



Errors of Judgement in Reporting the MH17 Tragedy

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ABSTRACT

Journalism is often called the news business – the gathering, processing and delivering of important and interesting information and further developments or follow-up stories by newspapers and broadcast media. It is undeniably and inextricably entangled in that giant, whirling entity often referred to as the media. The media, with all their idiosyncrasies often race to be the first at the scene of a story to fulfil the need to know of the public. The situation was no different with the violent shooting down of MH17. Malaysians were simply not ready for this tragedy. Journalism does not prepare anyone to catalogue the human drama arising from the rarest and weirdest of human tragedies such as this. The crash site of flight MH17 was like the set of a horror story, except that movies are never allowed to show what the journalists saw over that weekend. No matter what the situation, coverage of the news needs to be ethical. Foreign and local journalists alike were eager to cover the tragedy. Some were driven by enthusiasm, the magnitude of the story and the hunger for the truth. Nevertheless, some steered from being ethical and made serious errors of judgement. While presenting Sky's lunchtime coverage of the flight MH17 disaster, Colin Brazier stooped down to look at a piece of debris. It was a child's suitcase. He put his hand inside and lifted out a water bottle and a set of keys. As he did so his mental circuit-breaker finally engaged and he apologised instantly on-air for what he was doing. Some were too proud to admit their mistakes and had their news agencies do it for them; such was the case of Dutch current affairs show *EenVandaag*, which apologised after its reporter Caroline Van Den Heuvel picked up and read from a diary of one of the Malaysian crash victims on flight MH17 from Amsterdam to Kuala Lumpur. The actions of the Malaysia Gazette crew in eastern Ukraine when its chief reporter was filmed using a stick to poke at and turn over what appears to be a body part of an MH17 victim, might well be one of the most unconscionable acts

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at the crash site thus far. Good journalism requires many elements and empathy is one of them; so is understanding the boundaries of decency and taste.

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INTRODUCTION

Most journalists spend most of their time and their life covering stories in safe environments, Malaysian journalists included. So when MAS's Boeing 777 aircraft, the 9M-MRD, broke up in mid-air after allegedly being struck by a surface-to-air missile, creating a debris field stretching over 15 km, it was definitely a story every journalist wanted to cover.

Malaysians were simply not ready for this tragedy. Journalism does not prepare anyone to catalogue the human drama arising from the rarest and weirdest of human tragedies such as this. Many journalists, local and foreign, were also not ready for what they witnessed at the crash site. It was not merely a debris field; it was a crime scene, and every item of debris a potential piece of evidence that may help determine what brought the aircraft down and what happened to the airline and the people on board afterwards.

The crash site of flight MH17 was like the set of a horror story. Except that movies are never allowed to show what the journalists saw over that weekend. But no matter what the situation, coverage of the news needs to be ethical. Foreign and local journalists alike were eager to cover the

tragedy. Some were driven by enthusiasm, magnitude of the story and hunger for the truth. Nevertheless some steered from being ethical and made serious errors of judgement.

It is a well-known procedure in such investigations that bodies are removed from the crash scene, but that everything else should remain untouched. International investigators complained that the site, guarded by separatist militia, had been compromised by people being allowed to wander through it and pick up debris. Looting was also reported. What was certainly not expected was for journalists to be irresponsible or unmindful of proper behaviour under the circumstances.

The Ethical Contemplations

Since the days of the ancient Greek, philosophers have tried to draft a series of rules or guidelines governing the making of ethical choices. In most ethical dilemmas, principles might also be needed to help determine what to do amid conflicting voices.

Patterson and Wilkins (2005) provided five guidelines that work well:

- i. **Aristotle's Golden Mean** – moral behaviour is the mean between two extremes: at one end is excess, at the other, deficiency. Find a moderate position between those two extremes, and one will be acting morally.
- ii. **Immanuel Kant** – the categorical imperative. Human beings have certain moral rights and duties. We should

treat all people as free and equal to ourselves, and our actions are morally right only if we can apply them universally. In other words, are we willing to have everyone act as we do? It is an absolutist view: right is right and must always be done, regardless of the circumstances.

- iii. **John Stuart Mill** – the principle of utility. Our actions have consequences, and those consequences count. The best decisions have good consequences for the largest number of people: the greatest happiness for the greatest number.
- iv. **Confucius's Golden Rule** – The Golden Rule or ethics of reciprocity is a maxim, an ethical code or a morality. A key element of the Golden Rule is that a person attempting to live by this rule treats all people with consideration, not just members of his or her in-group.
- v. **John Rawls** – the aggregate good of many people outweighs the good of a few individuals.

