Complaint to International Criminal Court seeks Oct. 7 genocide charges against Iran

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A complaint filed this month to the International Criminal Court in the Netherlands charged Iran with genocide and other crimes for its involvement in the October 7, 2023, invasion of Israel.

The complaint, filed on behalf of an Israeli whose family was murdered and kidnapped on October 7, demanded an investigation and arrest warrants for Ali Khameni, Iran’s Supreme Leader; and Esmail Qaani, the head of Iran’s Islamic Revolutionary Guard Corps.

The filing charges Iran with complicity in crimes against humanity, war crimes, and genocide, arguing that Tehran supported the Hamas attack with training, weapons, direction and coordination. The complaint was sent by mail to the court earlier this month and filed digitally on Friday.

“The IRGC, at the direction of the Iranian regime and specifically Khamenei and Qaani, knowingly and intentionally provided weapons to Hamas for the purpose of killing Jews, Israelis, and other affiliated members of a protected group,” the complaint said.

The complaint was filed for Maurice Shnaider, the uncle of Shiri Bibas, who was kidnapped by Hamas and murdered in captivity along with her two young sons, Ariel and Kfir. Shnaider’s sister, Margit Shnaider Silberman, and his brother-in-law, Yossi Silberman, were [also murdered](https://www.timesofisrael.com/margit-and-yosi-silverman-killed-while-9-month-old-grandson-captured/) on October 7.

“Because these Iranian officials were aware and provided material support to Hamas’s taking of hostages, among whom were the Bibas family, it is imperative that warrants be sought for Khamenei and Qaani,” the complaint said.

The complaint was filed by Eli Rosenbaum, a former US Justice Department war crimes prosecutor; and Elliot Malin, a human rights advocate and attorney based in Nevada.

The filing is an Article 15 complaint, which allows any person or organization to submit information to the ICC’s Office of the Prosecutor for the basis of an investigation, according to the [Rome Statute](https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf), the 1998 treaty that established the ICC.

Article 15 states that prosecutors will analyze information they receive about allegations and launch a probe if they conclude there is a reasonable basis to investigate.

The ICC did not immediately respond to a request for comment.

Iran is not a party to the ICC, but the court ruled in 2021 that it has jurisdiction over Gaza, following a declaration acceding to the court’s jurisdiction from the Palestinian Authority. Israel is also not a party to the ICC.

Last year, the court [ordered arrest warrants](https://www.timesofisrael.com/in-bombshell-ruling-icc-issues-arrest-warrants-for-netanyahu-gallant-over-gaza-war/) for Prime Minister Benjamin Netanyahu, then-defense minister Yoav Gallant, and three Hamas leaders, due to alleged crimes against humanity during the Gaza war. The complaint filed this month builds on those warrants.

“Given that the ICC’s prosecutor asserted nearly two years ago that the Court possesses jurisdiction over the October 7 Hamas atrocities and their aftermath, it is long past time for the prosecutor to act to hold accountable Hamas’s main accomplices in Tehran,” Rosenbaum said in a statement.

At the Department of Justice, Rosenbaum investigated and prosecuted suspected war criminals, including World War II Nazis.

The complaint tied the October 7 attack to the Nazi genocide, saying that five generations of Shnaider’s family have been killed for being Jewish during the two conflicts.

“My family, the Shnaider family, had multiple generations tortured and murdered at the hands of those who persecute people of Jewish heritage,” Shnaider said in a statement. “‘Never Again’ was supposed to mean something, so today we demand justice for my lost and affected family, and so many others also with loss at the hands of terrorists just for being Jewish.”

The complaint charged Khamenei and Qaani with murder, extermination, torture, and persecution — all crimes against humanity; the war crimes of hostage-taking and attacking civilians; and genocide.

The filing said the Iranians provided material support for Hamas’s alleged crimes with full knowledge of the terror group’s intentions. The lawyers cited evidence for this link, including the results of a US federal investigation filed in a New York court last year. Iran has also [confirmed](https://www.iranintl.com/en/202508095255) its links to the attack and has reportedly [funneled tens of millions of dollars](https://ctc.westpoint.edu/the-path-to-october-7-how-iran-built-up-and-managed-a-palestinian-axis-of-resistance/) to Hamas, the complaint noted.

“We coordinated with Hezbollah and with Iran and the Axis before, during, and after this battle at the highest level,” a Hamas official [said](https://www.newsweek.com/hamas-coordinated-iran-before-during-israel-attack-official-says-1834031) days after the October 2023 attack.

The complaint also cited past attacks by Iranian-linked perpetrators against Jews and Israelis, such as the AMIA Jewish center bombing in Buenos Aires in 1994, arguing that such attacks were genocidal under international law.

Hamas officials, including late leader Yahya Sinwar, have publicly thanked Iran for providing the terrorist group with missiles used to attack Israeli civilians, the complaint said, adding that both Hamas and Iran have stated their goal of exterminating Israelis, a crime against humanity. Iran also bombarded Israeli civilians with missiles earlier this year, the complaint noted.

The international legal definition of genocide requires evidence of intent to destroy a group of people, a high legal bar. The complaint said statements by leaders of Hamas and Iran were clear evidence of genocidal intent.

The filing drew an implicit comparison with the ICC’s case against Netanyahu and Gallant and the International Court of Justice’s allegations of genocide against Israel. The ICC prosecutes individuals, while the ICJ adjudicates disputes between states. Both courts are located in The Hague.

Those cases cited statements by Israeli leaders, such as Netanyahu invoking the biblical enemy Amalek and Gallant stating that Israel was fighting “human animals.” Israel’s opponents argued the statements indicated genocidal intent, while its defenders said they were ambiguous, and that Israeli leaders had also repeatedly vowed to adhere to the laws of war to minimize civilian casualties.

Gallant [said last week](https://www.foxnews.com/opinion/uns-betrayal-israels-fight-for-truth) that his comment about “human animals” had not referred to Palestinian civilians, but to “the perpetrators and orchestrators of these barbaric attacks.”

The statements from Iranian leaders cited in the complaint were not ambiguous.

“There is only one solution to the Middle East problem, namely the annihilation and destruction of the Jewish state,” Khamenei said in 2006.

Hamas official Ghazi Hamad said weeks after the attack, “Israel is a country that has no place on our land.”

“We must remove it,” Hamad said of Israel, while vowing further attacks against Israel.

The ICC’s chief prosecutor, Karim Khan, reportedly rushed out the warrants against Netanyahu and Gallant, after being accused of [sexually assaulting](https://www.timesofisrael.com/second-woman-alleges-sexual-misconduct-by-icc-prosecutor-karim-khan/) one of his staffers, allegations he denied.