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LIMITS OF RIGHTS AND WARRANTIES IN CRIMINAL PROCEDURES CAUSED BY THE STATE OF EMERGENCY – ESTONIAN EXPERIENCE FROM THE WAR OF INDEPENDENCE[1]

TIESĪBU UN GARANTIJU ROBEŽAS ĀRKĀRTĒJĀS SITUĀCIJAS IZRAISĪTAJOS KRIMINĀLPROCESOS – IGAUNIJAS BRĪVĪBAS KARĀ GŪTĀ PIEREDZE

Keywords: Estonia, War of Independence (1918–1920), courts martial, field courts, military justice, criminal procedure

Atslēgvārdi: Igaunija, Neatkarības karš (1918–1920), kara tiesas, lauka kara tiesas, militārā tiesa, kriminālprocess

Summary

The Provisional Government of the Republic of Estonia in November 1918 had barely begun to build up the statehood and its legal order, when Bolshevik Russia attacked Estonia. In this state of war, field courts were established as a form of extraordinary military justice. This article examines their legal framework, particularly the rules governing the court procedures. The practice of field courts was more repressive than what would have been allowed by the Military Justice Codes that were in force at the time. This repressive trend was further intensified by the individual actions of the Estonian military leadership, aiming to maintain order and security in the country.

[1] The research and writing of this article were supported by the Estonian Research Council, grant PRG 969. The article is dedicated to the memory of my dear student and colleague Marin Sedman (1985–2021). Our initial plan was to write on the topic in co-authorship.

Kopsavilkums

Igaunijas Republikas Pagaidu valdība 1918. gada novembrī tikko bija sākusi veidot valstiskumu un tiesisko iekārtu, kad boļševistiskā Krievija uzbruka Igaunijai. Šajā kara stāvoklī lauka kara tiesas tika izveidotas kā ārkārtas militārās tiesas forma. Šajā rakstā aplūkots to tiesiskais regulējums, jo īpaši noteikumi, kas reglamentē tiesas procesus. Lauka kara tiesu prakse bija represīvāka, nekā to pieļautu tajā laikā spēkā esošie militārie normatīvie akti. Šo represīvo tendenci vēl vairāk pastiprināja Igaunijas militārās vadības individuālās darbības, kuru mērķis bija uzturēt kārtību un drošību valstī.

Introduction

The Estonian War of Independence began with the invasion of the Bolshevik Russian Red Army on 28 November 1918. In response to the invasion, the Estonian government had to declare the "Law of War" (Estonian: *sojaseadus*) on 29 November 1918, alongside with mobilization.[2] The official declaration was brief, as "Law of War" did not necessitate a lengthy explanation, given the general familiarity with the Martial Law of the Russian Empire. The imperial Russian law included three types of emergency situations, with Martial Law being the strictest of them and to be applied in times of war.[3]

Historians and legal scholars have extensively documented the unprecedented violence during the civil wars and wars of independence in the countries of the former Russian Empire after World War I.[4] It is by now well-established knowledge that the Bolsheviks, following the Cheka model, established administrative commissions to combat counterrevolution and special tribunals also in the Baltic countries. These had the authority to impose penalties without conducting any legal proceedings, such as gathering evidence, presenting evidence, and hearing witness testimonies.

Nevertheless, significantly less research has been conducted on the courts of the opposing side, at least as far as Estonia is concerned. The focus of this

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[2] Sõjaseadus ja mobilisatsioon välja kuulutatud. Ajutise Valitsuse otsus [Martial law and mobilization have been declared. A decision of the Provisional Government]. Riigi Teataja [State Gazette] (hereinafter: RT) 1918, 3 (30.11.1918).

[3] Lindmets J., Luts-Sootak M., Siimets-Gross H. Imperial Russian Rules on the State of Emergency in the Estonian Republic. In: International Scientific Conference "New Legal Reality: Challenges and Perspectives", Vol. II. Riga: University of Latvia, 2022, pp. 37–39.