In these cases, utilitarians seem committed to favouring the majority over the minority, even if doing so seems unfair or in violation of the individual's basic human rights and liberties.

METHODOLOGY

A case study is not a methodological choice, but rather a choice of object to be studied. Case studies can be both quantitative and qualitative but in this paper the term 'case study' is used to draw attention to the

question of what can be learnt from a case, specifically the downing of MH17. A case study is both the process of learning about the case and the product of our learning. The choice of case is made because it is expected to advance our understanding of the research phenomenon (Stake, 1994; Ghauri & Grønhaug, 2002).

In this research, several cases were studied in detail using appropriate methods. While there may be a variety of specific purposes and research questions, the general objective was to develop as full an understanding of the cases as possible (Punch in Silverman, 2010).

This case study was done with the intention of optimising understanding of a particular situation rather than provide a generalisation. The main feature was, therefore, the depth and focus, whether the research object was an individual, group, organisation, culture, incident or situation. Sufficient information is needed to characterise and explain the unique features of the case, as well as to point out the characteristics that are common to several cases. Finally, this approach relied on the integrative powers of research: the ability to study an object with many dimensions and then to draw the various elements together in a cohesive interpretation (Selltitz *et al.*, 1976).

As Yin has famously said, case studies are a preferred approach when 'how' or 'why' questions are to be answered, when the researcher has little control over events and when the focus is on a current phenomenon in a real-life context (Yin,

1994). Also influential in the development of case study research is Eisenhardt's (1989, pp. 548-9) argument that case studies are:

Particularly well-suited to new research areas or research areas for which existing theory seems inadequate. This type of work is highly complementary to incremental theory building from normal science research. The former is useful in early stages of research on a topic or when a fresh perspective is needed, while the latter is useful in later stages of knowledge development.

However, this does not mean that case study research is only suited to exploratory and descriptive research. Case studies can, in fact, be used in all types of research: exploratory, descriptive or explanatory (Bonoma, 1985; Yin, 1994; Ghauri & Grønhaug, 2002).

For this particular research, the collective case study was used, where a number of cases were studied in order to investigate a general phenomenon (Silverman, 2010). These cases were taken from several countries but all concerned the same issue. The main idea was not to generalise but to extrapolate to show how the analysis related to matters beyond the material at hand (Alassutari in Silverman, 2010).

LITERATURE REVIEW

Malaysian newsrooms have always used news from international news agencies as they are still far from propagating world peace. It can be seen that the option for peace journalism among local media

practitioners is still at the infantile stage. Faridah (2010) quoting Galtung, 1986, put forth the concept of peace journalism acts as a timely and welcome antidote to much of what poses for war journalism. Galtung's classification of war and peace journalism was based on four broad perspectives: peace or conflict, truth, people and solutions. Hence, peace journalism is an alternative, not a polemic. The elements of peace journalism are not new, and are part political, part investigative journalism, part social responsibility and part advocacy journalism in the interest of peace (Galtung in Bunn Negara, 2003, p.6).

Faridah (2008) also proposed that in peace journalism, journalists took up the role as educators who could well inform and educate the public on the background, contexts and origins of global media content providing a multidimensional setting in their reports. These, of course, need training, media literacy and sanitisation programmes, conducted among journalists and the public.

Peace journalism is a relatively new concept that complicates ethical issues involved in reporting conflict in a conflict zone (Ninen, 2009). Consistent with Patterson and Warren (2008), traditional ethical journalistic codes must be reconsidered. Questions like "Should we run it?" when a cell phone captures a beheading and the image is posted on YouTube.

Peace journalism according to its proponents would also mean holding back on the reality on the ground to reduce

tensions, or ‘to put the brake on the truth’. Would a war correspondent consider it part of his or her brief to do that? Or would the ethics of telling the truth wherever possible, militate against that? (Ninen, 2009).

There are no absolutes in the ethics of conflict coverage. But being accurate, responsible, non-inflammatory, using language that does not pander to the objectives of any party, obtaining facts from more than one source and framing the conflict in a way that promotes understanding is a good set of objectives to keep in mind.

The ethical sphere in journalism also covers questions about journalism ethics, which are not reducible to questions about what is commonly done (etiquette), what is in the journalist’s self-interest (prudence), what enhances profits (financial gain) or the law. Nor are ethical values reducible to ‘craft’ values, such as the aesthetic quality of an image, or how well a story is written.

A question about journalism conduct is ethical only if it evaluates the conduct in light of the fundamental ethical principles of journalism. These are the principles that express journalism’s most important social functions. Journalism ethics depends on one’s conception of the public functions of journalism as a professional practice and the principles and standards that promote those aims (Ward, 2014).

