

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on Arbitrary Detention**

Ref.: AL TKM 2/2025

(Please use this reference in your reply)

30 May 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Working Group on Arbitrary Detention, pursuant to Human Rights Council resolutions 52/9 and 51/8.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the seemingly arbitrary travel ban imposed against Mr. Nurgeldi Halykov, an independent journalist and human rights defender.**

Mr. Halykov is an independent journalist who worked as a correspondent with the human rights news organisation *Turkmen.news* from 2018 to 2020. The organisation, that carries its work from abroad due to alleged patterns of harassment against journalists in Turkmenistan, features content that is critical of the Government of Turkmenistan and is dedicated to promoting freedom of expression and rule of law in the country.

In this context, we wish to recall the previous communication [AL TKM 1/2021](#), sent on 17 February 2021, in relation to Mr. Halykov's sentencing to 4 years of prison on charges of fraud for allegedly failing to pay a loan, shortly after having shared a photograph of a World Health Organisation delegation that was visiting Turkmenistan in July 2020. We thank your Excellency's Government for your response on [18 March 2021](#). Mr. Halykov completed his sentence in June 2024.

According to the information received:

On 12 January 2025, Mr. Halykov was supposed to travel to Dubai for his work and held the appropriate work-related visa. However, at the passport control, Turkmen authorities informed Mr. Halykov that he was not allowed to exit the country due to a temporary travel restriction reportedly in place, of which he had not been informed in advance. He was not provided with a reason as to why this travel restriction had been imposed on him. Article 30 of the Law on Migration of Turkmenistan contains a list of the reasons why a travel restriction may be placed on a person, but Mr. Halykov does not seem to meet any of the listed categories.

On 17 January 2025, Mr. Halykov sent a written inquiry to the migration service asking for an explanation for the reasons of the travel restriction.

On 1 February 2025, the inquiry sent by Mr. Halykov was delivered to the State Migration Service.

On 15 May 2025, in Ashgabat, a court rejected Mr. Halykov's complaint against the Migration Service's ban on his exit from the country. The representative of the Migration Service stated in court that the agency had no claims to Halykov's departure, and the service was only executing the order of the "competent authority" without specifying which authority had imposed the ban or its legal basis. Mr. Halykov intends to appeal the decision.

As of the date of sending this communication, Mr. Halykov has yet to receive a response or explanation to his inquiry, which reportedly fails to comply to the specified time frame that the Law of Turkmenistan on Administrative Procedures designates, whereby a response to an application must be provided within 30 days, and in case of an extension up to 45 days, where the applicant must be notified.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we are concerned about the travel restriction imposed on Mr. Halykov, which if proved would be arbitrary and seems to have been established in retribution for his previous work as a correspondent for *Turkmen.News*, including publishing content that is critical of the Government. Furthermore, we note that this measure seems to be an additional punishment lasting beyond the completion of his previous sentence and seemingly not upheld by a court.

We are alarmed by what appears to be misuse of the law on migration and punish the exercise of freedom of expression in Turkmenistan, targeting individual citizens who express their concerns and opinions over the human rights of the country. Cases such as the ones described above provide a bleak picture about the state of press freedom in the country and have a notable chilling effect on the freedom of expression of the whole population.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal grounds for the travel restriction of Mr. Halykov and how can this measure be compatible with international human rights law and standards, including on freedom of expression.
3. Please indicate the measures taken to review the travel restriction imposed against Mr. Halykov, in line with international human rights standards, and revoke it if found unsubstantiated.

4. Please provide information on the measures taken to uphold and promote freedom of expression and media freedom in the country, including by establishing adequate mechanisms to prevent harassment, intimidation and retaliation against journalists or their families.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please accept, Excellency, the assurances of our highest consideration.

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Matthew Gillett  
Vice-Chair on communications of the Working Group on Arbitrary Detention

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer to articles 9 and 19 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Turkmenistan on 1 May 1997.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

The Committee notes that “the function of journalists includes not only full-time reporters and analysts, but also bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere”, (para. 44) Additionally, according to the Committee “the penalization of a media outlet, publishers or journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression” and any restrictions on the operation of websites, blogs or any other internet-based information dissemination system “are only permissible to the extent that they are compatible with paragraph 3” (para. 43). In this regard, it is “inconsistent with paragraph 3 to prohibit a site or an information dissemination system from publishing material solely on the basis that it may be critical of the government or the political social system espoused by the government” (para. 43).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which

are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant, proving “in specific and individualized fashion the precise nature of the threat, and the necessity and proportionality of the specific action taken, in particular by establishing a direct and immediate connection between the expression and the threat” (CCPR/C/GC/34, para. 35). The Human Rights Committee recalled that the relation between right and restriction and between norm and exception must not be reversed. In this regard, the Human Rights Committee stated that the restrictions must be “the least intrusive instrument among those which might achieve their protective function”. ([CCPR/C/GC/34](#), para. 34).

In its resolution 12/16, the Human Rights Council called on States to refrain from imposing restrictions that are not consistent with article 19(3), including: discussion of government policies and political debate; reporting on human rights; engaging in peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups ([A/HRC/RES/12/26](#)).

As stated by the Committee, the deprivation of liberty of an individual for exercising their freedom of expression constitutes an arbitrary deprivation of liberty contrary to article 9 of the Covenant and a concurrent violation of article 19 (CCPR/C/GC/35 para. 17).

Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information and, as such, they should be highlighted independently of any other rationale for restriction. Governments have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary. ([A/HRC/71/373](#) para. 35). It has indeed long been recognised that “journalism constitutes a necessary service for any society, as it provides individuals and society as a whole with the necessary information to allow them to develop their own thoughts and to freely draw their own conclusions and opinions” ([A/HRC/20/17](#), para. 3).