[4] E. g. the articles written by Taavi Minnik (Estonia), Aldis Minins (Latvia) and Česlovas Laurinavičius (Lithuania) in the special Issue "War, Revolution and Terror in the Baltic States and Finland after the Great War" of Journal of Baltic Studies, No. 46, 2015, No. 1; in addition for Estonia also Minnik T. Der Teufelskreis der Gewalt: Terror und Repressionen in Estland, 1917–1919. Forschungen zur baltischen Geschichte 6, 2011, p. 120-141; for Finnland Kekkonen J. Judicial repression after the civil wars in Finland (1918) and in Spain (1936–1939). In: Lappalainen M., Hirvonen P. (eds). Crime and Control in Europe from the past to the present. Helsinki: Hakapaino, 1999, pp. 87–111; *idem*. Judicial repression during and after the Finnish (1918) and Spanish (1936–1939) civil wars. In: De Koster M., Leuwers H., Luyten D., Rousseaux X. (eds). Justice in wartime and revolutions, Europe 1795–1950. Brussels, Belgium: State Archives, 2012, pp. 57–72.

article is therefore on the practice of lower-instance military justice on the side of the Estonian Government. Estonia's case is unique and deserves special attention. Unlike in Lithuania and Latvia, where summary executions (the so-called *Standrecht*) were prevalent,[5] the Estonian Provisional Government implemented a more or less rule-based military justice. More specifically, this article draws on existing empirical research[6] to present the military justice procedure and practices of courts martial, particularly the Field Courts as extraordinary military courts. The procedure and practices of the higher-instance ordinary military court, i. e. Military District Court, have not yet been researched. Marin Sedman had published an article on the Supreme Court of Estonia as a highest military court.[7]

1. The initial legal framework for the proceedings of courts martial

It is the current scholarly consensus that extraordinary martial courts, commonly known as Field Courts, were established based on the decree of the Provisional Government on the Establishment of Field Courts on 5 December 1918.[8] However, already a very early government announcement from 29 November explicitly warned that "all those, who obstruct the formation of the Estonian Defence Forces, who fail to fulfil their official duties in this regard, who do not appear when called under the flag, who do not provide the required supplies to the authorities, who maliciously act against national defence, who fail to fulfil their duties in military units, who incite civil war, and who attempt or incite the overthrow of the Republic of Estonia or encourage such actions, shall be handed over to military courts."[9] This threat extended not only to military personnel but to "all those, who ...".

However, the announcement did not specify that a Field Court could sentence someone to death. This matter was clarified by the 5 December decree on the Establishment of Field Courts. According to §7, field courts could sentence accused individuals, depending on the gravity of the crime, to imprisonment, forced labour, or death. The inclusion of the death penalty was quite extraordinary

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5 Minnik T. The Establishment of "Drumhead" Courts Martial and their Actions in the Estonian War of Independence 1918–1919. Juridiskā zinātne, No. 7, 2014, p. 100.

6 I mean the quoted articles and other writings of Taavi Minnik and the – partially still unpublished – research of Marin Sedman.

7 Sedman M. Sojakohtud ja Riigikohtu roll sõjakohtute süsteemis Eesti Vabariigi esimesel iseseisvusperioodil [Military courts and the role of Supreme Court in the system of military justice in the first period of independence of the Republic of Estonia]. Juridica 2019, No. 9, pp. 642–654.

8 Ajutise Valitsuse määrus väljakohtute asutamise kohta [Decree of the Provisional Government on the Establishment of Field Courts]. RT 1918, No. 6.

9 Teadku seda koik! Ajutine valitsus [For general knowledge! The Provisional Government]. RT 1918, No. 4 (29.11.1918).

in the general framework of valid penal law because the sources of ordinary penal law – the Old Penal Code (1845) and New Penal Code (1903) of the Russian Empire[10] – did not provide for the death penalty, except for certain crimes against the monarch or for high treason. As an independent democratic republic, Estonia did not have a monarch, making the death penalty nearly impossible in the practice of ordinary courts.

Despite the severity of the penalties, the government's decree was vague in stipulating *corpora delicti*. For example, anyone who "in any way, works against the Republic of Estonia or in favour of the enemies of the state, that is, those who, by being in communication and connection with them, provide assistance in any way; all those who attempt to obstruct military activities, such as movement, communication, etc. in any way" or all spreaders of harmful rumours against the Republic of Estonia should be put on trial (§5). While it is conceivable that each of the listed activities could be linked to the military domain,[11] the decree also subjected all murderers, arsonists, robbers, thieves and rapists – without differentiation between military and non-military persons – to the field courts.