Using the code of the Society of Professional Journalists in the United States, we may divide the principles that support these functions into two categories:

- a. **Pro-active principles** and standards that direct journalists (or news media) to actively seek out and investigate truth, in an independent manner.
- b. **Restraining principles** and standards that direct journalists to use freedom responsibly, by avoiding unnecessary harm and by being accountable.

So what does that mean for journalism in a war zone? Is it a game of ratings, a game of public interest, a game of politics or is it a game of journalism? If we accept that the basic premise of journalism is to tell the truth and promote the public good, then we must look at how reporting is done and how effective it is in modern warfare.

Christopher Torchia (2010) was a journalist and his job was to observe without bias and not take part in the story that was unfolding, which he was recording. For him, it was a time for engaging instinct rather than circumspection, a time for making decisions geared towards survival. He spent four weeks reporting on the war in Afghanistan as a journalist attached to the US military. Torchia was confronted with many troubling questions about his role as a journalist in a warzone.

The experience for him was raw and instantaneous, as combat inspires introspection. Journalists do not take orders and do not assist in military operations but they are expected to adapt, and like it or not, they are part of the group. On balance, the access is a privilege, the antithesis of quick-hit journalism. Firsthand observations of combat are critical to telling the story.

Like all stories that come from the warzone, it required that the journalist fulfil the obligations stated above, which are the pro-active and restraining principles. Unfortunately, the four cases presented below did not only break several rules of the fourth estate but also committed errors of judgement that were very serious.

THE CASES

Case 1- MH17: My Error of Judgement, by Sky News Reporter, Colin Brazier

Colin Brazier is an experienced journalist who had covered many forays into warzones like Afghanistan, Iraq, Lebanon and Libya. Unfortunately for him, all that experience came to nothing that weekend of the MH17 disaster. It was the weekend that the world questioned his credibility as a journalist.

While presenting Sky's lunchtime coverage of the flight MH17 disaster, he stooped down to look at a piece of debris. It was a child's suitcase. He put his hand inside and lifted a water bottle and a set of keys (picture 1 and 2). As he did so his mental circuit-breaker finally engaged and he apologised instantly on-air for what he had done.

Within minutes, there was outrage on Twitter. Within hours, the story had gone viral. He was accused of rummaging through personal belongings, contaminating a crime scene and desecrating a sacred site.

It was without doubt a serious error of judgement. Brazier acknowledged that fact and so did Sky. Brazier's bosses issued an apology by tea-time but the damage was already done. Nevertheless, they were

supportive and keen to stress that they understood the context of the situation. What was that context? What can mitigate the seemingly indefensible act? What was the justification, if any, for such morally insolvent behaviour?

In his defence, Brazier had this to say:

The crash site of flight MH17 was like the set of a horror story. Except that movies are never allowed to show what we saw over the weekend. As I type I can smell the nauseating scent of death that clings to me still. I have seen burnt bodies before – I was a 17-year-old football fan caught up in the Bradford football stadium fire – but nothing on this scale.

Having covered an aviation disaster story before about a DHL cargo plane colliding with a jet carrying a school party from Bashkortostan in 2002, he assumed that the Ukraine situation could not be very different. However, the so-called Ukraine situation was very different. There were no police to unspool yellow tape and cordon off sensitive areas. There were roadblocks manned by sullen-looking teenagers cradling AK-47s, but no meaningful law and order. It was a warzone with men in charge carrying guns and grudges.

Brazier and many other journalists walked around the crash site at will. According to Brazier's report, *"The sights were shocking. I could not comprehend what we seeing. Bodies and body parts everywhere. It's a butcher's yard."* They began broadcasting, not short reports, but long, thorough background pieces with

interviews with their correspondents in Moscow and elsewhere. There was no studio and, at the crash site, no obvious frame of reference. He and his cameraman took an instant and simple decision to avoid pointing the live camera anywhere a corpse could be seen.

Brazier saw other journalists, some well-known broadcasters, handling belongings and speaking to the camera and foolishly took that as a precedent. During that lunchtime broadcast he stood above a pile of belongings, pointing to items strewn across the ground. Consistent with Brazier's report, he said he spotted a pink drinking flask. It looked familiar because his six-year-old daughter, Kitty, has one just like it.

He bent down and picked it up and realised too late that he had crossed a line. His apology was instant but the damage was done. This was undoubtedly a powerful example of journalistic vulturism: to get a story at all cost.

