



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

Detention Management Unit Instruction

Visiting Procedures for Family Members and Other Personal Visitors

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CHAPTER I GENERAL PROVISIONS

Section 1 Purpose and scope

1. This Instruction has been issued by the Chief Detention Officer of the Detention Management Unit ('DMU') pursuant to Detention Rule 4.6 in order to set forth the visiting procedures for family members and other personal visitors of Detainees within the Detention Facilities of the Specialist Chambers ('DF') located in the Dutch Prison PI Haaglanden ('Prison').
2. This Instruction applies to the two types of visits available to a Detainee pursuant to Article 10.2 of the Practice Direction on Visits and Communications adopted pursuant to Detention Rule 63:
 - a. visits with Close Relatives ('family visits'); and
 - b. visits with other family members and persons with whom the Detainee has a pre-existing personal relationship ('other personal visits').
3. The purpose of this Instruction is to provide:

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- a. simplified visiting procedures for the purpose of facilitating family visits pursuant to Article 12.6 of the Practice Direction on Visits and Communications;
 - b. the procedures for arranging other personal visits; and
 - c. the conduct of both types of visits within the DF.
4. This Instruction shall be interpreted and applied in a manner consistent with the Rules of Detention and any practice directions or instructions adopted or issued pursuant to Detention Rule 4.
 5. This Instruction does not apply to Counsel or the media. This Instruction also does not apply to visits with consular representatives, the ICRC, the Ombudsperson, the Registrar or a staff member acting on his or her behalf, or a Judge or Panel of the Specialist Chambers or a staff member acting on his or her behalf.

Section 2 General

1. Pursuant to Chapter II of the Practice Direction on Visits and Communications:
 - a. Close Relatives and other personal visitors are required to apply for and obtain a visiting permit in order to visit a Detainee;
 - b. a Detainee may refuse to see any visitor other than the Registrar, regardless of whether a visiting permit has been issued; and
 - c. to enter the DF and the Prison, all visitors must comply with their respective security requirements.
2. Close Relatives and other personal visitors to the DF shall comply with the Rules of Detention, including the Practice Direction on Visits and Communications, and any other relevant practice directions or instructions adopted or issued pursuant to Detention Rule 4, including this Instruction.
3. Questions about visiting procedures may be addressed to the Administrative Office of DMU ('Administrative Office') via email at: visitors-DMU@scp-ks.org.

CHAPTER II CLOSE RELATIVES

Section 3 Simplified visiting procedures

1. Pursuant to Article 12.6 of the Practice Direction on Visits and Communications, the DMU facilitates family visits with Close Relatives by using the simplified visiting procedures set forth in this Chapter.
2. Pursuant to Detention Rule 2.2, Close Relatives are a spouse or partner, parent, child, grandchild, brother, sister (including half- or step-brothers and sisters), grandparent, and sons- and daughters-in-law.
3. Notwithstanding other provisions of this Chapter, a Detainee's first visit with a Close Relative shall be arranged as soon as practicable after his or her initial court appearance.

Section 4 Applying for an annual visiting permit

1. A Close Relative may apply for an annual visiting permit to visit a Detainee. If the application for an annual permit is granted by the Chief Detention Officer, the Close Relative shall not be required to reapply to visit a Detainee until the expiration of the permit.

