

The logo for Damian McCarthy, an employment lawyer. It features a dark grey square with a vertical blue bar on the left side. The name "Damian McCarthy" is written in a large, white, sans-serif font. Below the name, the words "Employment Lawyer" are written in a smaller, white, sans-serif font.

Damian
McCarthy

Employment
Lawyer

Press Release
By Michael Gillard, The Times
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Mad, bad or just dangerous to know?

Armed and very drunk, Daniel Fitzsimons was intent on showing off to his fellow private security guards based at Baghdad airport. It was two o'clock one morning in January last year and, although he was unwounded, Fitzsimons had acquired a cocktail of Valium and morphine.

"I saw him put 300mg of Valium and 40mg of morphine into his leg in quick succession," claimed one of those who was present. "Most of us would be sleeping the sleep of the dead after that. Danny was just getting angrier."

Two of the other guards had to restrain him while a medic gave him enough drugs to sedate him. When Fitzsimons, 29, sobered up, Olive Group, his British employer, sacked him. The former Parachute Regiment sniper was not overly concerned. He had been sacked by Aegis, a similar company, the year before and he knew that in the lucrative loose world of private security he could soon get another job.

Despite his drunkenness, drug abuse and instability, Fitzsimons arrived back in Iraq earlier this month as a security guard for ArmorGroup, a private firm that has a Foreign Office contract to train the Iraqi police. Within 36 hours, during a late-night vodka-fuelled session in Baghdad's green zone, he allegedly shot dead two colleagues and wounded an Iraqi employee while fleeing the scene.

One of the dead men was Paul McGuigan, a 37-year-old former Royal Marine who was just weeks away from becoming a father again; the other victim was Darren Hoare, an Australian father of three.

Fitzsimons may face the death penalty if convicted of premeditated murder. His legal team flew out today carrying the hopes of his family in Rochdale, Greater Manchester, that the British government will pressure the Iraqi authorities to allow a trial in Britain.

John Tipple, his legal caseworker, said his client is suffering from post traumatic stress disorder (PTSD) as a result of "the horrors" he witnessed through active service in the British Army and as a "mercenary" in Iraq.

Liz Fitzsimons, his stepmother, said: "It was almost as if he was two people. There was a lovely side to Daniel, then he could flip."

For all the claims of PTSD, a disturbing picture is emerging of Fitzsimons's violent past – one that calls into question whether the multi-billion-pound security industry is more concerned about profits than safe procedures.

FITZSIMONS joined the Royal Regiment of Fusiliers in 1996, aged 16, and went on to do two tours of the former Yugoslavia. There, family and friends suggest, he was traumatised by discovering in a freezer the mutilated body of a young boy he had befriended in Kosovo. Whether the incident is true is hard to establish: accounts of where it might have happened are confused.

In 2000 he transferred to the Parachute Regiment, based at Colchester barracks in Essex. He was sent to Northern Ireland and Macedonia and served in Afghanistan in 2002.

Around this time his parents noticed a change in his personality with “mood swings, agitation and a propensity towards violence, including to his own family”. While in the UK he was convicted of possessing an offensive weapon and two episodes of criminal damage.

It appears there was more to his troubles than the horrors of war. By 2004 he had fallen in with Andy “Nightmare” Frain, one of Britain's most notorious extreme right-wing football hooligans, who belonged to a gang known as the Chelsea Headhunters.

According to Tipple, who represented Fitzsimons, he was attracted to the buzz of hooliganism. His lawyers commissioned a psychiatric report which concluded that Fitzsimons was suffering from an “adjustment disorder” – but not PTSD.

Although acquitted by a jury, Fitzsimons was almost immediately in trouble with his regiment for failing a compulsory drug test. He was discharged in February 2005.

After nearly nine years in the army, he struggled to cope with civilian life. “It was as though he was at war with the world and that included his family,” said Liz Fitzsimons. The anger was mainly directed at his father, who sometimes received “awful letters” and “horrendous text messages” from his son.

They were aware that he took drugs but did not know of his involvement with the Chelsea Headhunters. Her stepson, she said, was “very intense in his beliefs. He developed a very black-and-white view of things and was not happy if people didn't agree with him”.