Case 2 - Dutch Reporter Violates MH17 Victim's Privacy, Reads Diary on Air – Caroline Van Den Heuvel

In another related scenario, reporter Caroline Van Den Heuvel picked up and read from a diary of one of the Malaysian crash victims on flight MH17 from Amsterdam to Kuala Lumpur. According to the station, Caroline's intention in picking up and reading the book was so she could better describe the "*chaos as accurately as possible*" but unfortunately she went too far (picture 3).

Van Den Heuvel was criticised by tweeters for being "*disrespectful*" and "*disgusting*," according to *The Epoch Times*. Van Den Heuvel has remained silent on Twitter; there has been no apology.

Een Vandaag, however, issued an apology on its website stating that she was "*an experienced reporter*", but had acted "*in the heat of the moment*" and had not intended to hurt anyone's feelings. "*She was touched by the book that lay on the ground and only had the intention to describe*," the website wrote in Dutch. "*On behalf of the editors, we offer this apology.*"

Een Vandaag identifies itself as "the current affairs programme on Radio Netherlands 1" and broadcasts on radio and TV.

Case 3 - MH17 Crash Victims' Belongings, ABC Australia Reporter Also Tampers with Crime Scene – Phil Williams

Australian reporter Phil Williams of the Australian Broadcasting Corporation also poked around the wreckage at the crash site, the *UK Mail* reported.

Williams apparently lifted a piece of cloth, presumably a scarf, attached to the wreckage of the plane. He also picked up and lifted a seat from the crash as well (picture 4). However, he did question "*if the crash site was a proper crime scene and [was being] treated as a proper investigation?*"

His justification however was that, "*I am guilty of picking up, touching a scarf on the ground and that's because, there*

are piles of people's belongings that have just been collected and dumped on the roadside, they've been picked through, it's not as though it's a crime scene, an uncontaminated crime scene there." He added, *"the evidence is everywhere you walk."*

In contrast with Williams' defence, Sky News apologised when its reporter, Colin Brazier, went through victims' belongings on air. Brazier also wrote a column explaining what he had done and apologised. Despite Williams' remarks attempting to justify his actions, ABC re-edited Williams' report to remove the clip showing him tampering with luggage. The ABC told iMediaEthics by e-mail:

The ABC has reminded its journalists of their responsibilities when reporting from an air crash scene such as MH17 and an online report has been re-edited to avoid any distress to our audience.

Case 4 - What Gazette Crew Did at MH17 Site – Khairuddin Mohd Amin

The actions of the Malaysia Gazette crew in eastern Ukraine when its chief reporter was filmed using a stick to poke at and turn over what appeared to be a body part of an MH17 victim (pictures 5, 6 and 7), might well be one of the most unconscionable acts at the crash site so far, especially in view of the fact that there were 44 Malaysians on board, of whom 15 were crew and two were infants.

The Malaysia Gazette crew was not the first to go through the area. With the site lying within a combat zone contested by

the Ukraine government and pro-Russian separatists, they were also probably not the last.

That or the fact that they were merely at work in search of a story cannot and does not in any way justify or excuse what they did.

DISCUSSION

In a conflict zone, a perfect storm of obstacles converges to limit the reporting that occurs before, during and after the guns or bombs have gone silent and the dead have been removed and buried. Reporters on the ground struggle with the chaos of conflict, access to dangerous areas, conflicting facts and claims and the limits of their own knowledge and perspective.

For the brutal downing of MH17, everything at the crime scene was a personal belonging – MAS stewardesses' scorched batik uniforms, broken laptops, open diaries and strewn scarfs. They all brought home the poignancy of the tragedy. They told a story of lives snuffed out in an instant while the bodies were left to rot in the sun.

However, what these journalists did at the crime scene amounts to:

- i. Desecration of the dead
- ii. Tampering with criminal evidence
- iii. Compromising the integrity of the crime scene

Although these journalists did practise the pro-active principle and standards that direct journalists (or news media) to actively seek out and investigate truth in an independent manner, what they failed

so glaringly to do was to exercise the restraining principles and standards that direct journalists to use their freedom responsibly, by avoiding unnecessary harm and by being accountable for their actions. Brazier apologised personally on air, while *Een Vandaag* and ABC Australia made apologies for their staff. Unfortunately, there was nothing from the Malaysian Gazette.

It would have been better and ideal if they had taken the liberty to follow any of the ethical guidelines that come with the job: Aristotle's Golden Mean, Immanuel Kant's categorical imperative, John Stuart Mill's principle of utility, Confucius' Golden Rule or John Rawls' aggregate of good. If they had, the outcome of the coverage would have been different. The use of at least one ethical guideline would have made a difference. Mill's principle of utility would have been the most suitable for this situation: the greatest happiness for the greatest number. Sadly, this was not done. The Malaysian Gazette turned the MH17 recovery mission into a fiasco.