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2. Close Relatives (or their representatives) may contact the Administrative Office via email to obtain the required application form and apply for the annual permit.
3. An annual permit shall be requested by a Close Relative at least 10 calendar days before his or her first proposed visit with a Detainee. When applying for an annual permit, the Close Relative shall submit a completed and signed application form to the Administrative Office for processing, preferably via email as a PDF.
4. Together with the application form, the Close Relative shall provide the information and documentation requested in the application form, including a copy of the picture page of his or her passport and sufficient information or documentation to demonstrate that the visitor is a Close Relative of the Detainee.
5. A Detainee shall be asked to identify and provide information about his or her Close Relatives.
6. A request for an annual permit shall normally be granted by the Chief Detention Officer unless the visitor has not demonstrated that he or she is a Close Relative of the Detainee or on any of the grounds identified in Article 12.1 of the Practice Direction on Visits and Communications.
7. Upon approval of an application for an annual permit, the Administrative Office shall promptly issue the permit to the Close Relative and inform the Detainee accordingly.
8. At the time of granting the annual permit, the Administrative Office shall either confirm the date and time of the first family visit or inform the Close Relative and the Detainee that the requested visit cannot be confirmed based on the daily schedule of the DF and the availability of staff and visiting facilities. In that case, the Administrative Office may either request or propose an alternative date for the family visit.
9. A Close Relative's annual permit may be suspended or revoked if the Close Relative breaches the Rules of Detention, the Practice Direction on Visits and Communications, or any other practice direction or instruction adopted or issued pursuant to Detention Rule 4, including this Instruction. The Chief Detention Officer shall promptly inform the Detainee of any suspension or revocation, in writing. The visitor shall also be informed promptly if his or her annual permit is suspended or revoked.
10. When applying for a new annual permit, Close Relatives shall notify the Chief Detention Officer if there is any change in their relationship with the Detainee or certify that there is none. At any point in time, the Administrative Office may inquire with Close Relatives as to whether there has been a change in their relationship with the Detainee (i.e., change in marital status, birth of a child, etc.).
11. Should the Chief Detention Officer deny an application for an annual permit, the Chief Detention Officer shall promptly inform the Detainee, in writing. The visitor shall also be informed promptly if his or her application for an annual permit is denied. The denial of an annual permit does not preclude the visitor from requesting permission to visit in accordance with Chapter III of this Instruction.

Section 5 Facilitating visas

1. If a Close Relative is not a resident of the Netherlands or requires a visa to visit a Detainee, the Close Relative shall inform the Administrative Office of this requirement when applying for an annual permit pursuant to Section 4 of this Instruction and, thereafter, when scheduling any subsequent family visit pursuant to Section 6 of this Instruction.

2. Close Relatives who require a visa are encouraged to approach the Administrative Office at least 3 weeks before each planned visit, if possible.
3. The Administrative Office shall request additional information from the Close Relative relevant to any visa request, facilitate the transfer of this information to the relevant Host-State authorities, and inform the Close Relative of the outcome of any visa request.
4. Questions about the visa process and entry into the Netherlands may be sent via email to the Administrative Office.

Section 6 Scheduling family visits

1. After the first family visit, a Close Relative with an annual permit shall contact the Administrative Office via email to schedule any subsequent family visit at least 10 calendar days before the proposed visit.
2. A Detainee shall also notify the Administrative Office, in writing, that he or she wishes to have a family visit at least 10 calendar days prior to the proposed visit. The Detainee shall provide the name of the Close Relative and the Detainee's relationship with the Close Relative. A Detainee's failure to comply with this paragraph may result in the denial of a request to schedule a family visit.
3. The Administrative Office shall either confirm the date and time of the requested visit or inform the Close Relative and the Detainee if the requested visit cannot be confirmed based on the daily schedule of the DF and the availability of staff and visiting facilities. In that case, the Administrative Office may either request or propose an alternative date for the family visit.
4. The Chief Detention Officer may deny a request to schedule a family visit that does not comply with the requirements of this Instruction, or on any of the grounds identified in Article 12.1 of the Practice Direction on Visits and Communications.
5. Should the Chief Detention Officer deny a request to schedule a family visit, the Chief Detention Officer shall promptly inform the Detainee, in writing. The Close Relative shall also be informed promptly if his or her request to schedule a family visit is denied. The denial of a request to schedule a family visit does not preclude the Close Relative from contacting the Administrative Office to schedule a different family visit with the Detainee.

Section 7 Private Visits

Annex A to this Instruction regulates the procedures applicable to and the conduct of Private Visits in accordance with Article 24 of the Practice Direction on Visits and Communications.