The threatening of being subjected to field courts was also included in several of the so-called compulsory orders or daily directives, whether from the Supreme Commander of the Armed Forces or the Head of Internal Security. For instance, the daily directive from the Head of Internal Security dated 28 December 1918, threatened field court action against anyone in unauthorized possession of weapons, ammunition, rockets, or similar.[12]

Following a large demonstration against the Temporary Government organized by the communists in Tallinn on 17 December 1918, a series of political actions were added, each carrying the threatening with the Field Court procedure. Despite the communists' denial, the government suspected them of planning

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[10] On the legal foundation of the continuing validity of the laws of the Russian Empire in the Republic of Estonia, especially regarding the various penal codes, see Sedman M. The historical experience of Estonia with the plurality of penal law acts. Juridica International, No. 17, 2010, pp. 227–235; Luts-Sootak M., Sedman M. Ambivalences of the Legality Principle in Penal Law of the Baltic Provinces in the Russian Empire (1710–1917). In: Martyn G. et al. (eds). From the Judge's *Arbitrium* to the Legality Principle. Legislation as a Source of Law in Criminal Trials. Berlin: Duncker and Humblot, 2013, pp. 317–349.

[11] The first known death penalty was sentenced by a Field Court on 16 December 1918 for espionage. Rosenthal R. Kord ja kohus. Eesti sojavaejuhtkond Vabadussoja-aegses sisepoliitikas [As it is the order of the day. The Estonian military leadership in the internal politics during the War of Independence]. Tallinn: Argo, 2019, p. 35.

[12] Sisemise kaitse ülema päevakäsk Nr. 16 [Daily directive of the Head of Internal Security No. 16]. RT 1919, 2 (13.1.1919). Sunduslik määrus Nr. 17. Täienduseks eelmistele määrustele alkohoolsete jookide müügikeelu asjus (sisekaiste ülemalt, 5. jaanuar 1919). [Compulsory Regulation No. 17. As an addition to the previous regulations regarding the prohibition of the sale of alcoholic beverages (from the Head of Internal Security, 5 January 1919)]. Ibid., § 2 did not in any way concern alcoholic beverages but, under the threat of being brought before a Field Court, ordered that individuals who had left the Defense League must surrender their weapon, membership card, and armband within two days.

a coup.[13] In any case, a series of gathering and free movement bans followed. On 17 December, the Temporary Government granted the Supreme Commander the right to use any means of his own choosing to maintain order and security. Major General Ernst Podder prohibited "any gatherings, including closed ones, assemblies in the streets and public places, delivering speeches in public places, carrying weapons without permission, firing in the streets without permission, and driving cars without permission". Violators of the ban were threatened with field court proceedings.[14] If anyone dared to resist or disobey the orders of the (military?) "keepers of the order" enforcing the gathering ban, it was threatened to "open the fire on them immediately." Thus, even the *Standgericht* was by no means unknown in Estonia.

Regarding the procedure of the field courts, the government's decree from 5 December 1918 stated only that the power to submit individuals to the field court was vested in the commander of the local regiment (§3). The part of the country free from Bolshevik rule was divided into the jurisdictions of six military regiments. The decisions of the courts had to be approved by the Minister of War (§4). This was said to have changed with the daily order from Supreme Commander Johan Laidoner dated 31 December 1918: according to this decisions had to be confirmed by the same regimental commander who had submitted the individual for trial and determined the court's composition.[15]

The government regulation did not specify a deadline for conducting the proceedings, their duration, or the execution of the court's decision. Only in the Supreme Commander's order from 17 December 1918, for the defence of order and security can one find a deadline for the proceedings: for all violators of gathering and movement bans, the field court had to reach a decision on the same day.

T. Minnik asserts that "initially, the Provisional Government did not specify the legislative basis for the courts martial."[16] But in fact, there was no regulatory gap or "law-free space": the Provisional Government had already enacted Preliminary Administrative Laws on 19 November 1918. The first of these, the Statute on Transition Time, mandated that "the legal regulations which were in force until 24 October 1917, within the borders of the present Estonian Republic, remain in force".[17] Consequently, all former laws applicable to courts martial, both substantive and procedural, were formally valid even before the establishment of the field courts.

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[13] Rosenthal R. 2019, pp. 35–37.

[14] Teadaanded ja korraldused. Korra ja julgeoleku kaitseks [Announcements and orders. For the protection of order and security]. RT 1918, 8 (19.12.1918). This was followed by several other orders prohibiting gatherings: the Supreme Commanders daily directives No. 7 (RT 1918, 9) and No. 10 (RT 1918, 9).

