personnel have deliberately surrendered after being absent for a period between two days and one month to mitigate punishment. There were no known cases of anyone convicted of AWOL while serving on the frontline. Moreover, since April 2024, personnel accused of AWOL have been more often forcibly returned to the frontline even with pending criminal cases, while previously they were pressured to return in exchange for a suspended sentence.968 A human rights defender interviewed by Novaya Gazeta Europe, similarly, noted that in many instances deserters and those gone AWOL are forcibly returned to the front, often being sent on assault missions. At the same time, as noted by the source, the authorities are reluctant to prosecute these individuals under the law, with only around 1 000 cases initiated per month.969

For those who refuse to fight, including wounded soldiers, the authorities apply the criminal charge of 'disobeying orders'[970] (Article 332 of the Criminal Code) which is punishable by up to ten years in prison. [971] According to *Prizyv k sovesti*, the authorities treat conscientious refusal to participate in the so-called 'special military operation' as a criminal offence. In the best-case scenario, individuals can receive a relatively lenient sentence of two to three years in a settlement colony, which also results in formal dismissal from military service.[972]

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