CHAPTER III OTHER PERSONAL VISITORS

Section 8 Visiting procedures

1. The procedures for arranging other personal visits are set forth in Chapter II of the Practice Direction on Visits and Communications and this Chapter. In accordance with those procedures, other personal visitors shall apply for a visiting permit no later than 15 calendar days prior to the date of the proposed visit.
2. A Detainee shall notify the Administrative Office, in writing, that he or she wishes to have a personal visit at least 10 calendar days prior to the proposed visit. The Detainee shall provide the

name of the visitor and information on the family relationship or other pre-existing personal relationship between the visitor and the Detainee. A Detainee's failure to comply with this paragraph may result in the denial of a request to schedule a visit.

3. The Chief Detention Officer shall either grant or deny permission to visit in accordance with Article 12 of the Practice Direction on Visits and Communications.
4. A visiting permit issued to a visitor pursuant to Article 12.2 of the Practice Direction on Visits and Communications shall be limited to a specific date and time, based on the daily schedule of the DF and the availability of staff and visiting facilities.
5. Other personal visitors shall be required to request a new visiting permit each time they wish to visit a Detainee.

Section 9 Visas for other personal visitors

Visitors may require a valid visa to enter the Netherlands. Visitors may send questions about the visa process and entry into the Netherlands via email to the Administrative Office.

CHAPTER IV CONDUCT OF FAMILY AND OTHER PERSONAL VISITS

Section 10 General

1. The conduct of all family and other personal visits is regulated in the Rules of Detention, the Practice Direction on Visits and Communications, and other relevant practice directions and instructions adopted or issued pursuant to Detention Rule 4, including this Instruction.
2. Pursuant to Article 6.2 of the Practice Direction on Visits and Communications, the Chief Detention Officer may limit the timing, quantity, and duration of family and other personal visits, based on the daily schedule of the DF and the availability of staff and facilities or equipment.
3. Family and other personal visits shall be monitored in accordance with Article 15 of the Practice Direction on Visits and Communications.

Section 11 Visiting days

1. A visiting day is any day on which a Detainee receives a visitor. To ensure equitable use of the visiting facilities in the DF, a Detainee shall be allowed a maximum of 10 visiting days in any 30-day period.
2. Up to 10 of a Detainee's visiting days may be consecutive, subject to the daily schedule of the DF and the availability of staff and facilities or equipment in accordance the Article 6.2 of the Practice Direction on Visits and Communications.
3. A Detainee shall have a waiting period of 4 days before the Detainee may have another visiting day after the Detainee has had 4 or more consecutive visiting days.

Section 12 Visiting hours

1. Visiting hours in the DF are:
 - a. between 9:00 to 16:45 from Monday to Friday;
 - b. between 9:00 and 16:00 on Saturday and Sunday.

2. Changes to the visiting hours may occur due to staffing and other operational reasons. Any changes to the daily visiting hours of the DF shall be communicated to Detainees and their scheduled visitors in advance, if possible.

Section 13 Number of visitors

1. No more than 4 visitors at a time shall be permitted to attend a visit.
2. Exceptions may be made by the Chief Detention Officer for children of less than 4 years of age following the written request of the Detainee.

Section 14 Combined visits

1. A Detainee shall not normally join the visit of another Detainee. Exceptions may be made by the Chief Detention Officer following the written request of the Detainees.
2. A Detainee's Counsel shall not normally attend a Detainee's family or other personal visits. Exceptions may be made by the Chief Detention Officer following the written request of Counsel, the Detainee, and the relevant visitor(s). All attendees shall be notified that the family or other personal visit shall be monitored in accordance with Article 15 of the Practice Direction on Visits and Communications.

Section 15 Supervision of minor children

1. A Detainee and his or her adult visitors shall be primarily responsible for the safety and adequate behaviour of minor children in the visiting areas of the DF.
2. Detention Officers may instruct a Detainee and his or her adult visitors to increase the level of their supervision. Failure to comply may result in the termination of a visit.

Section 16 Termination of a visit

1. A visit may be terminated by a Detainee or the Detainee's visitor at any time.
2. The Chief Detention Officer or his or her delegate may terminate a visit or take any other urgent security measure in accordance with Article 8 of the Practice Direction on Visits and Communications.