[15] Although this order was not published in the official State Gazette, it has been preserved in the archives. Rosenthal R. 2019, p. 40, q. 20.

[16] Minnik T. 2014, p. 102.

[17] Ajutised administratiivseadused [Preliminary Administrative Laws]. RT 1918, 1 (27.11.1918).

In subsequent Estonian legal literature, criticism was directed not only at the 5 December 1918 regulation due to the extremely vague definitions of punishable acts but also because the regulation remained silent on the procedural form to be used in the field courts.[18] However, it is important to consider that Ferdinand Karlson's article from 1921 was polemical regarding the existing law and called for its reform. Just as the Provisional Government of Estonia did not find it necessary on 29 November 1918 to specify what the "Law of War" entailed, no separate prescription regarding the procedural form in field courts was deemed necessary. According to the law in force in the Russian Empire and, consequently, in the Republic of Estonia, the activities of field courts had to adhere to the same rules as regular military courts.

But very soon, the Estonian government realized that the general temporal cut-off – the legal system from Russian times as of 24 October 1917 – was not an acceptable one for military justice. During the period between the February and October revolutions in Russia, several changes had been made in this area, which were now considered potentially rather dangerous in the Estonian context. Firstly, it was felt that the selection of judges could not be left to military committees. Secondly, it was problematic that certain crimes, according to the regulations of the Russian Provisional Government, should have been tried by a jury.[19] Unlike in the so-called internal provinces of Russia, no jury courts had been established for general criminal proceedings in Estonia, and there was no inclination to introduce them into military justice now.

As a result, the earlier redaction of the Russian military justice codes from the end of February 1917 was endorsed by a new decree of the Estonian Provisional Government on 9 January 1919: the Military Penal Code (*Voinski' ustav o nakazanijah*) and the Military Courts Code (*Ustav voenno-sudebnyj*).[20] Neither the Military Penal Code nor the Military Courts Code of the Russian Empire, in any of their redactions, were vague or included only general provisions. On the contrary: they were very detailed in their regulations. The problems arose in their practical implementation.

2. Some characteristics of the practice of field courts

T. Minnik, for instance, detailed the proceedings of the Field Courts of the 2nd Regiment of the Estonian Army, which passed 56 sentences in Tartu County

[18] Karlson F. Meie sojakohtu reform [The reform of our military justice]. Oigus [The Law] 1921, No. 11/12, p. 189.

[19] Ibid., p. 190.

[20] Marin Sedman has written a thorough analysis of the sources of military penal law and their characteristic differences compared to the so-called regular or general penal codes. See Sedman M. Military Penal Law – not only for Military Personnel: Developments in Estonian Penal Law after the First World War. In: Luts-Sootak M. et al. (eds). Unity and Plurality in the Legal History of the Baltic Sea Area. Frankfurt am Main: Peter Lang, 2012, p. 255–265.

in just five days, from 27 January to 31 January 1919, sentencing 20 individuals to death and acquitting only one.[21] Marin Sedman investigated 232 records of the same regiment's field courts and found that out of the 96 men tried, 46 were sentenced to death, 8 to imprisonment, and 2 to forced labour. Although monetary fines should not have been within the jurisdiction of the field courts, one man was indeed punished with a fine. Thirty-three individuals were acquitted. In the case of women, the rate of acquittals was higher: 10 acquitted against 6 convicted; however, all six convicted women were sentenced to death.

While the picture might have been different under the jurisdiction of other regiments, these numbers alone suffice to characterize the practice of field courts as repressive. Minnik has also highlighted the fact that the courts exclusively referred to the general orders in the Estonian Provisional Government's decree on 5 December 1918, and not once to the military justice codes of the Russian Empire.[22] The field courts were assembled *ad hoc* to preside over specific felony cases and were comprised of five officers. Minnik notes that "the courts martial were usually formed of junior or non-commissioned officers, who were ill-informed of the legal standards of court procedures".[23] In this context, he mentions the international standards of military justice, such as the Lieber Code, which was also considered a basis for Russian military justice codes. The young Estonian officers were likely unfamiliar with any of these.

3. Restrictions on procedural rights and freedoms in the first period of military justice by the field courts

As previously mentioned, the field courts were not permanent courts attached to the regiment but were formed *ad hoc* to preside over a specific felony case. This is why, in the preceding sub-chapter, I deliberately wrote about the Field Courts of the 2nd Regiment in the plural, not singular.

