

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ACCURACY IN MEDIA, INC., et al., )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 DEPARTMENT OF DEFENSE, et al., )  
 )  
 Defendants. )  
 \_\_\_\_\_ )

Case No. 14-1589 (EGS)

AFFIDAVIT OF REAR ADMIRAL CHARLES R. KUBIC, CEC, U.S. NAVY (RET.)

Charles Kubic hereby swears and affirms:

1. I am retired from the Navy. I served as a Rear Admiral.

2. On April 22, 2014, I spoke at the Citizens' Commission on Benghazi Press Roundtable, at the National Press Club. Paragraphs 3 through 9 below summarize key facts from my presentation. The facts are true and accurate.

3. Today, I just wanted to talk briefly about what happened after the bombing of Libya started. This would be the bombing by the U.S. and other countries that started on March 19 of 2011. About that time, I became aware that Gaddafi was ready to step aside, that he was willing to go into exile (to be defined whether that was internal or external exile), and to end the hostilities. And people who knew me as a businessman also knew that I was a retired Admiral, and they came and they asked me, "How could this be arranged?"

4. I knew that there was a lot of distrust still within Gaddafi's inner circle. And, by the way, I chose not to work with him or any of his sons or any of his inner circle because he wasn't really a good guy. But people were looking for help. And I said let's keep the diplomats out of it. Let's keep the politicians out of it. Let's just have a battlefield

discussion under a flag of truce between the opposing two military commanders pursuant to the law of war. And let's see if we can, in a short period of time, come up with the terms for a cease fire and a transition of government.

5. They came back and communicated to me that "Yes, they were receptive to that." I then contacted the command center at AFRICOM, U.S. Africa Command in Stuttgart, Germany, and was put in touch with Lieutenant Colonel Brian Linvill. Brian was a former military attaché in Libya.

6. He became my point of contact, and he passed this information quickly up his chain of command to General Carter Ham, who was the commander of AFRICOM, that the Libyans wanted to talk; and, they wanted this to be a battlefield discussion between military commanders. When he came back, he said: "Yes, there was interest, in setting up a direct line between military commanders. In order to coordinate this, could we have a phone call between the Libyan command structure and the U.S. AFRICOM command structure?"

7. I then helped put together four simple points for the call. And the points were that there would be a 72-hour truce for the purpose of conducting negotiation of the terms of a formal ceasefire, and the talks would be held in Tripoli. The discussions would be between Major General Abu-Bakr Yunis Jabr, who was the Libyan Defense Minister, and General Carter Ham. The third point was the Libyans would stop all operations immediately, withdraw military forces to the outskirts of all cities, and assume a defensive posture. And, the fourth point was, to ensure credibility with the international community, observers from the African Union would be invited into Libya to ensure the truce was honored.

8. The phone call went well using the points that had been proposed. And there was enthusiasm that we were going to be able to stop this crisis before it really got out of hand.

9. However, despite the willingness of Africa Command and how the stage was set for the 72-hour truce to discuss the cease fire, the idea was shot down above AFRICOM. When I got the call saying it was off, I was shocked. And I pushed back and said, "At what decision level was this made?" And the answer came back, "Well above General Ham, and that we now are told to stand down from organizing the truce talks." And at that point in time, the window of opportunity closed. And as I stepped back from that message, I thought to myself: number one, we were so close; number two, it was beyond my understanding that we couldn't devote 72 hours to try to achieve a cease fire.

---

Date: June 7, 2018.

I declare under penalty of perjury that the foregoing is true and correct.

---

Charles Kubic