Section 17 Cancellations and amendments

1. Without prejudice to the Practice Direction on Visits and Communications, the Chief Detention Officer may cancel a visit or amend the schedule for a visit, as necessary, including in the interests of safety and security in the DF. Every effort shall be made to inform a Detainee and his or her visitors in advance of any major amendments to or cancellations of scheduled visits. Where a visit is cancelled, the Administrative Office shall inform the visitor and the Detainee of the process for rescheduling the visit.
2. A Detainee shall cancel any scheduled visit, in writing, not less than 24 hours before the visit is due to begin. Detainees who fail to cancel scheduled visits in a timely manner shall have the visiting days described in Section 11 of this instruction reduced by that day.
3. Where a visitor wishes to cancel a scheduled visit, the visitor shall contact the Administrative Office via email not less than 24 hours before the visit is due to begin. A visitor who fails to cancel a

scheduled visit in a timely manner shall not be allowed to schedule a visit for a period of up to 60 calendar days.

4. The Detainee and his or her visitor shall be responsible for informing each other if either decides to cancel a visit.

Section 18 Personal items brought by a visitor

1. Visitors shall not carry any personal items with them to the visits, including any of the prohibited items in the DMU Instruction on Items and Substances Prohibited in the DF, with the exception of the following:
 - a. items other than medication a visitor medically requires during the visit; and
 - b. items that are necessary for children up to the age of 4, including any necessary food and drinks.
2. If a visitor wishes to bring the above-mentioned personal items to a visit, the Detainee shall submit a written request for permission to the Chief Detention Officer at least 5 calendar days prior to the visit, providing a justification for their necessity.
3. A visitor shall only carry the personal items to a visit that have been authorised in advance by the Chief Detention Officer.
4. The Detainee shall be responsible for informing his or her visitors of the items that the Chief Detention Officer has authorised the visitors to carry with them to a visit.

Section 19 Personal medication brought by a visitor

Although visitors are prohibited from bringing medications into the DF, a visitor may request the Chief Detention Officer to exceptionally allow a visitor the opportunity to take specific medication that a visitor is prescribed to take at a specific time that falls during the time of the visit. In accordance with the DMU Instruction on Items and Substances Prohibited in the DF, a visitor shall request this opportunity when applying for a visiting permit or, as applicable, scheduling a visit.

Section 20 Items brought by a visitor for import for a Detainee

1. Pursuant to Article 14 of the Practice Direction on Visits and Communications, a Detainee and his or her visitors shall not directly exchange any items during a visit.
2. If a Detainee wishes to receive items from his or her visitor, the Detainee shall submit a written import request to the Chief Detention Officer at least 5 calendar days prior to the visit, specifying the items a Detainee wishes to receive and from whom.
3. Items for import shall not include prohibited items and substances, in accordance with the DMU Instruction on Items and Substances Prohibited in the DF, and shall be limited to items authorised for import in advance by the Chief Detention Officer.
4. The Detainee shall be responsible for informing his or her visitor of the items that the visitor shall be authorised to import to the DF by the Chief Detention Officer.
5. If the visit is scheduled from Tuesday to Friday, the visitor shall hand the items authorised for import to DMU staff at the Prison entrance between 8:45 and 9:15 on the date of the visitor's scheduled visit. It is not possible to bring items for import to visits scheduled on Monday, Saturday or Sunday. DMU staff shall check the items against the list of items authorised for import by the Chief Detention Officer.

Section 21 Items brought by Detainees to a visit

A Detainee may bring the items to a visit that are permitted by and in accordance with the House Rules of the Detention Facilities, including food and drinks and playing cards or similar table games.