In 2006 Fitzsimons turned to the world of private security in Iraq. By then an influx of firms and wannabe soldiers of fortune had driven down wages and standards.

“As the money has gone down, the calibre of guys prepared to do it has gone down significantly,” a British defence contractor said last week.

Fitzsimons was part of what one veteran Para called a “third wave” of recruits in Iraq that threw professional ex-soldiers together with “pub doormen, skinheads, hooligans and Walter Mittys”.

Fitzsimons returned home with more gory stories about fallen colleagues but also with money in his pocket, which he spent taking friends on holiday to Ibiza. His online postings on Facebook spoke of a man fighting the “war inside your head”, but also enjoying “getting wasted” on drugs to escape reality.

“He liked a good time,” said his stepmother. “He was no angel, by a long chalk. We are now wondering

whether a lot of this behaviour was PTSD.”

Steve Wood, a friend and neighbour, also suggests he was mentally disturbed. Wood, 29, recalled one occasion when they were watching a film and Fitzsimons suddenly stood up and shouted, “Para down! Cover fire!”

There were also incidents of simple thuggery and violence. In 2007 and 2008 Fitzsimons received further convictions for battery, robbery and possession of ammunition without a certificate. In January he was charged with a racially aggravated assault against three Asian men with whom he got into an altercation on a train in Manchester.

His lawyers commissioned another psychiatric report; it was inconclusive about whether Fitzsimons was suffering from PTSD.

Even if he was haunted by the horrors of war, he was drawn back to them. Knowing that he had to appear in court later this month on assault charges, Fitzsimons applied to ArmorGroup for a new contract in Iraq. He flew to Baghdad on Friday, August 7.

“He was excited,” Wood recalled. “He said, ‘I can’t do civvy life, that’s all I know’.”

Within 36 hours of dumping his kit bag in the green zone, Fitzsimons was drunk and two men were dead. ArmorGroup, citing the impending trial, would not say what background checks it had carried out on Fitzsimons before hiring him. In a statement the firm merely said: “ArmorGroup undertakes extensive research into the suitability of individuals that it employs in Iraq.”

Michael Clark, a medic and security contractor who had worked with Fitzsimons, said: “Danny should never have gone back to Iraq, but this industry has no regulation and no duty of care to its employees.”

A former ArmorGroup operative in Iraq said: “You could have turned up with a wooden leg, a hook on your arm and a patch on your eye. The old saying of ‘Bums on seats’ – that’s what it is all about.”

THE Ministry of Defence recognises the danger of combat-related PTSD and has in place “decompression” programmes for soldiers returning from Iraq and Afghanistan so they can start disgorging their traumatic experiences before returning home. In general, private security companies do not, although ArmorGroup says it has “an active stress-management system” for its employees in Iraq.

Whether or not Fitzsimons had PTSD, or was just a violent thug, his case highlights the dangers. A former British special forces commander with experience of private military companies said: “They need to learn from the army and understand and preempt the problems. These men are out there untreated and in denial.”

Fitzsimons’s legal team says he was finally diagnosed in June with PTSD and is unlikely to have a fair trial in Iraq. But the director of public prosecutions is understood to believe the UK has “no jurisdiction” to intervene. Last week an Iraqi legal expert suggested there was no alternative to a trial in Iraq. “All crimes committed on Iraqi territory will be tried in Iraq, by the Iraqi courts of justice, without exception,” he said. However, the expert also said that it is not definite that Fitzsimons would receive a death sentence if found guilty: “The court will take into consideration the circumstances and [he] could receive a prison sentence. If the court sees that a death sentence should be his punishment, then only the family of the victims can intervene.”

Those relatives are distraught. McGuigan's fiancée has urged the Iraqi authorities to release his body for burial as soon as possible. "My dread is that I have to bury him close to the birth of his child," she said.

Damian McCarthy, her barrister and an employment lawyer who represents soldiers, said: "What happened to Paul McGuigan was entirely predictable. Fitzsimons was an accident waiting to happen. What you don't do with someone who may have PTSD is give them a gun and allow them to work alongside others in a stressful environment."