The presiding officer of the tribunal was the same regimental commander who initiated the trial. After the trial concluded with a sentence, the same individual – the commander of the regiment – decided on the question of further appeal of the decision to the Military District Court. However, the possibilities for the appeal court to review the decisions of field courts were extremely limited, as field courts did not record witness statements or any other procedural actions. Furthermore, field courts were not obligated to justify their decisions. During this

[21] Minnik T. 2014, p. 102. A significant part of the field courts' practice cannot be studied because the records of military courts have been only partially preserved. The most detailed information is available regarding the legal practice of the 2nd Regiment.

[22] Minnik T. 2014, p. 102.

[23] Ibid.

initial period, there was no provision for the accused to have any right to legal defence – exactly as it had been in the military justice of the Russian Empire.

By the end of the winter of 1919, when Estonian forces had overcome the initial shock and confusion and had begun their counter-offensive, the government found it necessary to improve regulation of the functioning of field courts. The reason why the government took action was the apparent incompetence of field courts in applying the valid military criminal law, and likely also rule of law considerations or an attempt to gain more support among the population. In many cases, field courts indeed judged civilians. According to Sedman's data, out of the 232 field court cases in the records of the 2nd Division staff, 92 or approximately 40% were cases of civilians being put on trial. Often, civilians were brought before field courts not for serious violent offences but rather for acts of political nature, and in many cases, for offenses like smuggling. The decision of whether to bring a civilian before a field court or rather refer their case to a general court, where the death penalty could not be imposed, was again made by the regimental commander.

4. New regulation of field courts in March 1919

The Provisional Government's decree on Field Courts dated 25 March 1919, eliminated the regiment commanders' authority to refer individuals in a field court – this responsibility now rested with the Supreme Commander of the Defence Forces through his directive of the day (§1). The decree also constrained the discretion of regiment commanders in initiating a trial: field courts were now competent only in cases where the crime was "obvious". Otherwise, if the investigation required, the case was to be tried in a Military District Court.

The appointment of five judges to the field court – still the task of the regimental commander – had to be completed within a day of identifying the perpetrator (§5). The field court was mandated to conduct its trial within two days (§7). The trial was to be held behind closed doors, and the verdict was adopted by a simple majority of the court members, i.e., the five officers who normally did not possess any legal qualifications.

In contrast to the former Russian imperial law, which did not recognize the need for legal defence in military courts, the new Estonian law guaranteed the right to a defender. Having an aid was not mandatory, and the accused person was allowed to defend themselves (§9). However, the accused person could not choose their defender; the regiment commander could appoint not necessarily an attorney but any officer to this position.

The defender or the accused person, however, could not appeal the decision of the field court. This right was still reserved for the regiment commander. The attorney Karlson addressed this situation during the Estonian Jurists Days in April 1924, highlighting it as a violation of the principle of the independence of

the courts.[24] Although the war had ended by then, martial law was still in effect in many parts of the country, and field courts could still be convened if a regiment commander wished to for it to happen.

If the regiment commander chose not to overrule and appeal the sentence of the field court, the sentence had to be carried out within 24 hours. In many cases, this meant execution, but Field Courts also sentenced individuals to forced labour or imprisonment.

In the case of an appeal, the Military District Court functioned as an ordinary military court, applying the norms of the Military Penal Code and following the rules of the Military Justice Code. However, when the Military District Court acted as the first-instance court, the same procedural rules applied as in the field courts: no procedural actions or witness statements were recorded, and the court was not required to justify its decision, and so on. A significant difference, however, was that since the Military District Court handled cases that were not "obvious", i.e., where prior investigation was necessary, it was not limited to a two-day processing period.

Regardless, this more detailed regulation of field courts or the innovation of allowing the right to legal defence came too late for many – by that time, the majority of field court decisions had already been rendered.

5. Thought-provoking statistics

T. Minnik has compiled and compared the statistics of repression during the Bolshevik dictatorship and the War of Independence period in Estonia and Latvia.[25] The casualty count on both the red and white sides in Latvia was approximately equal, totalling around 2000 people. However, in Estonia, the events characterized by Minnik as "White Terror" – analogous to the portrayal in Soviet historiography[26] – resulted in even more casualties than the Bolshevik terror. The Bolsheviks killed up to 700 people, while the Estonian government forces killed up to 800, including 300 sentenced to death by the Field Courts. Furthermore, in addition to the more or less regulated proceedings of Field Courts, there were quite a few cases of *Standrecht* in Estonia. To some extent, "on-site executions" by military leaders were directly prescribed as means to gain control

[24] Karlson F. Sojakohtu korraldus [System of Military Justice] (23.4.1924). In: Erne J. (ed.). Oigusteadlaste päevad 1922–1940. Protokollid [Lawyer's Days 1922–1940. Minutes]. Tallinn: Eesti Juristide Liit, 2008, p. 91.