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Annex A

Private Visits

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Section 1 General

1. The purpose of Private Visits is to provide Detainees with additional means of maintaining family relationships.
2. Private Visits are a privilege afforded to Detainees and shall be conducted in accordance with the Practice Direction on Visits and Communications adopted pursuant to Detention Rule 63, in particular Article 24, which specifies that Private Visits shall:
 - a. occur outside the sight and hearing of Detention Officers;
 - b. be permitted at least once every 3 months for a period of up to 3 hours;
 - c. take place in a suitable place within the Detention Facilities ('DF'); and
 - d. be limited to a Detainee's spouse or partner and/or children.
3. All family members who visit a Detainee in the DF, including those attending a Private Visit, shall comply with the Rules of Detention, including the Practice Direction on Visits and Communications, and any other practice direction or instruction adopted or issued pursuant to Detention Rule 4.

Section 2 Definition of Spouse or Partner

1. Only one spouse, registered partner, or non-registered partner at a time shall be recognised by the Chief Detention Officer of the Detention Management Unit ('DMU') as a Detainee's spouse or partner ('Spouse or Partner') within the meaning of Article 24 of the Practice Direction on Visits and Communications.
2. A non-registered partnership for the purposes of the preceding paragraph is a non-marital relationship characterised by stability and continuity.

Section 3 Nomination

1. A Detainee may nominate one Spouse or Partner from whom to receive Private Visits by submitting a nomination form in writing to the Chief Detention Officer via the Administrative Office of DMU ('Administrative Office') at any time after the reception procedure. In the nomination form, the Detainee shall provide the Spouse or Partner's name and the type of relationship.
2. A Detainee may nominate any minor or adult children from whom to receive Private Visits by submitting a nomination form in writing to the Chief Detention Officer via the Administrative Office at any time after the reception procedure. In the nomination form, the Detainee shall provide the names of the children, their birth dates and, if they are minors, the names of both parents and legal guardians, as applicable.
3. A Detainee may submit one combined nomination form for both the Detainee's children and the Detainee's Spouse or Partner.
4. A Detainee may, at any time, withdraw a nomination in writing to the Chief Detention Officer via the Administrative Office.
5. A Detainee may not nominate a new Spouse or Partner in accordance with this Section until he or she has withdrawn a previous nomination.
6. The Detainee who has nominated a Spouse or Partner shall inform the Chief Detention Officer in writing of any change in relationship with his or her Spouse or Partner (e.g., change in marital or partnership status).

Section 4 Procedure for requesting Private Visits

1. A visitor may submit a request for a Private Visit with a Detainee to the Chief Detention Officer by addressing the request to the Administrative Office via email at: visitors-DMU@scp-ks.org.
2. Pursuant to Article 24.3 of the Practice Direction on Visits and Communications, in the first request for a Private Visit, the visitor shall provide:
 - a. the usual visitor application form;
 - b. the identification details of each visitor;
 - c. a copy of the passport of each visitor bearing a photograph; and
 - d. documentation or proof of marital or partnership status and/or parental relationship.Where the visitor has already obtained an annual permit to visit a Detainee as a Close Relative, the visitor shall consult with the Administrative Office regarding what additional information, if any, is required for the first request for a Private Visit.
3. The documentation or proof required under paragraph 2.d of this Section shall include:
 - a. for a spouse – a marriage certificate or equivalent legal document;
 - b. for a registered partner – a civil union or civil partnership certificate or equivalent legal document;
 - c. for a non-registered partner – corroboration of a non-marital relationship characterised by stability and continuity (e.g., a cohabitation agreement made by notarial deed or a signed statement from the partner outlining the history of the relationship);
 - d. for a parental relationship – a birth or adoption certificate or equivalent legal document.

4. Pursuant to Article 24.5 of the Practice Direction on Visits and Communications, after the first Private Visit, the information and material contained in paragraph 2 of this Section does not need to be re-submitted.

