

TERROR SUSPECT MAY CALL KELLY

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A BROOKLYN MAN set to go on trial today on charges of conspiring to blow up the Herald Square subway station may be calling an unlikely defense witness: Police Commissioner Raymond Kelly.

Lawyers for Shahawar Matin Siraj have put the city's top cop on their witness list in a case that could focus a spotlight on the NYPD war on terrorism.

Ever since Siraj and an alleged accomplice, James El-Shafay, were busted in August 2004, Kelly has touted the probe as a shining example of the NYPD's Intelligence Division's work - showing the city is no longer solely dependent on the feds to infiltrate terror cells.

But Siraj's defense attorney contends the case against the man he called his dimwitted client is paper-thin. "The NYPD created a charade to claim credit for something that was never going to happen," said Siraj's lawyer, Martin Stolar, who declined to explain why he might subpoena the commissioner.

Siraj, 24, a Pakistani national who lived with his parents in Bay Ridge, will argue that he was entrapped by NYPD informer Osama El-Dawoody, whom he knew from a local mosque and his uncle's Islamic bookstore.

"There's not a mosque in the city that doesn't have a police informant in it," Stolar said, adding that his client was not predisposed to violence "until he was convinced to do so by a government agent."

"This kid [Siraj] is not the brightest lightbulb in the chandelier, and because of that, he's easily suggestible," Stolar said.

A caller to the police terrorism hotline tipped cops about Siraj's rants, and El-Dawoody was assigned to take a closer look at him, authorities have said. In taped conversations with the informer, Siraj expressed his willingness "to do jihad" by blowing up bridges and subway stations - but not killing anyone, according to court records.

Kelly told the Daily News last year the Herald Square plot is a "classic homegrown case of individuals . . . motivated by world events, rhetoric, to the extent they decide to take matters into their own hands."

El-Shafay has pleaded guilty and may testify against Siraj.
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