[25] Minnik T. 2014, pp. 100–104.

[26] F.i. Vihalem P. Valge terror Eestis aastail 1918–1919 [The White Terror in Estonia in the Years 1918–1919]. Tartu: Tartu Riiklik Ülikool, 1961.

over the mobilization-resistant or pro-Bolshevik population.[27] The proportion of civilians among those killed was remarkably high – 60 percent.

For political reasons and to rectify miscarriages of justice, the Constituent Assembly of Estonia passed on 3 May 1919, the Amnesty Act.[28] Among those granted amnesty were individuals who had been sentenced to death and executed in miscarriages of justice. However, the subsequent amnesty did not restore their lives. Hence, the Estonian endeavour to administer military justice in a rule-based manner cannot be deemed successful – the political and social context seemed to have prevailed over the legal principles.

Conclusions

1. In the Republic of Estonia, there was no situation of legal vacuum situation – when the Provisional Government could start exercising its power in November 1918, it reverted to the legal basis that was in force before 24 October 1917.
2. In the field of military justice, it proved expedient to go even further back in time and return to the laws that were in effect before the changes following the February Revolution.
3. The rules of martial law that were in effect in Estonia after the invasion of Bolshevik Russia were the same as those previously in the Russian Empire.
4. The relatively firm and clear legal foundation, however, did not guarantee that it was followed in the practice of military courts – the members of field courts simply were not familiar with the existing laws of the Russian Empire.
5. The Estonian Provisional Government's establishment of simpler and clearer rules for the proceedings of field courts, as well as the granting of the right to legal defence, came too late. Significant damage had already been done, and lives taken could not be restored even by one of the first legal acts of the Constituent Assembly that convened in April 1919: the Amnesty Act.

BIBLIOGRAPHY

Literature

1. Karlson F. Meie sojakohtu reform [Reform of our military justice]. Oigus [The Law] 1921, No. 11/12.

[27] Rosenthal R. 2019, pp. 35–47 provides quite a few examples of the implementation of these extraordinary measures. According to military leaders themselves, such measures were not only deemed necessary but also contributed to the intended goal – rallying the men to fight the enemy and minimising the internal chaos.

[28] Asutava Kogu poolt 3. mail 1919 a. vastuvõetud seadus. Amnestia seadus [The law passed by the Constitutent Assembly on 3 May 1919. Amnesty Act]. RT 1919, 30–31, 74.