Section 5 Recognition for Private Visits

1. After considering all available information relevant to the request for a Private Visit, the Chief Detention Officer shall recognise the visitor nominated by a Detainee pursuant to Section 3 of this Annex if:
 - a. the Chief Detention Officer is satisfied as to the authenticity and reliability of the provided documentation or proof of relationship; and
 - b. the visitor signs a standing agreement consenting to Private Visits, including accepting full responsibility for any associated risks, and undertaking to inform the Administrative Office if he or she withdraws such consent.
2. If the documentation or proof of relationship provided is not sufficient for the Chief Detention Officer to verify the relationship, the Chief Detention Officer may, in the decision under Section 6 of this Annex:
 - a. request additional information from the Detainee and/or visitor;
 - b. require up to 3 supervised visits for a duration of up to 3 working days in 3 separate months to permit Detention Officers to observe the relationship;
 - c. inform the Detainee that the marital or partnership status and/or parental relationship cannot be verified.

Section 6 Decision on a request for a Private Visit

1. In considering a request for a Private Visit, the Chief Detention Officer shall consider all relevant information and material, and may take into account the Detainee's behaviour, the visitor's behaviour on prior visits, as well as compliance by both the Detainee and the visitor with the Rules of Detention, including the Practice Directions referred to in Detention Rule 63, and any other practice directions or instructions adopted or issued pursuant to Detention Rule 4.
2. Should the Chief Detention Officer approve a request for a Private Visit, the Detainee and the visitor shall be informed accordingly. At the time of approval, the Administrative Office shall either confirm the date and time of the requested Private Visit or inform the Close Relative and the Detainee if the requested Private Visit cannot be confirmed based on the daily schedule of the DF and the availability of staff and visiting facilities. In that case, the Administrative Office may propose an alternative date for the Private Visit. As to duration of the Private Visit,
 - a. paragraph 1 of this Section shall apply *mutatis mutandis* to the Chief Detention Officer's consideration of the duration of a Private Visit; and
 - b. the Chief Detention Officer shall inform the Detainee and his or her visitor of the duration of the Private Visit either at the time of approval of the request pursuant to paragraph 2 of this Section, or within a reasonable time before the commencement of the Private Visit under the circumstances.
3. The Chief Detention Officer may deny a request for a Private Visit where:
 - a. the Chief Detention Officer does not recognise the nominated visitor in accordance with Section 5 of this Annex;

- b. the visitor has failed to comply with the Practice Direction on Visits and Communications, the DMU Instruction on Visiting Procedures for Family Members and Other Personal Visitors, or this Annex;
 - c. in the interests of ensuring safety, security, and good order in the Detention Facilities, preventing disorder or crime, protecting health, or protecting the safety, security, rights, or freedoms of others; or
 - d. a disciplinary sanction is imposed pursuant to Article 13 of the Practice Direction on Discipline.
4. Should the Chief Detention Officer deny a request for a Private Visit, the Chief Detention Officer shall promptly inform the Detainee in writing. The visitor shall also be informed promptly if the request for a Private Visit is denied. The Chief Detention Officer shall inform the Detainee that he or she has the right to submit a Complaint in accordance with the Practice Direction on Complaints.
5. Any denial under the preceding paragraph does not exclude the possibility that a future request for a Private Visit may be granted by the Chief Detention Officer. Likewise, the denial of a Private Visit does not exclude the Chief Detention Officer from granting a visitor permission for a supervised family visit in accordance with the Practice Direction on Visits and Communications and the DMU Instruction on Visiting Procedures for Family Members and Other Personal Visitors.

Section 7 Conduct of Private Visits

The conduct of all family and other personal visits, including Private Visits, is regulated in the Rules of Detention, the Practice Direction on Visits and Communications, and other relevant practice directions and instructions adopted or issued pursuant to Detention Rule 4, including the DMU Instruction on Visiting Procedures for Family Members and Other Personal Visitors and this Annex. Private Visits are subject to the restrictions and urgent security measures set forth in those regulations, except as otherwise provided by this Annex.

Section 8 Revocation or amendment of a Private Visit

1. The Chief Detention Officer may revoke approval of a Private Visit, or amend the duration of a Private Visit, based on any of the grounds specified in Section 6.1 and Section 6.3 of this Annex.
2. The Detainee shall be notified of any revocation or amendment within a reasonable period before the commencement of the Private Visit under the circumstances. The visitor shall also be informed promptly of any revocation or amendment pursuant to this Section.