Vast years of experiences did not count for much, as was clearly depicted by Colin Brazier from Sky News. Caroline Van Den Heuvel, in picking up and reading the diary so she could describe the "*chaos as accurately as possible*", went too far. Phil Williams' justification in poking around the wreckage that "*the evidence is everywhere you walk*" was unacceptable. What Khairuddin Mohd Amin from the Malaysia Gazette did, using a stick to poke at and turn over

what appeared to be a body part of an MH17 victim, was perhaps the most unconscionable act at the crash site.

Crash forensics expert, Kirsty Wright, told the *Sydney Morning Herald* that no one should alter a crash scene:

In any forensic investigation you don't know what item, or items, are going to contain the most critical pieces of evidence. For this reason all items within a crime scene, no matter what they are or whether they seem relevant or not to the investigation at the time of recovery, should be treated the same. That is, they should not be handled or moved by people who aren't trained experts.

Another approach to handling oneself when reporting at a warzone could be what another inexperienced reporter, Haliza Hashim Doyle, displayed at the MH17 recovery mission. She was focused specifically on the villages, meadows and fields of crops that might not have been searched at the time by the Ukrainians as it was the early days of the crash. She received continuous warnings about the pro-Russian separatists from shopkeepers to officials, from taxi drivers to editors. This is what she had to say at the end of her news piece dated August 17, 2014 in the News Straits Times online version:

Yes, I was new to the scene but I was sensible. I kept reminding myself that what the victims' families want to know is about their loved ones, about their lost relatives, about the search mission, and not about me.

CONCLUSION

Four months after Malaysia Airlines Flight MH17 was violently brought down from the skies over Ukraine, at the time of writing, there is still no definitive answers to what caused the tragedy. Civil conflict in the area prevented international experts from conducting a full and thorough investigation. The wreckage should have been collected and scrupulously re-assembled to identify all the damage, but this standard investigative procedure has not been carried out up to now. Until that is done, evidence can only be gleaned from pictures of the debris, the flight recorders or black boxes and eye-witnesses' testimonies.

Breaking news, of course, moves quickly. Real-time reporting tools, social networks and the vast satellite system helps speed it along. Local and international news organisations have developed, in a fairly short time, standards for navigating this newfound swiftness. They know they need to verify facts before publishing or putting them on air. They also know that getting the story first is not as important as getting it right. The press criticism show *On the Media* recently published a guide to breaking news. One of the points raised was: "*In the immediate aftermath, news outlets will get it wrong.*"

This is true when it comes to reporting. It is also true when it comes to ethics, when it comes to the question of what readers actually need to know and see about unfolding tragedies: the plane exploding, the mutilated corpses, people falling from the sky. There is

always a fine line between journalism and sensationalism. The higher the speed, the higher the stakes.

The good and professional news outlets spend a lot of time rationalising about the best way to present information as it unfolds in their follow-ups. Part of their thinking respects the fact that images, once revealed, cannot be unseen. As with ethics, the errors of judgement made at a crime scene cannot be undone.

Speed in reporting new details is everything, even when the facts on the ground are still up in the air. This means that there is a lot of interesting ethical work happening in a short amount of time. We need to ask ourselves as journalists and media practioners: What is necessary to tell the story? Where do we draw the line between gruesome or descriptive, sensationalism and journalism? As we devour more and more news on this current crisis or any crisis for that matter, these are questions worth asking.

Even with the best intentions, competent journalists can do their valuable work better and more confidently if they are made aware of the kinds of problems that can arise within this profession. If journalists encourage thinking about tough matters of ethical choice in reporting the news, then they can provide for themselves a practical moral philosophical framework, which they can use to consider the many different shades between morally permissible and morally objectionable journalistic conduct.

Link to view the crash site: <http://rtd.rt.com/films/mh-17-the-untold-story/#part-1>

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APPENDIX



Picture 1



Picture 2

Picture 1 and 2: Case 1- MH17: My Error of Judgement, by Sky News Reporter - Colin Brazier



Picture 3

Picture 3: Case 2 - Dutch Reporter Violates MH17 Victim's Privacy, Reads Diary on Air - Caroline Van Den Heuvel



Picture 4

Picture 4: Case 3 - MH17 Crash Victims' Belongings, ABC Australia Reporter Also Tampers with Crime Scene - Phil Williams



Picture 5



Picture 6



Picture 7

Picture 5, 6 and 7: Case 4 - What Gazette Crew Did at MH17 Site - Khairuddin Mohd Amin