2. Karlson F. Sojakohtu korraldus [System of Military Justice] (23.4.1924). In: Erne J. (ed.). Oigusteadlaste päevad 1922–1940. Protokollid [Lawyer Days 1922–1940. Minutes]. Tallinn: Eesti Juristide Liit, 2008.
3. Kekkonen J. Judicial repression after the civil wars in Finland (1918) and in Spain (1936–1939). In: Lappalainen M., Hirvonen P. (eds). Crime and Control in Europe from the past to the present. Helsinki: Hakapaino, 1999.
4. Kekkonen J. Judicial repression during and after the Finnish (1918) and Spanish (1936–1939) civil wars. In: De Koster M., Leuwers H., Luyten D., Rousseaux X. (eds). Justice in wartime and revolutions, Europe 1795–1950. Brussels: State Archives, 2012.
5. Laurinavičius Č.On Political Terror during the Soviet Expansion into Lithuania, 1918–1919. Journal of Baltic Studies, Vol. 46, 2015, No. 1.
6. Lindmets J., Luts-Sootak M., Siimets-Gross H. Imperial Russian Rules on the State of Emergency in the Estonian Republic. In: International Scientific Conference "New Legal Reality: Challenges and Perspectives", Vol. II. Riga: University of Latvia, 2022.
7. Luts-Sootak M., Sedman M. Ambivalences of the Legality Principle in Penal Law of the Baltic Provinces in the Russian Empire (1710–1917). In: Martyn G., Musson A., Pihlajamaki H. (eds.). From the Judge's *Arbitrium* to the Legality Principle. Legislation as a Source of Law in Criminal Trials. Berlin: Duncker and Humblot, 2013.
8. Minins A. Latvia, 1918–1920: Struggle for Freedom or Civil War? Journal of Baltic Studies, No. 46, 2015.
9. Minnik T. Der Teufelskreis der Gewalt: Terror und Repressionen in Estland, 1917–1919. Forschungen zur baltischen Geschichte, No. 6, 2011.
10. Minnik T. The Establishment of "Drumhead" Courts Martial and their Actions in the Estonian War of Independence 1918–1919. Juridiskā zinātne/Law, No. 7, 2014.
11. Minnik T. The Cycle of Terror in Estonia, 1917–1919: on its Preconditions and Major Stages. Journal of Baltic Studies 46, 2015, No. 1.
12. Rosenthal R. Kord ja kohus. Eesti sojavaejuhtkond Vabadussoja-aegses sisepoliitikas [As it is the order of the day. The Estonian military leadership in the internal politics during the War of Independence]. Tallinn: Argo, 2019.
13. Sedman M. The historical experience of Estonia with the plurality of penal law acts. Juridica International, No. 17, 2010.
14. Sedman M. Military Penal Law – not only for Military Personnel: Developments in Estonian Penal Law after the First World War. In: Luts-Sootak M., Osipova S., Schafer F. L. (eds). Unity and Plurality in the Legal History of the Baltic Sea Area. Frankfurt am Main: Peter Lang, 2012.
15. Sedman M. Sojakohtud ja Riigikohtu roll sojakohtute susteemis Eesti Vabariigi esimesel iseseisvusperioodil [Military courts and the role of Supreme Court in the system of military justice in the first period of independence of the Republic of Estonia]. Juridica 2019, No. 9.
16. Vihalem P. Valge terror Eestis aastail 1918–1919 [The White Terror in Estonia in the Years 1918–1919]. Tartu: Tartu Riiklik Ülikool, 1961.

Legal acts

17. Ajutised administratiivseadused [Preliminary Administrative Laws]. RT 1918, No. 1 (27.11.1918).
18. Teadku seda koik! Ajutine valitsus [For knowledge to everyone! Provisional Government]. RT 1918, No. 4 (29.11.1918).

19. Sojaseadus ja mobilisatsioon välja kuulutatud. Ajutise Valitsuse otsus [State of defence and mobilization have been declared. Decision of the Provisional Government of Estonian Republic]. RT 1918, No. 3 (30.11.1918).
20. Ajutise Valitsuse maarus valjakohtute asutamise kohta [Decree of the Provisional Government on the Establishing of Field Courts]. RT 1918, No. 6 (11.12.1918).
21. Teadaanded ja korraldused. Korra ja julgeoleku kaitseks [Announcements and orders. For the protection of order and security]. RT 1918, No. 8 (19.12.1918).
22. Sojavae ulemjuhataja paevakask Nr. 7 [Supreme Commander's daily directive No. 7]. RT 1918, No. 9 (24.12.1918).
23. Sojavae ulemjuhataja paevakask Nr. 10 [Supreme Commander's daily directive No. 10]. RT 1918, No. 9 (24.12.1918).
24. Sisemise kaitse ulema paevakask Nr. 16 [Daily directive of the Head of Internal Security No. 16]. RT 1919, No. 2 (13.1.1919).
25. Sunduslik määrus Nr. 17. Täienduseks eelmistele määrustele alkohoolsete jookide müügikeelu asjus (sisekaitse ülemalt, 5. jaanuar 1919). [Compulsory Regulation No. 17. As an addition to the previous regulations regarding the prohibition of the sale of alcoholic beverages (from the Head of Internal Security, January 5, 1919)]. RT 1919, No. 2 (13.1.1919).
26. Ajutise Valitsuse maarus. Sojavaekohtud [Decree of Provisional Government. Military Courts]. RT 1919, No. 2 (13.1.1919).
27. Ajutise Valitsuse poolt 25. martsil 1919. a. vastuvoetud maarus. Maarus valjakohtute ule [Decree of the Provisional Government from the 25th of March 1919. Decree concerning Field Courts]. RT 1919, No. 19, 47 (29.3.1919).
28. Asutava Kogu poolt 3. mail 1919 a. vastuvoetud seadus. Amnestia seadus [Law passed by the Constitutent Assembly on 3 May 1919. Amnesty Act]. RT 1919, No. 30–31, 74.